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THURSDAY, SEPTEMBER 23, 1976

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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
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DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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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, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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Title 3—The President

PROCLAMATION 4462

National Employ the Handicapped Week, 1976

By the President of the United States of America

A Proclamation

As we celebrate the two-hundredth anniversary of our national independence, physically and mentally handicapped Americans are seeking new opportunities to use their talents, abilities and experience. Assisting those of our citizens who are disabled are programs designed to provide equality of opportunity and equality of education. These programs place new emphasis on the needs of those with severe disabilities, and a new and growing consumer movement of and for handicapped persons.

Our forefathers promised independence and made that promise a reality. Disabled people now seek fulfillment of that promise for themselves. We are firm in our resolve to remove those barriers which still prevent handicapped citizens from making their full contribution to the Nation's economic and social health.

Next spring the White House Conference on Handicapped Individuals will serve to stimulate a national assessment of problems facing individuals with handicaps and to develop recommendations to solve those problems.

In order to enlist support for an interest in the employment of otherwise qualified but handicapped persons, the Congress, by joint resolution of August 11, 1945, as amended (36 U.S.C. 155), has called for the designation of the first week in October of each year as National Employ the Handicapped Week and has requested the President to issue a proclamation each year calling for its appropriate observance.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning October 3, 1976, as National Employ the Handicapped Week, and call upon the people of the United States to observe that week with ceremonies designed to elicit recognition and support for the needs, contributions, and aspirations of those citizens.

I urge the Nation's Governors, Mayors, and all other public officials, as well as leaders in every area of American life, to join with disabled people in active participation in these activities.

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

Gerald R. Ford

[FR Doc.76-28005 Filed 9-21-76;12:34 pm]

Proclamation 4463 • September 21, 1976

Modification of Tariffs on Certain Sugars, Sirups and Molasses

By the President of the United States of America

A Proclamation

1. By Proclamation 4334 of November 16, 1974, the President modified Subpart A, Part 10, Schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202, hereinafter referred to as the "TSUS") to establish, effective January 1, 1975, following expiration of the Sugar Act of 1948, a rate of duty and quota applicable to sugars, syrups, and molasses described in items 155.20 and 155.30 of the TSUS.

2. The President took the action described in recital 1 pursuant to the authority vested in him by the Constitution and statutes of the United States, including Section 201(a)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)(2)) and in conformity with Headnote 2 of Subpart A of Part 10 of Schedule 1 of the TSUS, which was added to the TSUS by Proclamation No. 3822 of December 16, 1967 (82 Stat. 1455), to carry out a trade agreement concluded pursuant to Section 201(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)) consisting of the 1967 Geneva Protocol to the General Agreement on Tariffs and Trade, including annexed thereto "Schedule XX", a schedule of United States trade concessions, together with the Final Act Authenticating the Results of the 1964–67 Trade Conference Held under the Auspices of the Contracting Parties to the General Agreement.

3. Headnote 2, Subpart A, Part 10 of Schedule 1 of the TSUS, which is based upon said trade agreement, provides in relevant part as follows:

"(i) That, if the President finds that a particular rate not lower than such January 1, 1968, rate, limited by a particular quota, may be established for any articles provided for in item 155.20 or 155.30, which will give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade, he shall proclaim such particular rate and such quota limitation, . . .

"(ii) That any rate and quota limitation so established shall be modified if the President finds and proclaims that such modification is required or appropriate to give effect to the above considerations; . . ."

4. Section 201(a)(2) of the Trade Expansion Act authorizes the President to proclaim the modification or continuance of any existing duty or other import restriction or such additional import restrictions as he determines to be required or appropriate to carry out any trade agreement entered into under the authority of that Act.

5. I find that the modifications hereinafter proclaimed of the rates of duty applicable to items 155.20 and 155.30 of the TSUS, as established by Proclamation 4334, are appropriate to carry out the portion of a trade agreement referred to in recitals 2 and 3, and give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under the authority vested in me by the Constitution and statutes, including Section 201(a)(2) of the Trade Expansion Act of 1962 and in conformity with Headnote 2, Subpart A of Part 10 of Schedule 1 of the TSUS, do hereby proclaim until otherwise superseded by law:

A. That part of Proclamation 4334 of November 16, 1974, which establishes a rate of duty inconsistent with that provided for in paragraph B. below is hereby terminated.

B. The rates of duty in rate column numbered 1 for items 155.20 and 155.30 of Subpart A, Part 10, Schedule 1 of the TSUS, are modified, and the following rates are established:

155.20	1.9875¢ per lb. less 0.028125¢ per lb. for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 1.284375¢ per lb.
155.30	Dutiable on total sugars at the rate per lb. applicable under Item 155.20 to sugar testing 100 degrees.

C. The provisions of this proclamation shall become effective with respect to articles entered, or withdrawn from warehouse, for consumption on and after the date of this Proclamation and shall remain in effect until the President otherwise proclaims or until otherwise superseded by law.

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

Gerald R. Ford

[FR Doc.76-28081 Filed 9-21-76;3:39 pm]

EDITORIAL NOTE: For the text of the President's statement and his letter to the Chairman of the United States International Trade Commission, both dated Sept. 21, 1976, on the modification of tariff rates, see the Weekly Compilation of Presidential Documents (vol. 12, no. 39).

PROCLAMATION 4464

Child Health Day, 1976

By the President of the United States of America

A Proclamation

In this year of our Bicentennial we have in many ways expressed our pride in the heritage which our forebears have bequeathed to us. But we are not solely heirs to this great legacy; we are also trustees. Our responsibility is to protect, preserve, and enhance it in anticipation of the day when our children will assume responsibility for the perpetuation of the ideals which have sustained this republic for two centuries.

It is our task to insure that they are prepared for that day. To that end, our concern for their health and well-being cannot be overstated. Our concern is reflected in our continuing efforts to reduce infant mortality, eliminate childhood diseases and handicaps, and expand preventive health services. The challenges of poliomyelitis, measles, and rubella led to the development of vaccines. Our resolution has been tested by the challenges of birth abnormality, child abuse, and teenage alcoholism and drug abuse.

We have learned of steps prospective mothers can take during the prenatal period to lessen the likelihood their children will suffer from the tragedy of mental retardation, and we must assure that this vital information is available. We must continue to explore those avenues of basic and applied research necessary to assure that every child will be born with the physical and mental capacity to participate fully in our national life.

To encourage awareness of the fundamental necessity of a year-round program for the protection and development of the health of the Nation's children, the Congress, by joint resolution of May 18, 1928, as amended (36 U.S.C. 143), has requested the President to issue annually a proclamation designating the first Monday in October as Child Health Day and calling for its appropriate observance.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim Monday, October 4, 1976, as Child Health Day and I invite all Americans, as well as all agencies and organizations dedicated to the well-being of children, to unite on that day in support of activities that will alert each of us to our separate and collective responsibilities to protect and enhance the health of America's children.

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

Gerald R. Ford

[FR Doc.76-28170 Filed 9-22-76;11:50 am]

rules and regulations

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

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

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-NE-17, Amdt. No. 39-2728]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Wasp Jr., and R-985 Model Engines

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring an inspection of Pratt & Whitney Aircraft Wasp Jr. and R-985 cylinder assemblies having over 4000 hours time in service since new or rebarreled at intervals of 100 hours time in service and at overhaul was published in the FEDERAL REGISTER on May 17, 1976 (41 FR 20175).

Numerous comments were received from interested persons in response to the notice. A few commentators felt that the 100 hours repetitive inspection interval was too restrictive. Some commentators felt the term oil leakage was not explicit enough and may cause undue removal of cylinders. Of some concern was the deposit of oil and solvents used during engine overhaul that may have accumulated in seams. Recommendations included running an additional 25 hours to confirm leakage and allowing leakage for up to 50 percent of the cylinder circumference. Other commentators felt the water pressure test was too severe, was dangerous to personnel and could cause further cylinder problems, such as corrosion. Additional comments included using another means of marking the cylinder heads for time in service, using other inspection procedures and applying the AD to all reciprocating engines. Other commentators stated that the AD was unnecessary.

The agency notes that there has been an increasing number of cylinder head to cylinder barrel separations on the Wasp Jr. and R-985 model engines as a result of fatigue cracks, making a mandatory inspection necessary. The recommendations allowing continued operation with oil leakage prior to a cylinder removal are not justified. Service experience indicates oil leakage is evidence of a significant crack. As for possible residual oil and solvents on newly overhauled engines, the agency believes these deposits will dissipate prior to the first 100 hour inspection. For those operators having difficulties scheduling 100 hour inspections, provisions have been included in the AD for minor time adjustments to coincide with established inspection periods.

Regarding the comments concerning the water pressure test, this test is being used by the engine manufacturer for testing cylinders, and with adequate precaution, is considered the least dangerous type pressure test, since it utilizes hydrostatic pressure. The use of this test has not resulted in subsequent cylinder problems. However, the AD does have provisions for the approval of equivalent methods of inspection.

Regarding the comment concerning the marking of cylinder heads for time in service, the procedure in the AD is presently being effectively utilized in the field and accordingly, the agency sees no need for a change. Revising the marking procedure at this time may cause confusion.

For clarification, Paragraph 2 has been changed by adding the words "on or after the effective date of this AD" after the word "engine", and by adding "bench test" after the word "following", and the paragraph on compliance time adjustments has been rewritten.

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

PRATT & WHITNEY AIRCRAFT. Applies to Pratt & Whitney Aircraft Wasp Jr. and R-985 model engines.

Compliance required as indicated.

To prevent cylinder head barrel separations due to fatigue cracks in the cylinder head threads, accomplish the following:

1. Visually inspect cylinder assemblies having over 4000 hours time in service since new or rebarreled for oil leakage at the barrel thread junction area, prior to the accumulation of 100 hours time in service after the effective date of this AD. Inspect thereafter at intervals not to exceed 100 hours time in service. Remove cylinder assemblies with evidence of leakage from service before further flight.

2. Inspect cylinder assemblies having over 4000 hours time in service since new or rebarreled, prior to installation on an engine, on or after the effective date of this AD by the following bench test method or equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region:

a. Seal all openings for pressure check.

NOTE.—Pratt & Whitney Aircraft of Canada Ltd., Tool No. TAM-4164 may be used.

b. Apply 500 psi, minimum, water pressure to barrel cavity.

c. Observe barrel/head junction for evidence of water leakage.

d. Cylinder assemblies with evidence of leakage shall not be installed on engines.

NOTE.—Operators who have not kept records of total time in service on cylinder heads, shall assume cylinder heads have over 4000 hours time in service since new or rebarreled.

3. On each new and newly rebarreled cylinder head, scribe AD number above the intake port prior to installation on an engine. Thereafter, each time the cylinder assembly is removed from the engine, mark a drill dot on the cylinder head for each 1000 hours total time in service after the AD number.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, New England Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

This amendment becomes effective on October 6, 1976.

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

Issued in Burlington, Mass., on September 13, 1976.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.76-27796 Filed 9-22-76;8:45 am]

[Docket No. 16121; Amdt. No. 1039]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, S.W., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription

at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective November 4, 1976:

Lompoc, CA—Lompoc Arpt., VOR/DME-A, Original
Marysville, CA—Yuba County Arpt., VOR Rwy 14, Amdt. 5
Marysville, CA—Yuba County Arpt., VOR Rwy 32, Amdt. 6
Santa Barbara, CA — Santa Barbara Muni. Arpt., VOR Rwy 25, Original
New Haven, CT—Tweed-New Haven Arpt., VOR Rwy 2, Amdt. 15
New Haven, CT—Tweed-New Haven Arpt., VOR Rwy 20, Original
Gainesville, FL — Gainesville Muni. Arpt., VOR/DME Rwy 24, Amdt. 3
Miami, FL—Miami Int'l Arpt., VOR Rwy 12, Amdt. 21
Miami, FL—Miami Int'l Arpt., VOR Rwy 30, Amdt. 4
Albany, G.—Albany-Dougherty County Arpt., VOR Rwy 16 (TAC), Amdt. 20
Greenwood/Wonderlake, IL — Galt Field, VOR-A, Amdt. 2
Greenville, KY—Muhlenberg County Arpt., VOR/DME-A, Original
Aurora, NE—Aurora Muni. Arpt., VORTAC-A, Amdt. 1
Corvallis, OR—Corvallis Muni. Arpt., VOR-A, Amdt. 3
Corvallis, OR—Corvallis Muni. Arpt., VOR-B, Amdt. 1
Corvallis, OR—Corvallis Muni. Arpt., VOR/DME Rwy 17, Amdt. 1
Rapid City, SD—Rapid City Regional Arpt., VOR Rwy 32, Amdt. 18
Rapid City, SD—Rapid City Regional Arpt., VORTAC Rwy 14, Amdt. 9
Austin, TX—Bird's Nest Aviation Inc. Arpt., VOR/DME-A, Original
Corsicana, TX—Corsicana Muni. Arpt., VOR/DME-A, Amdt. 2
Clarksburg, WV—Benedum Arpt., VOR Rwy 3, Amdt. 9
Manitowoc, WI — Manitowoc Muni. Arpt., VOR Rwy 17, Amdt. 7
Manitowoc, WI — Manitowoc Muni. Arpt., VOR Rwy 35, Amdt. 6

* * * effective October 28, 1976:

Deland, FL—DeLand Muni./Sidney H. Taylor Field, VOR-A, Amdt. 2

* * * effective October 7, 1976:

Mount Pleasant, TX — Mt. Pleasant Muni. Arpt., VOR/DME-A, Amdt. 1

* * * effective September 10, 1976:

Honolulu, HI — Honolulu Int'l Arpt., VOR Rwy 8L(TAC), Amdt. 11
Charleston, SC—Charleston AFB/Muni. Arpt., VOR Rwy 21(TAC), Amdt. 7

* * * effective September 9, 1976:

Brockport, NY—Ledgedale Airpark, VOR Rwy 28, Amdt. 1

* * * effective September 8, 1976:

Jackson, WY—Jackson Hole Arpt., VOR-A, Amdt. 3

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective November 4, 1976:

Gainesville, FL—Gainesville Muni. Arpt., LOC(BC) Rwy 10, Amdt. 2
Albany, GA—Albany-Dougherty County Arpt., LOC(BC) Rwy 22, Amdt. 1
Latrobe, PA—Latrobe Arpt., LOC(BC) Rwy 5, Amdt. 3
Rapid City, SD—Rapid City Regional Arpt., LOC/DME(BC) Rwy 14, Amdt. 7

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective November 4, 1976:

Gainesville, FL—Gainesville Muni. Arpt., NDB Rwy 28, Amdt. 4
Miami, FL—Miami Int'l Arpt., NDB Rwy 9L, Amdt. 14
Miami, FL—Miami Int'l Arpt., NDB Rwy 27L, Amdt. 13
Albany, GA—Albany-Dougherty County Arpt., NDB Rwy 4, Amdt. 5
Aurora, NE—Aurora Muni. Arpt., NDB Rwy 16, Orginal
Clarksburg, WV—Benedum Arpt., NDB Rwy 21, Amdt. 3

* * * effective October 28, 1976:

DeLand, FL—DeLand Muni./Sidney H. Taylor Field, NDB Rwy 23, Amdt. 3

* * * effective October 7, 1976:

Mt. Pleasant, TX—Mount Pleasant Muni. Arpt., NDB Rwy 35, Original
Falfurrias, TX—Brooks County Arpt., NDB Rwy 32, Original

* * * effective September 10, 1976:

Honolulu, HI—Honolulu Int'l Arpt., NDB Rwy 8L, Amdt. 12

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

New Haven, CT—Tweed-New Haven Arpt., ILS Rwy 2, Amdt. 5
Gainesville, FL—Gainesville Muni. Arpt., ILS Rwy 28, Amdt. 2
Miami, FL—Miami Int'l Arpt., ILS Rwy 9L, Amdt. 22
Miami, FL—Miami Int'l Arpt., ILS Rwy 9R, Amdt. 2
Miami, FL—Miami Int'l Arpt., ILS Rwy 27L, Amdt. 17
Miami, FL—Miami Int'l Arpt., ILS Rwy 27R, Amdt. 7
Albany, GA—Albany-Dougherty County Arpt., ILS Rwy 4, Amdt. 4
Salem, OR—McNary Field, ILS Rwy 31, Amdt. 19
Rapid City, SD—Rapid City Regional Arpt., ILS Rwy 32, Amdt. 9
Clarksburg, WV—Benedum Arpt., ILS Rwy 21, Amdt. 4
Janesville, WI—Rock County Arpt., ILS Rwy 4, Amdt. 4

* * * effective September 10, 1976:

Honolulu, HI—Honolulu Int'l Arpt., ILS Rwy 4R, Amdt. 3
Honolulu, HI—Honolulu Int'l Arpt., ILS Rwy 8L, Amdt. 11

* * * effective September 8, 1976:

Jackson, WY—Jackson Hole Arpt., ILS Rwy 18, Amdt. 3

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective November 4, 1976:

Miami, FL—Miami Int'l Arpt., RADAR-1, Amdt. 17

* * * effective September 10, 1976:

Honolulu, HI—Honolulu Int'l Arpt. RADAR-1, Amdt. 11

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective November 4, 1976:

Miami, FL—Miami Int'l Arpt., RNAV Rwy 9L, Amdt. 7
Miami, FL—Miami Int'l Arpt., RNAV Rwy 27R, Amdt. 4
Albany, GA—Albany-Dougherty Co. Arpt., RNAV Rwy 34, Amdt. 1, cancelled
Burley, ID—Burley Muni. Arpt., RNAV Rwy 20, Amdt. 1
Clinton, IA—Clinton Muni. Arpt., RNAV Rwy 21, Amdt. 1
Davenport, IA—Davenport Muni. Arpt., RNAV Rwy 14, Amdt. 1
Davenport, IA—Davenport Muni. Arpt., RNAV Rwy 32, Amdt. 1
Mason City, IA—Mason City Muni. Arpt., RNAV Rwy 30, Amdt. 1

CORRECTION

In Docket Number 16031, Amendment Number 1035, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated Monday, August 30, 1976, on page 36491, under § 97.29 * * * change effective date of Columbus, OH—Port Columbus Int'l Arpt., ILS Rwy 10L, Amdt 8 from October 7, 1976 to September 30, 1976.

In Docket Number 16047, Amendment Number 1036, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated Thursday, September 2, 1976, on page 37101 * * * under § 97.23, effective October 21, 1976, Palacios, TX—Palacios Municipal Arpt., VOR Rwy 13, Amdt. 7 * * * the effective date of this procedure is changed to November 4, 1976.

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

Issued in Washington, D.C., on September 16, 1976.

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

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.76-27797 Filed 9-22-76;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

SUBCHAPTER E—REGULATIONS UNDER NATURAL GAS ACT

[Docket No. RM75-14]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 154—RATE SCHEDULES AND TARIFFS

Uniform National Rate for Sales of Natural Gas; Order Granting Interventions

Issued: September 15, 1976.

In the matter of national rates for jurisdictional sales of natural gas dedicated to interstate commerce on or after January 1, 1973, for the period January 1, 1975 to December 31, 1976.

On July 27, 1976 (41 FR 33364, August 9, 1976), the Commission issued its Opinion No. 770 and its order amending § 2.56a of the Statement of General Policy and Interpretations, Part 2, Subchapter A of Chapter I of Title 18 of the Code of Federal Regulations. These provisions of the Regulations set forth, inter alia, a new national rate of $1.42 per Mcf, with a one cent per quarter escalator, for sales of natural gas from wells commenced on and after January 1, 1975, and new dedications of natural gas to interstate commerce on and after January 1, 1975; these provisions also set forth a new national rate of $1.01 per Mcf for sales of natural gas from wells commenced and new dedications of natural gas on or after January 1, 1973, and prior to January 1, 1975.

Petitions to intervene out of time were subsequently filed by the Montana Consumer Counsel (Montana), Harold Runnels, Member of Congress (Mr. Runnels), Manuel Lujan, Member of Congress (Mr. Lujan), the State of Utah (Utah), and the Gas Section of the Georgia Municipal Association (Association).

The Commission finds: Good cause exists to permit the above-mentioned parties to intervene in this proceeding.

The Commission orders: Montana, Mr. Runnels, Mr. Lujan, Utah, and Association are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided*, however, That participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided, further*, That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved by any order of the Commission entered in this proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27815 Filed 9-22-76;8:45 am]

SUBCHAPTER D—APPROVED FORMS, FEDERAL POWER ACT

[Docket No. RM76-16; Order No. 554]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHARGES; ETHICAL STANDARDS

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Residential Electric Bill Data for the U.S. Bureau of Labor Statistics FPC Form No. 3-P

Issued September 15, 1976.

This order directs additions in the information which is to be reported monthly to the Commission on Form No. 3-P. On June 1, 1976 the Commission issued a notice of proposed rulemaking proposing to amend its Regulations under the Federal Power Act to revise FPC Form No. 3-P for the collection of electric bill data (41 FR 23723, June 11, 1976). On July 19, 1976, the FPC issued a renotice of proposed rulemaking concerning the same subject since the original notice did not adequately describe the total burden and reporting specifications to be imposed on the responding utilities (41 FR 30690, July 26, 1976).

Section 311 of the Federal Power Act (49 Stat. 859; 16 U.S.C. 825j) provides that the Commission is to secure and keep current information relating to the rates, charges and contracts in respect of the sale of electric energy and its service to residential, rural, commercial and industrial consumers and other purchases by private and public agencies. In accordance with Section 311 and pursuant to an agreement between the Federal Power Commission and the Bureau of Labor Statistics (Division of Statistical Standards of the Bureau of the Budget) dated November 5, 1940, the Commission has been supplying monthly electric bill data for a selected number of communities to the Bureau of Labor Statistics in order to eliminate duplicate requests among government agencies for information on electric rates.

A Notice of Proposed Rulemaking identifying changes planned in the BLS reporting system was issued on June 4, 1976. A Renotice of the Proposed Rulemaking was issued July 19, 1976 to provide better definition of the reporting requirements and to add a standard 500 kWh residential bill for all respondents. The standard bill is to be used in the preparation of quarterly news releases on rate trends in major communities, as a supplement to the Commission's annual publication Typical Electric Bills.

The data which have been collected on FPC Form No. 3-P are used in the compilation of the Consumer Price Index and the Wholesale Price Index, the Federal government's official indicators of price movements, and are widely used for measuring changes in the Nation's economy. The data consist of (1) residential electric bill data for the Consumer Price Index, and (2) commercial and industrial electric bill data for the Wholesale Price Index. The Bureau of Labor Statistics determined the data to be collected.

Consumer Price Index: A total of 116 communities (three communities are counted twice—Anchorage, Alaska; Cleveland, Ohio; Portland, Oregon) serviced by eighty-one utilities were canvassed monthly by the Commission to determine the price of electric service to residential customers. In addition, three communities in Alaska (Juneau, Fairbanks and Ketchikan) served by three utilities were canvassed on May 15 and November 15 only. These communities surveyed comprise fifty-six Standard Metropolitan Statistical Areas (SMSA) or Pricing Sample Units (PSU).

A total of 404 residential electric bills comprised the monthly sample for the Consumer Price Index. Between three and five residential bills were reported for each community canvassed. Each residential electric bill consisted of a net base bill, a total bill and where applicable a fuel adjustment, sales and/or gross receipts tax, and other tax charge. If applicable, respondents were also requested to provide the monthly fuel cost and the fuel adjustment per kilowatthour and the rate of sales or other tax.

Wholesale Price Index: Eighty-eight cities (thirty-two were also canvassed for residential service and Cleveland, Ohio is counted twice) served by eighty-eight utilities were canvassed monthly to determine the price of electric power to commercial and industrial customers.

A total of 171 electric power bills comprised the monthly sample for the Wholesale Price Index. Four utilities supply bills for commercial service only and one utility supplies a bill for industrial service only. Each commercial and industrial electric bill consisted of a net base bill and a total bill, and where applicable, a fuel adjustment and/or other charge. Sales taxes were not to be included, however taxes charged to the utility and passed on to the customer were included.

The Bureau of Labor Statistics is presently revising the Consumer Price Index with a scheduled initial publication date of April 1977. The current Index will be continued until September 1977, and then terminated. Both indices will be published during the interim period. No change in the Wholesale Price Index is planned at this time. Pursuant to the revisions being instituted by the Bureau of Labor Statistics, the Commission proposed to make the appropriate changes and additions to its Form No. 3-P. The changes are:

(1) The schedule entitled "Residential Electric Bill Data for U.S. Bureau of Labor Statistics—Consumer Price Index" will be entitled "Schedule 1" in addition.

(2) The schedule entitled "Commercial and Industrial Electric Bill Data for

the U.S. Bureau of Labor Statistics—Wholesale Price Index" will also be entitled "Schedule 2" in addition.

The following additional changes all pertain to "Schedule 1":

(3) Bill specifications, formerly preprinted on Line 1, Line 7 and Line 13, e.g. 100 kWh, 250 kWh and 500 kWh, will now include a standard 500 kWh bill for all respondents and, for each individual respondent, a unique set of kilowatt-hour (kWh) specifications, all to be reported monthly. See appendix G for the utilities to be canvassed, number of communities to be canvassed, and the total number of bills to be priced. This will greatly increase the accuracy of the measurement of the Consumer Price Index.

(4) An additional line titled "Subtotal" is added. This will aid in identifying data for use in two separate indexes; one calculated for bills without taxes and one calculated for bills with taxes.

(5) All applicable taxes would be calculated by respondent and the total amount reported on one line titled "Taxes." This line will replace the lines titled "Sales or gross receipt tax" and "other tax or charge."

(6) The lines formerly titled "Other tax or charge" will read "Other charges." Applicable charge other than taxes are to be reported here and are needed to calculate the subtotal (a bill without taxes).

(7) The line formerly titled "Total Bill (nearest 1¢)" will read "Total Bill including taxes (nearest 1¢)." This will provide bills with taxes for calculating an index including taxes.

(8) In addition to supplying the fuel adjustment per kWh as is now required on Line 32, respondents will be asked to supply the Minimum Bill and kWh included for each specified rate schedule; purchase power adjustment per kWh; power cost adjustment per kWh; and prompt payment discount, if applicable. Generally this will aid in verification of the bill data and identify the specific type of fuel adjustment as reported on the line titled "Fuel adjustment."

(9) Respondents also will be asked to report applicable tax rates, such as the sales tax, gross receipts tax, franchise tax and others. This will aid in verification of the bill data and identify the various taxes reported as a total on the line titled "Taxes."

The utilities required to file the schedules on existing Form No. 3–P and who would file revised Schedule 1 are listed in the several appendices. The fifty-one utilities listed in Appendix B [1] do not currently file Form No. 3–P. They would commence reporting only residential data on revised Schedule 1 as of the date an order issues in this rulemaking. The fourteen utilities listed in Appendix C are currently reporting commercial and industrial data only, and will continue to do so in the future. They do not currently report residential data but will commence reporting residential data on revised Schedule 1 as of the data an order issues in this rulemaking. The fifty-three utilities listed in Appendix D are currently reporting residential data on the existing schedule, and shall continue doing so through September 1977, when such reporting will be terminated. In addition, they will commence reporting residential data on revised Schedule 1 as of the date an order issues in this rulemaking. This short period of paralleled reporting will be required for coordination of the revised Schedule 1. The ten utilities listed in Appendix E are currently reporting residential data on the existing schedule and would continue to do so through September 1977 when such reporting shall be terminated. These utilities are currently reporting commercial and industrial data and shall continue to do so. The twenty-one utilities listed in Appendix F are currently reporting on residential data on the existing schedule and would continue to do so through September 1977. At that time all such reporting will be terminated.

The one hundred and eighteen utilities listed in Appendix G will commence reporting residential data on revised Schedule 1 of Form 3–P as of the date an order is issued in this rulemaking. The number of communities and bills to be priced is listed alphabetically by state and utility.

The thirty-one utilities listed in Appendix H are currently reporting only commercial and industrial data on the existing schedule and would continue to do so.

Seven responses were submitted to the Notice of Proposed Rulemaking issued on June 4, 1976. These responses were from four utilities, one consultant, one consumers' legal services group, and from United States Senator Lee Metcalf.

One small municipal utility stated that it did not wish to fill out the form. However, it was not included in the list of respondents, past or future.

A large investor-owned utility stated it did not foresee any difficulty in calculating monthly billings based on a unique set of kilowatt-hour specifications and did not request a conference with the Commission staff regarding this proposed rulemaking.

Another large investor-owned utility stated that, although additional information would have to be supplied and the new form would take a little longer to complete, it would not cause problems. This utility had specific questions such as: "(1) How is the unique set of kilowatt-hours selected for each respondent?, (2) Will a unit cost comparison be made between respondents?, and (3) Will a broad range of kilowatt-hour specifications be selected for each respondent?" These points were clarified by telephone discussion with the respondent as well as by issuance of the Renotice.

A third large investor-owned electric utility recommended that fuel cost not be included in the information requested, in that it could lead to a faulty conclusion. It stated that other factors which affect bill comparisons are period differences and the fact that some adjustment clauses are in excess of a base amount. To avoid the possibility of misleading data, the fuel cost item has been eliminated from the final form. Detailing the lag which certain companies experience in the recovery of costs through adjustment clauses appears to be too fine a point for inclusion in this form and would not serve a useful purpose. The established rate schedule normally has the base fuel cost included in the basic rate. Any change above or below this base fuel cost is treated as an adjustment (plus or minus).

A consulting engineer stated that consideration should be made of the numerous more specialized rates that are available and in use in order to more realistically present data on electricity cost, such as off-peak rates, time of day pricing, dual meter rates, etc. It is not the intent of BLS and FPC to collect such specialized data on this form and they believe the bill data requested are properly representative of consumer costs for electric service.

The comments of Senator Metcalf on both the original Notice and the Renotice are concerned particularly with the availability to the public of the electric bill information gathered. While this information is, and always has been, available to any requestor, the Commission has not specifically publicized its availability. For many years the slight monthly changes in electric bills were of interest only to the Bureau of Labor Statistics. The Commission's comprehensive annual publication Typical Electric Bills provided an adequate and detailed description of electric bill patterns. However, the rapid rate increases experienced in the past several years have made the latest available editions of Typical Electric Bills substantially behind the current bill levels in many states. Consequently, the monthly bill reports for the Bureau of Labor Statistics, although available for only a selected sample of utilities, do provide useful information on current bills in major communities, and have been so used by the FPC staff. Consequently, as stated in the Renotice, the Commission intends to issue quarterly news releases showing the 500 kilowatt-hour residential bills for the major communities reported, comparing them with the figures listed in the latest available edition of Typical Electric Bills. It is believed that this publication will satisfy most of the information needs regarding the current trends of residential bills. The individual detailed monthly reports filed by the utilities will, of course, be available for inspection through the Commission's Office of Public Information.

With respect to the scope of the reporting, Senator Metcalf has proposed that the 31 utilities now reporting monthly residential bills but whose data will no longer be needed by the BLS, should continue to report bills for fixed kilowatt-hour amounts, on the grounds that substantial numbers of consumers are served by these utilities and that the Congress and the public will benefit from the availability of comparative current bill information. This reporting would be in addition to that of the 53 continuing residential bill respondents and the 65

[1] Appendices A–H filed as part of original documents.

residential bill respondents added by this rulemaking. He proposed further that all respondents report bills for 250 kWh, 500 kWh and 1,000 kWh, in addition to the unique bill amounts specified by the BLS.

The Commission's intent is to provide significant and useful information regarding electric rates, as directed by the Federal Power Act, but also, as directed by the Federal Reports Act, to assure that information is obtained with a minimum burden upon business enterprises. The Commission notes that electric bill data are available from a number of sources, including its own annual publications, those of the National Association of Regulatory Utility Commissioners, from the current retail rate schedules of utilities on file with state regulatory bodies and with the Commission, and from the utilities themselves. It also notes that in situations of concern regarding electric rates much more pertinent information is available locally than can be provided by Federal summaries. Thus, it is not clear that the expanded collection of monthly electric bill data, beyond that proposed in the Renotice, would provide a substantial benefit. However, an approximation to the reporting proposed by Senator Metcalf will be in effect until September 1977, because of the overlap of the old and new BLS reporting systems. All current residential bill respondents will continue to report a minimum of three bills for standard electricity amounts (100 kWh, 250 kWh, 500 kWh) and the new respondents will be reporting a standard 500 kWh bill. Therefore, the Commission will monitor the use made by the public over the next 12 months of these extensive data. At the termination of that period it will review the benefits, of continued reporting along the lines proposed by Senator Metcalf. In considering that possibility, the Commission will solicit comments and recommendations from all parties reflecting the experience gained during the 12 months.

Comments were also received from a consumers' legal services group who expressed agreement with Senator Metcalf's comments and adopted them as their own. In particular, they addressed their comments to the comparability of information over a period of time and the deletion of certain utilities. These items are fully discussed above. Additionally, they stated that the data collected by the FPC should be easily available to the interested public, not only the Bureau of Labor Statistics and to Congressional Committees. The raw data have and will continue to be available for public use.

An additional two responses were received regarding the Renotice of Proposed Rulemaking issued on July 19, 1976. These responses were from Senator Lee Metcalf and one electric utility.

Senator Metcalf's comment noted the FPC's intent to gather and publish standard bill data, as described in the Renotice, but repeated his recommendation that additional bill amounts be included and for a notice that Form 3–P data are freely available to the public. Our remarks above provide a general response to these comments. In addition, the quarterly news releases will specifically identify the availability to the public of the complete data.

The electric utility suggested that the request for Minimum Bill and Minimum Kilowatt-hour data be defined to include or be all-inclusive of the initial block charge. We believe the original definition is more appropriate to our purpose. It was further suggested that utilities having rate schedules which are uniform throughout their service territory should be relieved of the duplicative task of reporting the same data for the number of different communities. This possibility will be considered in the assembly of the form packages, based on the data received. However it is noted that although the rate schedules may be uniform the BLS will probably be requesting different kilowatt-hour levels for each community.

After consideration of all comments received in response to the Notice and Renotice, the Commission has determined that the proposed Form 3–P should be adopted as revised (see attachment Appendix A).[1] All listed utilities are required to file in accordance with the filing requirements stated in Appendices B–H.

The Commission considers that the new Form 3–P effectively meets the current data requirements of both the Bureau of Labor Statistics and the Federal Power Commission relating to the monthly tracking of electric retail rates.

The Commission finds: (1) The notice, renotice and opportunity to participate in this rulemaking by the submission in writing of data, views and comments in the manner described above are in accordance with the procedural requirements of 5 U.S.C. 553.

(2) Good cause exists that the amendment adopted herein become effective upon issuance of this order.

(3) It is necessary and appropriate and in the public interest in administering the Federal Power Act, 16 U.S.C. 791(a) et seq., to amend the reporting requirements for Form No. 3–P, to promulgate a new Section 141.28 to its Regulations under the Federal Power Act and to require the reporting entities to complete Form No. 3–P during 1976 and thereafter, all as provided herein.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly Sections 301, 304, 309 and 311 thereof (49 Stat. 854–856, 858–859; 16 U.S.C. 825, 825c, 825h, 825j) orders:

(A) A new § 141.28, Part 141, Subchapter D of Chapter I, Title 18 of the Code of Federal Regulations, is added effective upon issuance of this order, to read as follows:

§ 141.28 Form No. 3–P, Residential Electric Bill Data for the U.S. Bureau of Labor Statistics.

This form is designed to secure information from electric utilities on a monthly basis covering (1) Residential Electric Bill Data and (2) Commercial and Industrial Electric Bill Data. For (1), the data are for a unique set of kilowatt-hour specifications (BLS) and a fixed 500 kilowatt-hour specification (FPC). For (2), the data collected are for the same specifications as previous collected (i.e. Commercial—40 kW, 10,000 kWh Bill; Industrial—500 kW, 200,000 kWh Bill). Data collected include the net base bill, fuel adjustment, other charges, taxes, fuel adjustment per kilowatt-hour (kWh), minimum bill and kWh included, purchased power adjustment per kWh, power cost adjustment per kWh, prompt payment discounts as well as applicable tax rates. The data are to be used in computing the Consumer Price Index and the Wholesale Price Index. The fixed 500 kWh bill data will be used by the Federal Power Commission in issuing quarterly news releases on bills in major communities as a supplement to the FPC's "Typical Electric Bills" publication.

* * * * *

(B) Part 3 of the Commission's General Rules designated Organization, Operation; Information and Requests; Subchapter A—General Rules, Chapter I, Title 18 of the Code of Federal Regulations is hereby revised to amend Section 3.142(a) by adding a new Paragraph 3.142(a)(48) to read as follows:

§ 3.142 Approved forms, etc.

(a) * * *

(48) Form No. 3–P, Residential Electric Bill Data for the U.S. Bureau of Labor Statistics (Section 141.28 of this chapter).

* * * * *

(C) The Form, properly completed shall be mailed to the Federal Power Commission as specified in the Appendices, except as herein provided. For continuity of data collection processes the affected utilities shall submit data retroactive to August 15, 1976. The utilities are required to file the data before the 20th of each month based on rates in effect on the 15th of the reported month. This will facilitate reporting of the data to the Bureau of Labor Statistics on a more timely basis.

(D) The data collected on this form shall be available for public use through the Office of Public Information.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–27816 Filed 9–22–76;8:45 am]

[1] Appendices A–H filed as part of original document.

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7429]

PART 301—PROCEDURE AND ADMINISTRATION

Priority of Lien; Release of Lien or Discharge of Property

Correction

In FR Doc. 76-24536 appearing at page 35490 in the FEDERAL REGISTER of Monday, August 23, 1976 the following correction should be made: On page 35507, middle column, in § 301.6323(f)-1(d) Example (2) between the fifth and sixth lines insert the words "the District of Columbia. On January 2,".

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 611-3]

PART 35—STATE AND LOCAL ASSISTANCE

Subpart E—Grants for Construction of Treatment Works—Federal Water Pollution Control Act Amendments of 1972

VALUE ENGINEERING

Notice was published in the FEDERAL REGISTER on June 23, 1976, that the Environmental Protection Agency was proposing to amend the Construction Grant Regulations (40 CFR Part 35, Subpart E) to incorporate value engineering (VE) as a cost control program for preparation of plans and specifications (Step 2) for wastewater treatment projects funded under the EPA construction grant program (41 FR 25912). The amendment was proposed pursuant to Section 212(2)(b) of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) which requires that applications for construction grants contain adequate data and analysis demonstrating the proposed treatment works to be the most cost-effective over the life of the works.

Written comments on the proposed rulemaking were invited and received. The Environmental Protection Agency has carefully considered all comments received. All written comments are on file with the Agency.

No significant changes were made in the regulation as initially proposed. Several comments were received which requested clarification of the October 1, 1976 effective date indicated in the preamble of the proposed rulemaking. The VE requirement is applicable to all construction grant projects for which Step 2 grant applications are certified by the State to EPA on or after the effective date indicated below.

The other principal comments received and the responses to them are summarized below:

(a) Several comments recommended continuing the VE program on a voluntary basis. A similar comment recommended that the proposed VE program be postponed so that a study can be made to determine how VE can be effectively applied to the Construction Grants program. These comments were rejected because (1) VE has been successfully demonstrated for construction grant projects in a voluntary program; and (2) without a mandatory program, many major projects would not be subjected to VE resulting in a substantial loss of savings.

(b) One comment recommended that (1) maximum responsibility on the VE program be delegated to the State Agencies and (2) VE application be allowed for the Step 3 grant projects (construction of facilities). State participation in the VE program is encouraged. In one instance to date the State has assumed the responsibility for the VE program. It is anticipated that as more experience in VE is gained, the State Agencies will gradually take over the review and approval process on VE proposals and reports.

Application of VE in the Step 3 grant process is being considered. The matter of VE applied to Step 3 projects, however, is beyond the scope of the present proposal.

(c) A number of comments recommended that qualifications for VE team coordinators and members be included in the regulations and that stringent experience requirements be specified. Detailed information concerning the qualification requirements for VE team coordinators and members is contained in EPA Program Guidance Memorandum No. 63 and the "VE Workbook for Construction Grants Projects." Stringent VE experience is not required at the present time because (1) such requirements will severely limit the number of qualified VE specialists available to meet the needs, and (2) the requirement will not allow the opportunity for the engineers involved in water pollution control projects to obtain the necessary experience in VE. It is anticipated that higher qualifications will be specified in a future date as more engineers become experienced in VE techniques.

(d) Comments were received which requested that the regulations include detailed information on the VE program. Guidance and detailed information concerning the VE program requirements are described in EPA Program Guidance Memorandum No. 63. Copies can be obtained by contacting the EPA Regional Offices. Additional information is included in the "Value Engineering Workbook for Construction Grant Projects." The report is available from the Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver, Colorado 80225. The number of the report is MCD-29.

In consideration of the foregoing, the proposed amendments to Subpart E of Part 35 of Chapter I of Title 40 of the Code of Federal Regulations are adopted, with changes, as set forth below.

Effective date. These amendments take effect on October 26, 1976, and are applicable to all construction grant projects for which Step 2 grant applications are certified by the State to EPA on or after that date.

Dated: September 16, 1976.

JOHN QUARLES,
Acting Administrator.

1. Part 35 is amended by adding § 35.905-27 as follows:

§ 35.905-27 Value Engineering (VE).

A specialized cost control technique based on a systematic and creative approach, which identifies and focuses on unneeessarily high cost in a project in order to arrive at a cost saving without sacrificing the reliability or efficiency of the project.

2. Sec. 35.920-3 is amended by adding subparagraph (9) to paragraph (b) as follows:

§ 35.920-3 Contents of application.

* * * * *

(b) * * *

(9) A value engineering proposal in compliance with § 35.926(a) for all Step 2 grant applications for projects having a projected total Step 3 grant eligible construction cost of $10 million or more excluding the cost for interceptor and collector sewers. For those projects requiring VE, the grantee may propose, subject to the Regional Administrator's approval to exclude interceptor and collector sewers from the scope of the VE analysis.

3. Sec. 35.925-7 is amended by deleting the word "and" at the end of paragraph (c); by redesignating paragraph (d) as paragraph (e); and adding the following new paragraph:

§ 35.925-7 Design.

* * * * *

(d) The value engineering requirements of § 35.926(b) and § 35.926(c) have been met; and

* * * * *

4. Part 35 is amended by adding § 35.926 as follows:

§ 35.926 Value Engineering (VE).

(a) Value engineering proposal. A value engineering proposal is required for all Step 2 grant applications for projects having a projected total Step 3 grant eligible cost of $10 million or more excluding the cost for interceptor and collector sewers. The VE proposal must contain sufficient information so that a determination can be made as to the adequacy of the VE effort and the justification of the proposed VE fee. Essential information shall include, but not be limited to the following:

(i) Scope of VE analysis;

(ii) VE team and VE coordinator (names and background);

(iii) Level of VE effort;

(iv) VE cost estimate;

(v) VE schcedule in relation to project schedule (including completion of VE analysis and submittal of VE summary reports).

(b) Value engineering analysis. For projects subject to the value engineering (VE) requirements of § 35.926(a), a VE analysis of the project design shall be performed and upon completion of the VE analysis a preliminary report summarizing the VE findings and a final report describing implementation of the VE recommendations must be submitted to the Project Officer on a schedule approved by him.

(c) For those projects for which a value engineering (VE) analysis has been performed in accordance with § 35.925-7(d) and § 35.926(b), VE recommendations shall be implemented to the maximum extent feasible, as determined by the grantee, subject to the approval of the EPA Project Officer. Rejection of any recommendation shall be on the basis of cost-effectiveness, reliability, extent of project delays, and other factors that may be critical to the treatment processes and the environmental impact of the project.

5. Part 35 is amended by adding § 35.935-18, as follows:

§ 35.935-18 Value Engineering.

A grantee must comply with the applicable value engineering requirements of § 35.926.

(Sec. 212(2)(B), Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1292(2)(B)), as amended by Pub. L. 93-243.)

[FR Doc.76-27960 Filed 9-22-76;8:45 am]

SUBCHAPTER C—AIR PROGRAMS

[FRL 612-7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Ohio—Approval/Disapproval of Plan Revisions

On January 30, 1972, the Governor of Ohio submitted the "Implementation Plan for the control of suspended particulates, sulfur dioxide, carbon monoxide, hydrocarbons, nitrogen dioxide, and photochemical oxidants in the State of Ohio" to the Administrator of the EPA. This plan was approved on May 31, 1972 (37 FR 10842), which approval was vacated by the U.S. Court of Appeals for the Sixth Circuit on June 28, 1973. See "Buckeye Power, Inc., et al., vs. EPA," 481 F. 2d 162, (CA 6, 1973). The plan was reapproved with specific exceptions (e.g. the plan was disapproved in part because of the failure of the State to submit a sulfur dioxide control strategy) on April 15, 1974 (39 FR 13539).

The approved plan included regulations establishing the date of July 1, 1975 for attainment of the air quality standards for particulate matter (AP-3-04); carbon monoxide, photochemical oxidants and hydrocarbons (AP-5-04); and nitrogen oxides (AP-7-03). The approved plan also contained a regulation (EP-32-03) to allow the issuance of variances from compliance with emission standards generally until July 1, 1975, and, for certain control requirements in non-Priority I areas, until July 1, 1978.

Notice of public hearing to address revisions to the above-referenced portions of the plan was given by the State of Ohio on May 9, 1975, and a public hearing was held on June 12, 1975, in accordance with 40 CFR 51.4. The Director, Ohio Environmental Protection Agency, adopted these regulations on June 20, 1975, and they became effective state law on July 28, 1975.

On July 21, 1975, the Governor of Ohio submitted revised regulations AP-3-04, AP-5-04, AP-7-03 and EP-32-03 to the Regional Administrator for approval as revisions to the Ohio plan.

The submitted regulations would revise the approved plan as follows: (1) Final attainment dates for National Ambient Air Quality Standards for particulate matter (both primary and secondary), carbon monoxide, hydrocarbons and photochemical oxidants, and nitrogen oxides would be extended to April 15, 1977; (2) Variances to emission limitations could be given more than twice and up to April 15, 1977.

In the January 14, 1976 FEDERAL REGISTER Notice (41 FR 2099) EPA announced Ohio's July 21, 1975, submittal of the revised regulations and requested public comment thereon. EPA proposed approval of the April 15, 1977, attainment date for particulate matter only and advised that it would complete rulemaking action on the April 17, 1974 (39 FR 13673) proposal concerning attainment of secondary particulate standards. In response to the January 14, 1976, proposal a total of ten comments were submitted.

Several parties argued on various grounds that EPA could not legally extend the particulate attainment date in the fashion proposed. The Administrator has considered all of these arguments, but remains convinced that the justification for the extension discussed in the preamble to the proposal is authorized by the Act.

Comments from several utilities revealed that, even though the final attainment date would be extended to April 1977, a full five years after the effective date of the state regulations, it would be impossible for their facilities to comply with applicable control requirements by that time. Certain companies argued that it is impossible to predict when facilities can comply until the sulfur oxides control strategy has been promulgated because of the interdependence between particulate and sulfur oxide control and suggested, therefore, that no final attainment date be promulgated.

The deadlines set by the Clean Air Act are fixed when EPA approves state implementation plans and are generally not susceptible to adjustment by the Agency thereafter. As set forth in the preamble to the proposed rulemaking, the Agency is aware that some facilities may be unable to meet the 1977 deadline and will require special handling on a case-by-case basis. Section 110(f) provides one-year postponements for individual sources at the Governor's request. Section 113 also provides procedures for handling individual compliance problems on the Federal level. Finally, State compliance orders may be submitted as plan revisions to EPA and may be approved or disapproved on a case-by-case basis.

Mead Corporation expressed concern that the proposed rulemaking might invalidate existing section 113 compliance orders. Federal enforcement actions pursuant to section 113 are beyond the scope of the SIP. Accordingly, approval of attainment dates in no way vitiates compliance orders issued by EPA.

EPA has reviewed the findings of the Hearing Panel in the Consolidated Electric Utility Cases, dated September 6, 1974, and the Director of Ohio EPA's opinion issued in connection therewith, dated December 12, 1974, and has determined that three years from plan approval date or April 15, 1977, will be the most expeditious attainment date for many sources of particulate matter in Ohio. Accordingly, the Administrator has determined that approval of the State revision of the attainment date with respect to particulate matter is proper under section 110 of the Clean Air Act and the implementing regulations in 40 CFR Part 51. As pointed out in the proposal, however, not all sources will require until April, 1977 to achieve compliance with applicable requirements—for them, an "expeditiously as practicable" standard will require an earlier compliance date.

The Ohio Environmental Protection Agency argued that EPA's proposed disapproval of the attainment date extension for compliance by sources subject to the carbon monoxide, hydrocarbon, nitrogen dioxide, and photochemical oxidant (Set II pollutants) control requirements was contrary to the Clean Air Act and statements made by EPA both at the State public hearing and on brief to the Sixth Circuit. The City of Cincinnati indicated documentation supporting the need for extension of the attainment dates would be forthcoming. The Ford Motor Company commented on the unavailability of natural gas for afterburners used in control of hydrocarbons and criticized certain substantive aspects of EP-13.

The Clean Air Act requires attainment of standards as "expeditiously as practicable" but no later than three years after the approval. Absent supportive data that April 15, 1977, is an "expeditious as practicable" attainment date for the Set II pollutants, the Administrator is unable to approve a revision to the plan (40 CFR 51.8 and 51.14(c)). Such documentation was not submitted with the rulemaking change nor subsequent thereto.

Although the brief presented on behalf of EPA in "Buckeye Power v. EPA II" suggests generally that attainment dates in Ohio should be extended to three years from the plan approval date, the suggestion was made in response to issues raised by plaintiffs concerning compliance with particulate control requirements by July 1, 1975, particularly in the absence of sulfur oxide limitations (see brief of Respondent, p. 27). At no time was the issue of difficulty of compliance with Set II pollutant attainment dates raised; therefore, any ambivalence in the brief should be interpreted in the context of the argument to which the suggestion was addressed (in this case, particulate control requirements). While the comments from Ford and the City of Cincinnati indicate that an extension of the attainment date for hydrocarbons is supportable, the information supplied is not sufficiently quantifiable to support an approval notice.

Therefore, the revisions to AP–5–04, AP–7–03 and EP–32–03 (as they apply to Set II pollutants) are disapproved as revisions to the Ohio implementation plan because the State failed to document the need for an extension of the final attainment date, i.e., failed to show that expeditious efforts to comply would have been insufficient for attainment of standards by July 1, 1975, or that such expedition would have been impracticable.

As noted above, the Administrator hereby approves the revision to AP–3–04 and to EP–32–03 (as it applies to particulate matter), thereby setting April 15, 1977, as the attainment date for both primary and secondary standards for suspended particulate matter in Ohio.

The Administrator finds good cause for making this revision immediately effective because the State regulation has already set a new compliance date and no sources are adversely affected by this action.

Public comments and other documents considered in connection with this rulemaking action will be available for public inspection during normal working hours at Region V's Air Programs Branch, 230 South Dearborn, Chicago, Illinois; Ohio Environmental Protection Agency, 361 East Broad Street, Columbus, Ohio 43216; U.S. EPA Public Information Reference Unit, Room 2922, 401 M Street, SW., Washington, D.C. 20460.

(42 U.S.C. 1857c–5.)

Dated: September 17, 1976.

JOHN QUARLES,
Acting Administrator.

Chapter I, Title 40 of the Code of Federal Regulations is amended to read as follows:

Subpart KK—Ohio

1. In § 52.1870, paragraph (c) is amended as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(10) On January 25, 1974, Ohio submitted a secondary particulate plan for three AQCRs in Ohio.

(11) On July 16, 1975, Ohio submitted regulations revising the attainment dates for particulate matter, nitrogen oxides, carbon monoxide, hydrocarbons and photochemical oxidants.

2. In § 52.1875, the attainment date for particulate matter is revised and revised dates for nitrogen oxides, carbon monoxide, hydrocarbons, and photochemical oxidants are disapproved as follows:

§ 52.1875 Attainment date for national standards.

Air quality control region	Pollutants						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Greater Metropolitan Cleveland intrastate.	h	h	* * *	* * *	* * *	* * *	* * *
Hunting (W. Va.)-Ashland (Ky.)-Ironton (Ohio), interstate.	h	h					
Mansfield-Marion intrastate	h	h					
Metropolitan Cincinnati interstate.	h	h					
Metropolitan Columbus intrastate.	h	h					
Metropolitan Dayton intrastate.	h	h					
Metropolitan Toledo interstate.	h	h					
Northwest Ohio intrastate	h	h					
Northwest Pennsylvania, Youngstown interstate,	h	h					
Parkersburg (W. Va.)-Marietta (Ohio), interstate.	h	h					
Sandusky intrastate	h	h					
Steubenville-Weirton-Wheeling interstate.	h	h					
Wilmington-Chillicothe-Logan intrastate.	h	h					
Zanesville-Cambridge intrastate	h	h					

NOTE.—* * *
h. Apr. 15, 1977.

(b) The requirements of 40 CFR Part 51 are not met by Revised AP–5–04, AP–7–03 and EP–32–03 (as it pertains to attainment dates for nitrogen oxides, carbon monoxide, hydrocarbon and photochemical oxidant standards in Ohio).

[FR Doc.76–27784 Filed 9–22–76;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 621–7, PP5F1643/R112]

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

S-[2-(Ethylsulfinyl)Ethyl] O,O-Dimethyl Phosphorothioate

On July 13, 1976, the Environmental Protection Agency published in the FEDERAL REGISTER (41 FR 28804) a notice of proposed rulemaking which announced the Agency's intention to amend 40 CFR 180.330 by increasing the existing tolerances for combined residues of the insecticide S-[2-(ethylsulfinyl)-ethyl] O,O-dimethyl phosphorothioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities blackberries, head lettuce, raspberries, strawberries, and turnip tops from 1 to 2.0 parts per million (ppm). This action was taken in response to a pesticide petition (PP 5F1643) submitted to the Agency by Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120. No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.330 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 October 26, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW., East Tower, Room 1019, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on September 23, 1976, 40 CFR 180.330 is amended as set forth below.

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

Dated: September 17, 1976.

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

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

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

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

[FR Doc.76-27787 Filed 9-22-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-16—PROCUREMENT FORMS

Illustration of Forms

The Department has issued three sets of general provisions for use with cost-type contracts (Forms HEW 315, 315A, and 316). Subsequent to the issuance of these forms, the General Services Administration (GSA) issued 41 CFR 1-7.4 which set forth clauses for use in cost-type research and development contracts. The GSA issuance caused several clauses in the Forms HEW 315, 315A, and 316, to be revised to correspond with the GSA issuance. Such clauses were "Limitation of Cost," "Allowable Cost and Payment," "Allowable Cost, Fixed Fee and Payment," "Examination of Records by Comptroller General," "Inspection," "Subcontracts," "Government Property," "Changes," "Patent Rights," "Key Personnel," and "Overtime." The GSA issuance required the addition to the General Provisions of the clause entitled "Standards of Work" Clauses such as "Competition in Subcontracting," "Clean Air and Water," "Examination of Records by the Department of Health, Education, and Welfare," and "Employment of the Handicapped," have been added since they were effective after the forms were last revised. The "Publication and Publicity" clause was revised to correspond with changes issued by the Department. In addition, administrative errors were corrected in such clauses as "Negotiated Overhead Rates," "Contract Work Hours, Safety Standards Act—Overtime Compensation," "Accounts, Audit, and Records," and "Definitions." The "Copyright and Publication" clause has been added to provide for the copyright policy of the Office of Education (OE) and the "Examination of Records by Comptroller General," and "Accounts, Audit, and Records," were modified to provide for the records retention period set forth in OE legislation.

(5 U.S.C. 301; 40 U.S.C. 486(c))

Effective date: These amendments shall be effective on November 22, 1976.

Dated: September 15, 1976.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

Subpart 3-16.9—Illustration of Forms

§ 3-16.950 [Amended]

1. Subsection 315, General Provisions (Negotiated Cost-Reimbursement Contract with Educational Institutions) is revised as follows:

a. Item 1, Definitions, is deleted and the following is substituted therefor:

1. DEFINITIONS

As used throughout this contract, the following terms shall have the meanings set forth below:

(a) The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of the Department of Health, Education, and Welfare, or any person, persons, or board authorized to act for the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or employee who is properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of the Contracting Officer acting within the limits of his authority.

(c) The term "Project Officer" means the person representing the Government for the purpose of monitoring technical performance under this contract. The Project Officer is not authorized to issue any instructions or directions which effect any increase or decrease in the cost of this contract or which change the delivery date(s) or period of performance.

(d) The term "Department" means the Department of Health, Education, and Welfare.

(e) Except as otherwise provided in this contract, the term "subcontract" includes purchase orders under this contract.

b. Item 3, Limitation of Cost, is deleted and the following is substituted therefor:

3. LIMITATION OF COST

(Text of this clause is set forth in FPR 1-7.402-2.)

c. Item 4, Allowable Cost, is deleted and the following is substituted therefor:

4. ALLOWABLE COST AND PAYMENT

(Text of this clause is set forth in FPR 1-7.403-3.)

d. Subitem (iii) (Carryforward) of Item 5, Negotiated Overhead Rates, is amended by deleting the last sentence of paragraph (b) and substituting the following therefor:

Negotiation of fixed overhead rates, including carryforward adjustments, if any, by the Contractor and the Secretary, or duly authorized representative, shall be undertaken as promptly as practicable after receipt of the contractor's proposal.

e. Item 6, Payment is deleted and the following is substituted therefor:

6. STANDARDS OF WORK

The Contractor agrees that the performance of work and services pursuant to the requirements of this contract shall conform to high professional standards.

f. Item 7, Examination of Records, is deleted and the following is substituted therefor:

7. EXAMINATION OF RECORDS BY COMPTROLLER GENERAL

(Text of this clause is set forth in FPR 1-7.402-7.)

NOTE.—If the contract is with the Office of Education that part of the paragraphs (b) and (c) reading "until the expiration of 3 years after final payment" is changed to read "until the expiration of 5 years after final payment."

g. Item 8, Inspection and Reports, is deleted and the following is substituted therefor:

8. INSPECTION

(Text of this clause is set forth in FPR 1-7.402-5(c).)

h. Item 9, Subcontracting, is deleted and the following is substituted therefor:

9. SUBCONTRACTS

(Text of this clause is set forth in FPR 1-7.402.8.)

i. Item 10, Accounts, Audit, and Records is deleted and the following is substituted therefor:

10. ACCOUNTS, AUDIT, AND RECORDS

(a) The contractor shall maintain books, records, documents, and other evidence, accounting procedures, and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred in the performance of this contract. The foregoing constitutes "records" for the purposes of this clause.

(b) The Contractor's facility(ies) or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable time to inspection and audit by the Secretary or his authorized representatives.

(c) The Contractor shall preserve and make available his records (1) until the expiration of 3 years from the date of final payment under this contract, or the time periods for the particular records specified in 41 CFR Part 1-20, whichever expires earlier, and (2) for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (i) or (ii) below:

(i) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final settlement.

(ii) Records which relate to (A) appeals under the "Disputes" clause of this contract, (B) litigation or the settlement of claims arising out of the performance of this contract, or (C) costs and expenses of this contract to which exceptions have been taken by the Secretary or any of his duly authorized representatives, shall be retained until such appeals, litigation, claims, or exceptions have been disposed of.

(d) The Contractor shall insert the substance of this clause, including this paragraph (d), in each subcontract hereunder with the exceptions of:

(1) Purchase orders not exceeding $2,500, and

(2) Subcontracts of purchase orders for public utility services at rates applicable to the general public.

NOTE.—If the contract is awarded by the Office of Education, paragraphs (c) and subparagraph (c)(1) are deleted and the following is substituted therefor:

(c) The Contractor shall preserve and make available his records (1) until the expiration of five (5) years after completion of the contract or by (i) and (ii) below:

(i) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for five (5) years from date of termination settlement.

j. Item 11, Government Property, is deleted and the following is substituted therefor:

11. GOVERNMENT PROPERTY

(Text of this clause is set forth in FPR 1-7.402-25(b).)

k. Item 12, Changes, is deleted and the following is substituted therefor:

12. CHANGES

(Text of this clause is set forth in FPR 1-7.404-5.)

l. The following is added to item 15, Rights-in-Data:

NOTE: If the contract has been awarded by the Office of Education, the above clause shall be deleted and the following substituted therefor:

15. COPYRIGHT AND PUBLICATION

(a) The term "materials" as used herein means:

(1) "Final material" is material which has been developed to the extent intended under the contract.

(2) "Material" means copyrightable work resulting from the contract.

(b) It is the policy of the Office of Education that the results of activities supported by it should be utilized in the manner which would best serve the public interest. To that end, except as provided in paragraph (c) the Contractor shall not assert any rights at common law or in equity or establish any claim to statutory copyright in such materials; and all such materials shall be made freely available to the Government, the education community, and the general public.

(c) Notwithstanding the provisions of paragraph (b) above, upon request of the Contractor or his authorized designee, arrangements for copyright of the material for a limited period of time may be authorized by the Commissioner, through the Contracting Officer, upon showing satisfactorily to the Office of Education that such protection will result in more effective development or dissemination of the materials and would be in the public interest.

(d) With respect to any materials for which the securing of a copyright protection is authorized under paragraph (c), the Contractor hereby grants a royalty-free, nonexclusive and irrevocable license to the Government to publish, reproduce, deliver, perform, use, and dispose of all such materials, and to make any use of it.

(e) To the extent that the Contractor has the right and permission to do so, the Contractor hereby grants to the Government a royalty-free, nonexclusive and irrevocable license to use in any manner, copyrighted material not first produced in the performance of this contract, but which is incorporated in the materials. The contractor shall advise the Contracting Officer of any such copyrighted material known to it not to be covered by such a license.

m. Item 19, Publication and Publicity, is deleted and the following is substituted therefor:

19. PUBLICATION AND PUBLICITY

(a) Unless otherwise specified in this contract, the Contractor is encouraged to publish and make available through accepted channels the results of its work under this contract. A copy of each article submitted by the Contractor for publication shall be promptly sent to the Project Officer. The Contractor shall also inform the Project Officer when the article or other work is published and furnish a copy of it as finally published.

(b) The Contractor shall acknowledge the support of the Department of Health, Education, and Welfare whenever publicizing the work under this contract in any media. To effectuate the foregoing, the Contractor shall include in any publication resulting from work performed under this contract an acknowledgment substantially as follows:

"This project has been funded at least in part with Federal funds from the Department of Health, Education, and Welfare under contract number _____. The contents of this publication do not necessarily reflect the views or policies of the Department of Health, Education, and Welfare, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government."

a. Item 20, Patent Rights, is deleted and the following is substituted therefor:

20. PATENT RIGHTS—DEFERRED (SHORT FORM)

(a) *Definitions.* "Subject Invention" means any invention or discovery of the Contractor conceived or first actually reduced to practice in the course of or under this contract, and includes any art, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant which is or may be patentable under the Patent Laws of the United States of America or any foreign country.

(b) *Invention disclosures and reports.* (1) The Contractor shall furnish the Contracting Officer:

(i) A complete technical disclosure for each Subject Invention, within 6 months after conception or first actual reduction to practice, whichever occurs first in the course of or under the contract, but in any event prior to any on sale, public use, or publication of the invention known to the Contractor. The disclosure shall identify the contract and inventor, and shall be sufficiently complete in technical detail and appropriately illustrated by sketch or diagram to convey to one skilled in the art to which the invention pertains a clear understanding of the nature, purpose, operation, and to the extent known, the physical, chemical, biological, or electrical characteristics of the invention; (ii) Interim reports at least every 12 months from the date of the contract listing Subject Inventions for the period and certifying that all Subject Inventions have been disclosed or that there are no such inventions; and

(iii) An acceptable final report within 3 months after completion of the contract work, listing all Subject Inventions or certifying that there were no such inventions.

(2) The Contractor agrees that the Government may duplicate and disclose Subject Invention disclosures and all other reports and papers furnished or required to be furnished pursuant to this clause.

(c) *Allocation of principal rights.* (1) After a Subject Invention is identified, the Contractor agrees to assign to the Government the entire right, title, and interest therein throughout the world except to the extent that rights are retained by the Contractor under paragraphs (c)(2) and (d) of this clause.

(2) The Contractor or the employee-inventor with authorization of the Contractor may retain greater rights than the nonexclusive license provided in paragraph (d) of this clause in accordance with the procedure and criteria of 41 CFR 1-9.109-6. A request for a determination of whether the Contractor or the employee-inventor is entitled to retain such greater rights must be submitted to the Contracting Officer at the time of the first disclosure of the invention pursuant to paragraph (b)(1) of this clause, or not later than 3 months thereafter or such longer period as may be authorized by the Contracting Officer for good cause shown in writing by the Contractor. The information to be submitted for a greater rights determination is specified in 41 CFR 1-9.109-6. Each determination of greater rights under this contract shall be subject to the provisions of paragraph (c) "Minimum rights acquired by the Government" of the clause in 41 CFR 1-9.107-5(a), and to the reservations and conditions deemed appropriate by the agency.

(d) *Minimum rights to the Contractor.* The Contractor reserves a revocable, nonexclusive, royalty-free license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires title. Revocation shall be in accordance with the procedure of the clause in 41 CFR 1-9.107-5(d) (2) and (3).

(e) *Employee and Subcontractor Agreements.* Unless otherwise authorized in writing by the Contracting Officer, the Contractor shall:

(1) Obtain patent agreements to effectuate the provisions of this clause from all persons who perform any part of the work under this contract except nontechnical personnel, such as clerical employees and manual laborers.

(2) Insert in each subcontract having experimental, developmental, or research work as one of its purposes provisions making this clause applicable to the Subcontractor and his employees; and

(3) Promptly notify the Contracting Officer of the award of any such subcontract by providing him with a copy of the subcontract and any amendments thereto.

o. Item 21, Key Personnel, is deleted and the following is substituted therefor:

21. KEY PERSONNEL

(Text of this clause is set forth in FPR 1-7.404-6.)

p. Item 24, Overtime, is deleted and the following is substituted therefor:

24. PAYMENT OF OVERTIME PREMIUMS

(Text of this clause is set forth in FPR 1-7.402-28.)

q. Item 26, Questionnaires and Surveys, is deleted and the following is substituted therefor:

26. FEDERAL REPORTS ACT

In the event that it subsequently becomes a contractual requirement to collect or record information calling either for answers to

identical questions from 10 or more persons other than Federal employees, or information from Federal employees which is to be used for statistical compilations of general public interest, the Federal Reports Act shall apply to this contract. No plan, questionnaire, interview guide or other similar device for collecting information (whether repetitive or single-time) may be used without first obtaining clearance from the Office of Management and Budget (OMB).

The contractor shall obtain the required OMB clearance through the Project Officer before expending any funds or making public contracts for the collection of data. The authority to expend funds and to proceed with the collection of data shall be in writing by the Contracting Officer. The Contractor must plan at least 90 days for OMB clearance.

r. Item 28, Services of Consultants, is revised by changing that part of the first paragraph which reads "* * * contract entitled "Subcontracting" * * *" to "contract entitled "Subcontracts" * * *"

s. Item 30, Contract Work Hours Standards and Overtime Compensation is deleted and the following is substituted therefor:

30. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT—OVERTIME COMPENSATION

(Text of this clause is set forth in FPR 1-12.303.)

t. Item 42, Examination of Records by the Department of Health, Education, and Welfare, is deleted and the following is substituted therefor:

42. EXAMINATION OF RECORDS BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The provisions of clause 7 above entitled "Examination of Records by Comptroller General" are extended to provide equal rights to authorized representatives of the Secretary and to the Contracting Officer.

u. Item 43, Competition in Subcontracting, is added as follows:

43. COMPETITION IN SUBCONTRACTING

(Text of this clause is set forth in FPR 1-7.202-30.)

v. The following is added as Item 44, Clean Air and Water:

44. CLEAN AIR AND WATER

(Text of this clause is set forth in FPR 1-1.2302-2.)

w. The following is added as Item 45, Employment of the Handicapped:

45. EMPLOYMENT OF THE HANDICAPPED

(Text of this clause is set forth in FPR 1-12.1102-2.)

2. Subsection 315A, General Provisions for Negotiated Cost-Type Contract with Nonprofit Institutions Other Than Educational Institutions, is revised as follows:

a. Item 1, Definitions, is deleted and the following is substituted therefor:

1. DEFINITIONS

As used throughout this contract, the following terms shall have the meanings set forth below:

(a) The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of the Department of Health, Education, and Welfare, or any person, persons, or board authorized to act for the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or employee who is properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of the Contracting Officer acting within the limits of his authority.

(c) The term "Project Officer" means the person representing the Government for the purpose of monitoring technical performance under this contract. The Project Officer is not authorized to issue any instructions or directions which effect any increase or decrease in the cost of this contract or which change the delivery date(s) or period of performance.

(d) The term "Department" means the Department of Health, Education, and Welfare.

(e) Except as otherwise provided in this contract, the term "subcontract" includes purchase orders under this contract.

b. Item 3, Limitation of Cost, is deleted and the following is substituted therefor:

3. LIMITATION OF COST

(Text of this clause is set forth in FPR 1-7.402-2.)

Item 4, Allowable Cost, is deleted and the following is substituted therefor:

4. ALLOWABLE COST AND PAYMENT

(a) For the performance of this contract, the Government shall pay the Contractor:

(1) The coast thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with:

(i) 45 CFR Part 74 Appendix E for hospitals; 45 CFR Part 74 Appendix F for nonprofit institutions; and 41 CFR 1-15.7 for state and local government agencies as in effect on the date of this contract; and

(ii) The terms of this contract; and

(2) Such fixed-fee, if any, as may be provided for in the Schedule.

(b) Payments shall be made to the Contractor when requested as work progresses, but not more frequently than bi-weekly, in amounts approved by the Contracting Officer. The Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost for the performance of this contract and claimed to constitute allowable cost. For this purpose, except as provided herein with respect to pension contributions, the term "cost" shall include only those recorded costs which result, at the time of the request for reimbursement, from payment by cash, check, or other form of actual payment for items or services purchased directly for the contract, together with (when the Contractor is not delinquent in payment of costs of contract performance in the ordinary course of business) costs incurred, but not necessarily paid, for materials which have been issued from the Contractor's stores inventory and placed in the production process for use on the contract, for direct labor, for direct travel, for other direct inhouse costs, and for properly allocable and allowable indirect costs, as is shown by records maintained by the Contractor for purposes of obtaining reimbursement under Government contracts plus the amount of progress payments which have been paid to the Contractor's subcontractors under similar cost standards. In addition, when pension contributions are paid by the Contractor to the retirement fund less frequently than quarterly, accrued costs therefor shall be excluded from indirect costs for payment purposes until such costs are paid. If pension contributions are paid on a quarterly or more frequent basis, accruals therefor may be included in indirect costs for payment purposes provided that they are paid to the fund within 30 days after the close of the period covered. If payments are not made to the fund within such 30-day period, pension contribution costs shall be excluded from indirect cost for payment purposes until payment has been made. The restriction on payment more frequently than bi-weekly and the requirement of prior payment for items or services purchased directly for the contract shall not apply when the Contractor is a small business concern.

(c) Promptly after receipt of each invoice or voucher and statement of cost, the Government shall, except as otherwise provided in this contract subject to the provisions of (d), below, make payment thereon as approved by the Contracting Officer. After payment of an amount equal to 80 percent of the total estimated cost of performance of this contract set forth in the Schedule, the Contracting Officer may withhold further payment on account of allowable cost until a reserve shall have been set aside in an amount which he considers necessary to protect the interests of the Government, but such reserve shall not exceed 1 percent of such total estimated cost or $10,000, whichever is less.

(d) At any time or times prior to final payment under this contract the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments or increased for underpayments, on preceding invoices or vouchers.

(e) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including, without limitation, the provisions relating to patents and the provisions of (f), below), the Government shall promptly pay to the Contractor any balance of allowable cost, which has been withheld pursuant to (c), above, or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than 1 year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(1) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which

the Contractor has been reimbursed by the Government under this contract; and

(2) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions:

(i) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(ii) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: Provided, however, That such claims are not known to the Contractor on the date of the execution of the release; *And provided further,* That the Contractor gives notice of such claims in writing to the Contracting Officer not more than 6 years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(iii) Claims for reimbursement of costs (other than expenses of the Contractor by reason of its indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by references, designating services to be performed or materials to be furnished by the Contractor at his expense or without cost to the Government.

d. Item 6, Payment, is deleted and the following is substituted therefor:

6. STANDARDS OF WORK

The Contractor agrees that the performance of work and services pursuant to the requirements of this contract shall conform to high professional standards.

e. Item 7, Examination of Records, is deleted and the following is substituted therefor:

7. EXAMINATION OF RECORDS BY COMPTROLLER GENERAL

(Text of this clause is set forth in FPR 1–7.402–7.)

NOTE: If the contract is with the Office of Education, that part of paragraphs (b) and (c) reading "until 3 years after final payment" is changed to read "until 5 years after final payment."

f. Item 8, Inspection and Reports, is deleted and the following is substituted therefor:

8. INSPECTION

(Text of this clause is set forth in FPR 1–7.402–5(c).)

g. Item 9, Subcontracting, is deleted and the following is substituted therefor:

9. SUBCONTRACTS

(Text of this clause is set forth in FPR 1–7.402–8.)

h. Item 10, Accounts, Audit, and Records, is deleted and the following is substituted therefor:

10. ACCOUNTS, AUDIT, AND RECORDS

(a) The Contractor shall maintain books, records, documents, and other evidence, accounting procedures, and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred in the performance of this contract. The foregoing constitutes "records" for the purposes of this clause.

(b) The Contractor's facility(ies) or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable time to inspection and audit by the Secretary or his authorized representatives.

(c) The Contractor shall preserve and make available his records (1) until the expiration of 3 years from the date of final payment under this contract, or the time periods for the particular records specified in 41 CFR Part 1–20, whichever expires earlier, and (2) for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (i) or (ii) below:

(i) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final settlement.

(ii) Records which relate to (A) appeals under the "Disputes" clause of this contract, (B) litigation or the settlement of claims arising out of the performance of this contract, or (C) costs and expenses of this contract to which exception has been taken by the Secretary or any of his duly authorized representatives, shall be retained until such appeals, litigation, claims, or exceptions have been disposed of.

(d) The Contractor shall insert the substance of this clause, including this paragraph (d), in each subcontract hereunder with the exceptions: (1) Purchase orders not exceeding $2,500, and (2) subcontracts or purchase orders for public utility services at rates applicable to the general public.

NOTE: If the contract is awarded by the Office of Education, paragraph (c) and subparagraph (c)(i) are deleted and the following is substituted therefor:

(c) The Contractor shall preserve and make available his records (1) until the expiration of five (5) years after completion of the contract or by (i) and (ii) below.

(i) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for five (5) years from date of termination settlement.

i. Item 11, Government Property, is deleted and the following is substituted therefor:

11. GOVERNMENT PROPERTY

(Text of this clause is set forth in FPR 1–7.402–25(b).)

j. Item 12, Changes, is deleted and the following is substituted therefor:

12. CHANGES

(Text of this clause is set forth in FPR 1–7.404–5.)

k. The following is added to item 15, Rights-in-Data:

NOTE: If the contract has been awarded by the Office of Education, the above clause shall be deleted and the following substituted therefor:

15. COPYRIGHT AND PUBLICATION

(a) The term "materials" as used herein means:

(1) "Final material" is material which has been developed to the extent intended under the contract.

(2) "Material" means copyrightable work resulting from the contract.

(b) It is the policy of the Office of Education that the results of activities supported by it should be utilized in the manner which would best serve the public interest. To that end, except as provided in paragraph (c) the Contractor shall not assert any rights at common law or in equity or establish any claim to statutory copyright in such materials; and all such materials shall be made freely available to the Government, the education community, and the general public.

(c) Notwithstanding the provisions of paragraph (b) above, upon request of the Contractor or his authorized designee, arrangements for copyright of the material for a limited period of time may be authorized by the Commissioner, through the Contracting Officer, upon showing satisfactorily to the Office of Education that such protection will result in more effective development or dissemination of the materials and would be in the public interest.

(d) With respect to any materials for which the securing of a copyright protection is authorized under paragraph (c), the Contractor hereby grants a royalty-free, nonexclusive and irrevocable license to the Government to publish, reproduce, deliver, perform, use, and dispose of all such materials, and to make any use of it.

(e) To the extent that the Contractor has the right and permission to do so, the Contractor hereby grants to the Government a royalty-free, nonexclusive and irrevocable license to use in any manner, copyrighted material not first produced in the performance of this contract, but which is incorporated in the materials. The contractor shall advise the Contracting Officer of any such copyrighted material known to it not to be covered by such a license.

l. Item 19, Publication and Publicity, is deleted and the following is substituted therefor:

19. PUBLICATION AND PUBLICITY

(a) Unless otherwise specified in this contract, the Contractor is encouraged to publish and make available through accepted channels the results of its work under this contract. A copy of each article submitted by the Contractor for publication shall be promptly sent to the Project Officer. The Contractor shall also inform the project officer when the article or other work is published and furnish a copy of it as finally published.

(b) The Contractor shall acknowledge the support of the Department of Health, Education, and Welfare whenever publicizing the work under this contract in any media. To effectuate the foregoing, the Contractor shall include in any publication resulting from work performed under this contract an acknowledgement substantially as follows:

"This project has been funded at least in part with Federal funds from the Department of Health, Education, and Welfare under contract number ———. The contents of this publication do not necessarily reflect the views or policies of the Department of Health, Education, and Welfare, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government."

m. Item 20, Patent Rights, is deleted and the following is substituted therefor:

20. PATENT RIGHTS—DEFERRED (SHORT FORM)

(a) *Definitions.* "Subject Invention" means any invention or discovery of the Contractor conceived or first actually reduced to practice in the course of or under this contract, and includes any art, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant which is or may be patentable under the Patent Laws of the United States of America or any foreign country.

(b) *Invention disclosures and reports.* (1) The Contractor shall furnish the Contracting Officer:

(i) A complete technical disclosure for each Subject Invention, within 6 months after conception or first actual reduction to practice, whichever occurs first in the course of or under the contract, but in any event prior to any on sale, public use, or publication of the invention known to the Contractor. The disclosure shall identify the contract and inventor, and shall be sufficiently complete in technical detail and appropriately illustrated by sketch or diagram to convey to one skilled in the art to which the invention pertains a clear understanding of the nature, purpose, operation, and to the extent known, the physical, chemical, biological, or electrical characteristics of the invention;

(ii) Interim reports at least every 12 months from the date of the contract listing Subject Inventions for the period and certifying that all Subject Inventions have been disclosed or that there are no such inventions; and

(iii) An acceptable final report within 3 months after completion of the contract work, listing all Subject Inventions or certifying that there were no such inventions.

(2) The Contractor agrees that the Government may duplicate and disclose Subject Invention disclosures and all other reports and papers furnished or required to be furnished pursuant to this clause.

(c) *Allocation of principal rights.* (1) After a Subject Invention is identified, the Contractor agrees to assign to the Government the entire right, title, and interest therein throughout the world except to the extent that rights are retained by the Contractor under paragraphs (c)(2) and (d) of this clause.

(2) The Contractor or the employee-inventor with authorization of the Contractor may retain greater rights than the nonexclusive license provided in paragraph (d) of this clause in accordance with the procedure and criteria of 41 CFR 1-9.109-6. A request for a determination of whether the Contractor or the employee-inventor is entitled to retain such greater rights must be submitted to the Contracting Officer at the time of the first disclosure of the invention pursuant to paragraph (b)(1) of this clause, or not later than 3 months thereafter or such longer period as may be authorized by the Contracting Officer for good cause shown in writing by the Contractor. The information to be submitted for a greater rights determination is specified in 41 CFR 1-9.109-6. Each determination of greater rights under this contract shall be subject to the provisions of paragraph (c) "Minimum rights acquired by the Government" of the clause in 41 CFR 1-9.107-5(a), and to the reservations and conditions deemed appropriate by the agency.

(d) *Minimum rights to the Contractor.* The Contractor reserves a revocable, nonexclusive, royalty-free license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires title. Revocation shall be in accordance with the procedure of the clause in 41 CFR 1-9.107-5(d) (2) and (3).

(e) *Employee and Subcontractor Agreements.* Unless otherwise authorized in writing by the Contracting Officer, the Contractor shall:

(1) Obtain patent agreements to effectuate the provisions of this clause from all persons who perform any part of the work under this contract except nontechnical personnel, such as clerical employees and manual laborers.

(2) Insert in each subcontract having experimental, developmental, of research work as one of its purposes provisions making this clause applicable to the Subcontractor and his employees; and

(3) Promptly notify the Contracting Officer of the award of any such subcontract by providing him with a copy of the subcontract and any amendments thereto.

n. Item 21, Key Personnel, is deleted and the following is substituted therefor:

21. KEY PERSONNEL

(Text of this clause is set forth in FPR 1-7.404-6.)

o. Item 22, Litigation and Claims, is amended by changing the phrase in the last paragraph which reads "the contractor shall be reimbursed" to "the contractor shall not be reimbursed."

p. Item 24, Overtime, is deleted and the following is substituted therefor:

24. PAYMENT FOR OVERTIME PREMIUMS

(Text of this clause is set forth in FPR 1-7.402-28.)

q. Item 26, Questionnaires and Surveys, is deleted and the following is substituted therefor:

26. FEDERAL REPORTS ACT

In the event that it subsequently becomes a contractual requirement to collect or record information calling either for answers to identical questions from 10 or more persons other than Federal employees, or information from Federal employees which is to be used for statistical compilations of general public interest, the Federal Reports Act shall apply to this contract. No plan, questionnaire, interview guide or other similar device for collecting information (whether repetitive or single-time) may be used without first obtaining clearance from the Office of Management and Budget (OMB).

The contractor shall obtain the required OMB clearance through the Project Officer before expending any funds or making public contracts for the collection of data. The authority to expend funds and to proceed with the collection of data shall be in writing by the Contracting Officer. The Contractor must plan at least 90 days for OMB clearance.

r. Item 28, Services of Consultants, is revised by changing that part of the first paragraph which reads "* * * contract entitled "Subcontracting" * * * to "* * * contract entitled "Subcontracts" * * *."

s. Item 30, Contract Work Standards and Overtime Compensations is deleted and the following is substituted therefor:

30. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT—OVERTIME COMPENSATION

(Text of this clause is set forth in FPR 1-12.303.)

t. Item 42, Examination of Records by the Department of Health, Education, and Welfare, is deleted and the following is substituted therefor:

42. EXAMINATION OF RECORDS BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The provisions of clause 7 above entitled "Examination of Records by Comptroller General" are extended to provide equal rights to authorized representatives of the Secretary and to the Contracting Officer.

u. Item 43, Competition in Subcontracting is added as follows:

43. COMPETITION IN SUBCONTRACTING

(Text of this clause is set forth in FPR 1-7.202-30.)

v. The following is added as Item 44, Clean Air and Water.

44. CLEAN AIR AND WATER

(Text of this clause is set forth in FPR 1-1.2302-2.)

w. The following is added as Item 45, Employment of the Handicapped:

45. EMPLOYMENT OF THE HANDICAPPED

(Text of this clause is set forth in FPR 1-12.1102-2.)

3. Subsection 316, General Provisions, for Negotiated Cost-Plus-Fixed-Fee Type Contract, is revised as follows:

a. Item 1, Definitions, is deleted and the following is substituted therefor:

1. DEFINITIONS

As used throughout this contract, the following terms shall have the meanings set forth below:

(a) The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of the Department of Health, Education, and Welfare, or any person, persons, or board authorized to act for the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or employee who is properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of the Contracting Officer acting within the limits of his authority.

(c) The term "Project Officer" means the person representing the Government for the purpose of monitoring technical performance under this contract. The Project Officer is not authorized to issue any instructions or directions which effect any increase or decrease in the cost of this contract or which change the delivery date(s) or period of performance.

(d) The term "Department" means the Department of Health, Education, and Welfare.

(e) Except as otherwise provided in this contract, the term "subcontract" includes purchase orders under this contract.

b. Item 3, Limitation of Cost, is deleted and the following is substituted therefor:

3. LIMITATION OF COST

(Text of this clause is set forth in FPR 1-7.402-3.)

c. Item 4, Allowable Cost and Fixed Fee, is deleted and the following is substituted therefor:

4. ALLOWABLE COST, FIXED FEE AND PAYMENT

(Text of this clause is set forth in FPR 1-7.202-4.)

d. Item 6, Payment, is deleted and the following is substituted therefor:

6. STANDARDS OF WORK

The Contractor agrees that the performance of work and services pursuant to the requirements of this contract shall conform to high professional standards.

e. Item 7, Accounts, Audit, and Records is deleted and the following is substituted therefor:

7. ACCOUNTS, AUDIT, AND RECORDS

(a) The Contractor shall maintain books, records, documents, and other evidence, accounting procedures, and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred in the performance of this contract. The foregoing constitutes "records" for the purposes of this clause.

(b) The Contractor's facility(ies) or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable time to inspection and audit by the Secretary or his authorized representatives.

(c) The Contractor shall preserve and make available his records (1) until the expiration of 3 years from the date of final payment under this contract, or the time periods for the particular records specified in 41 CFR Part 1-20, whichever expires earlier, and (2) for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (i) or (ii) below:

(i) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final settlement.

(ii) Records which relate to (A) appeals under the "Disputes" clause of this contract, (B) litigation or the settlement of claims arising out of the performance of this contract, or (C) costs and expenses of this contract to which exception has been taken by the Secretary or any of his duly authorized representatives, shall be retained until such appeals, litigation, claims, or exceptions have been disposed of.

(d) The Contractor shall insert the substance of this clause, including this paragraph (d), in each subcontract hereunder with the exceptions: (1) Purchase orders not exceeding $2,500, and (2) subcontracts or purchase orders for public utility services at rates applicable to the general public.

NOTE.—If the contract is awarded by the Office of Education, paragraph (c) and subparagraph (c)(1) are deleted and the following is substituted therefor:

(c) The Contractor shall preserve and make available his records (1) until the expiration of five (5) years after completion of the contract or by (i) and (ii) below:

(i) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for five (5) years from the date of termination settlement.

f. Item 8, Examination of Records, is deleted and the following is substituted therefor:

8. EXAMINATION OF RECORDS BY COMPTROLLER GENERAL

(Text of this clause is set forth in FPR 1-7.402-7.)

NOTE.—If the contract is with the Office of Education, that part of paragraphs (b) and (c) reading "until the expiration of 3 years after final payment" is changed to "until the expiration of 5 years after final payment."

g. Item 9, Inspection and Reports is deleted and the following is substituted therefor:

9. INSPECTION

(Text of this clause is set forth in FPR 1-7.402-5(c).)

h. Item 10, Subcontracting, is deleted and the following is substituted therefor:

10. SUBCONTRACTS

(Text of this clause is set forth in FPR 1-7.402-8.)

i. Item 11, Government Property, is deleted and the following is substituted therefor:

11. GOVERNMENT PROPERTY

(Text of this clause is set forth in FPR 1-7.203-21(a).)

j. Item 12, Changes, is deleted and the following is substituted therefor:

12. CHANGES

(Text of this clause is set forth in FPR 1-7.404-5.)

k. Item 16, Rights in Data, is amended by deleting paragraph (g), Deferred ordering and delivery of data, and substituting the following therefor and by adding the note re contracts awarded by the Office of Education:

(g) *Deferred ordering and delivery of data.* The Government shall have the right to order, at any time during the performance of this contract, or within 2 years from either acceptance of all items (other than data) to be delivered under this contract or termination of this contract, whichever is later, any Subject Data and any data not called for in the schedule of this contract but generated in performance of the contract, and the Contractor shall promptly prepare and deliver such data as is ordered. If the principal investigator is no longer associated with the Contractor, the Contractor shall exercise its best efforts to prepare and deliver such data as is ordered. The Government's right to use data delivered pursuant to this paragraph (g) shall be the same as the rights in Subject Data as provided in (b) above. The Contractor shall be relieved of the obligation to furnish data pertaining to an item obtained from a subcontractor upon the expiration of 2 years from the date he accepted such items. When data, other than Subject Data, is delivered pursuant to this paragraph (g) payment shall be made, by equitable adjustment or otherwise, for converting the data into the prescribed form, reproducing it or preparing it for delivery.

NOTE.—If the contract has been awarded by the Office of Education, the above clause shall be deleted and the following substituted therefor:

16. COPYRIGHT AND PUBLICATION

(a) The term "materials" as used herein means:

(1) "Final material" is material which has been developed to the extent intended under the contract.

(2) "Material" means copyrightable work resulting from the contract.

(b) It is the policy of the Office of Education that the results of activities supported by it should be utilized in the manner which would best serve the public interest. To that end, except as provided in paragraph (c) the Contractor shall not assert any rights at common law or in equity or establish any claim to statutory copyright in such materials; and all such materials shall be made freely available to the Government, the education community, and the general public.

(c) Notwithstanding the provisions of paragraph (b) above, upon request of the Contractor or his authorized designee, arrangements for copyright of the material for a limited period of time may be authorized by the Commissioner, through the Contracting Officer, upon showing satisfactorily to the Office of Education that such protection will result in more effective development or dissemination of the materials and would be in the public interest.

(d) With respect to any materials for which the securing of a copyright protection is authorized under paragraph (c), the Contractor hereby grants a royalty-free, nonexclusive and irrevocable license to the Government to publish, reproduce, deliver, perform, use, and dispose of all such materials, and to make any use of it.

(e) To the extent that the Contractor has the right and permission to do so, the Contractor hereby grants to the Government a royalty-free, nonexclusive and irrevocable license to use in any manner, copyrighted material not first produced in the performance of this contract, but which is incorporated in the materials. The contractor shall advise the Contracting Officer of any such copyrighted material known to it not to be covered by such a license.

l. Item 20, Patent Rights, is deleted and the following is substituted therefor:

20. PATENT RIGHTS—DEFERRED (LONG-FORM)

(a) *Definitions.* (1) "Subject Invention" means any invention or discovery of the Contractor conceived or first actually reduced to practice in the course of or under this contract, and includes any art, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, of any variety of plant, which is or may be patentable under the Patent Laws of the United States of America or any foreign country.

(2) "Contract" means any contract, agreement, grant, or other arrangement, or subcontract entered into with or for the benefit of the Government where a purpose of the contract is the conduct of experimental, developmental, or research work.

(3) "States and domestic municipal governments" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and any political subdivisions and agencies thereof.

(4) "Government agency" includes an executive department, independent commission, board, office, agency, administration, authority, Government corporation, or other Government establishment of the executive branch of the Government of the United States of America.

(5) "To the point of practical application" means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

(b) *Allocation of principal rights*—(1) *Assignment to the Government.* After a Subject Invention is identified, the Contractor agrees to assign to the Government the entire right, title, and interest therein throughout the world except to the extent that greater rights are retained by the Contractor under paragraphs (b)(2) and (d) of this clause.

(2) *Greater rights determinations.* The Contractor, or the employee-inventor with authorization of the Contractor, may retain greater rights than the nonexclusive license provided in paragraph (d) of this clause in accordance with the procedure and criteria of 41 CFR 1-9.109-6. A request for a determination of whether the Contractor or the employee-inventor is entitled to retain

such greater rights must be submitted to the Contracting Officer at the time of first disclosure of the invention pursuant to paragraph (e)(2)(i) of this clause, or not later than 3 months thereafter or such longer period as may be authorized by the Contracting Officer for good cause shown in writing by the Contractor. The information to be submitted for a greater rights determination is specified in 41 CFR 1-9.106-6. Each determination of greater rights under this contract normally shall be subject to paragraph (c) of this clause and to the reservations and conditions deemed to be appropriate by the agency.

(c) *Minimum rights acquired by the Government.* With respect to each Subject Invention to which the Contractor retains principal or exclusive rights, the Contractor:

(1) Hereby grants to the Government a nonexclusive, nontransferable, paid-up license to make, use, and sell each Subject Invention throughout the world by or on behalf of the Government of the United States (including any Government agency) and States and domestic municipal governments;

(2) Agrees to grant to responsible applicants, upon request of the Government, a license on terms that are reasonable under the circumstances; (i) Unless the Contractor, his licensee, or his assignee demonstrated to the Government that effective steps have been taken within 3 years after a patent issues on such invention to bring the invention to the point of practical application, or that the invention has been made available for licensing royalty-free or on terms that are reasonable in the circumstances, or can show cause why the principal or exclusive rights should be retained for a further period of time; or

(ii) To the extent that the invention is required for public use by governmental regulations or as may be necessary to fulfill public health, safety or welfare needs, or for other public purposes stipulated in this contract;

(3) Shall submit written reports at reasonable intervals upon request of the Government during the term of the patent on the Subject Invention regarding: (i) The commercial use that is being made or is intended to be made of the invention; and

(ii) The steps taken by the Contractor or his transferee to bring the invention to the point of practical application or to make the invention available for licensing;

(4) Agrees to refund any amounts received as royalty charges on any Subject Invention in procurements for or on behalf of the Government and to provide for that refund in any instrument transferring rights to to any party in the invention; and

(5) Agrees to provide for the Government's paid-up license pursuant to paragraph (c)(1) of this clause in any instrument transferring rights in a Subject Invention and to provide for the granting of licenses as required by (2) of this clause, and for the reporting of utilization information as required by paragraph (c)(3) of this clause whenever the instrument transfers principal or exclusive rights in any Subject Invention.

Nothing contained in this paragraph (c) shall be deemed to grant to the Government any rights with respect to any invention other than a Subject Invention.

(d) *Minimum rights to the Contractor.* (1) The Contractor reserves a revocable, nonexclusive, royalty-free license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires title. The license shall extend to the Contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a part and shall include the right to grant sublicenses of the same scope to the extent the Contractor was legally obligated to do so at the time the contract was awarded. The license shall be transferable only with approval of the agency except when transferred to the successor of that part of the Contractor's business to which the invention pertains.

(2) The Contractor's nonexclusive domestic license retained pursuant to paragraph (d)(1) of this clause may be revoked or modified by the agency to the extent necessary to achieve expeditious practical application of the Subject Invention under 41 CFR 101-4.103-3 pursuant to an application for exclusive license submitted in accordance with 41 CFR 101-4.104-3. This license shall not be revoked in that field of use and/or the geographical areas in which the Contractor has brought the invention to the point of practical application and continues to make the benefits of the invention reasonably accessible to the public. The Contractor's nonexclusive license in any foreign country reserved pursuant to paragraph (d)(1) of this clause may be revoked or modified at the discretion of the agency to the extent the Contractor or his domestic subsidiaries or affiliates have failed to achieve the practical application of the invention in that foreign country.

(3) Before modification or revocation of the license, pursuant to paragraph (d)(2) of this clause, the agency shall furnish the Contractor a written notice of its intention to modify or revoke the license, and the Contractor shall be allowed 30 days (or such longer period as may be authorized by the agency for good cause shown in writing by the Contractor) after the notice to show cause why the license should not be modified or revoked. The Contractor shall have the right to appeal, in accordance with procedures prescribed by the agency, any decision concerning the modification or revocation of his license.

(e) *Invention, identification, disclosures, and reports.* (1) The Contractor shall establish and maintain active and effective procedures to ensure that Subject Inventions are promptly identified and timely disclosed. These procedures shall include the maintenance of laboratory notebooks or equivalent records and any other records that are reasonably necessary to document the conception and/or the first actual reduction to practice of Subject Inventions, and records which show that the procedures for identifying and disclosing the inventions are followed. Upon request, the Contractor shall furnish the Contracting Officer a description of these procedures so that he may evaluate and determine their effectiveness.

(2) The Contractor shall furnish the Contracting Officer:

(i) A complete technical disclosure for each Subject Invention within 6 months after conception or first actual reduction to practice whichever occurs first in the course of or under the contract, but in any event prior to any on sale, public use, or publication of such invention known to the Contractor. The disclosure shall identify the contract and inventor and shall be sufficiently complete in technical detail and appropriately illustrated by sketch or diagram to convey to one skilled in the art to which the invention pertains a clear understanding of the nature, purpose, operation, and, to the extent known, the physical, chemical, biological, or electrical characteristics of the invention;

(ii) Interim reports, at least every 12 months from the date of the contract listing Subject Inventions for that period and certifying that:

(A) The Contractor's procedures for identifying and disclosing Subject Inventions as required by this paragraph (e) have been followed throughout the reporting period; and

(B) All Subject Inventions have been disclosed or that there are no such inventions; and

(iii) A final report, within 3 months after completion of the contract work, listing all Subject Inventions or certifying that there were no such inventions.

(3) The Contractor shall obtain patent agreements to effectuate the provisions of this clause from all persons in his employ who perform any part of the work under this contract except nontechnical personnel, such as clerical employees and manual laborers.

(4) The Contractor agrees that the Government may duplicate and disclose Subject Invention disclosures and all other reports and papers furnished or required to be furnished pursuant to this clause.

(f) *Forfeiture or rights in unreported Subject Inventions.* (1) The Contractor shall forfeit to the Government all rights in any Subject Invention which he fails to disclose to the Contracting Officer within 6 months after the time he:

(i) Files or causes to be filed a United States or foreign application thereon; or

(ii) Submits the final report required by paragraph (e)(2)(iii) of this clause, whichever is later.

(2) However, the Contractor shall not forfeit rights in a Subject Invention if, within the time specified in (1)(i) or (1)(ii) of this paragraph (f), the Contractor:

(i) Prepared a written decision based upon a review of the record that the invention was neither conceived nor first actually reduced to practice in the course of or under the contract; or

(ii) Contending that the invention is not a Subject Invention, he nevertheless discloses the invention and all facts pertinent to his contention to the Contracting Officer; or

(iii) Establishes that the failure to disclose did not result from his fault or negligence.

(3) Pending written assignment of the patent applications and patents on a Subject Invention determined by the Contracting Officer to be forfeited (such determination to be a final decision under the Disputes Clause), the Contractor shall be deemed to hold the invention and the patent applications and patents pertaining thereto in trust for the Government. The forfeiture provision of this paragraph (f) shall be in addition to and shall not supersede other rights and remedies which the Government may have with respect to Subject Inventions.

(g) *Examination of records relating to inventions.* (1) The Contracting Officer or his authorized representative until the expiration of 3 years after final payment under this contract shall have the right to examine any books (including laboratory notebooks), records, documents, and other supporting data of the Contractor which the Contracting Officer reasonably deems pertinent to the discovery or identification of Subject Inventions or to determine compliance with the requirements of this clause.

(2) The Contracting Officer shall have the right to review all books (including laboratory notebooks), records and documents of the Contractor relating to the conception or first actual reduction to practice of inventions in the same field of technology as the work under this contract to determine whether any such inventions are Subject Inventions if the Contractor refuses or fails to:

(i) Establish the procedures of paragraph (e)(1) of this clause; or

(ii) Maintain and follow such procedures; or

(iii) Correct or eliminate any material deficiency in the procedures within thirty

(30) days after the Contracting Officer notifies the Contractor of such a deficiency.

(h) *Withholding of payment (Not applicable to Subcontracts).* (1) Any time before final payment of the amount of this contract, the Contracting Officer may, if he deems such action warranted, withhold payment until a reserve not exceeding $50,000 or 5 percent of the amount of this contract, whichever is less, shall have been set aside if in his opinion the Contractor fails to:

(i) Establish, maintain, and follow effective procedures for identifying and disclosing Subject Inventions pursuant to paragraph (e) (1) of this clause; or

(ii) Disclose any Subject Invention pursuant to paragraph (e) (2) (i) of this clause; or

(iii) Deliver acceptable interim reports pursuant to paragraph (e) (2) (ii) of this clause; or

(iv) Provide the information regarding subcontracts pursuant to paragraph (i) (5) of this clause.

The reserve or balance shall be withheld until the Contracting Officer has determined that the Contractor has rectified whatever deficiencies exist and has delivered all reports, disclosures, and other information required by this clause.

(2) Final payment under this contract shall not be made before the Contractor delivers to the Contracting Officer all disclosures of Subject Inventions required by paragraph (e) (2) (i) of this clause, and an acceptable final report pursuant to (e) (2) (iii) of this clause.

(3) The Contracting Officer may, in his discretion, decrease or increase the sums withheld up to the maximum authorized above. If the Contractor is a nonprofit organization the maximum amount that may be withheld under this paragraph shall not exceed $50,000 or 1 percent of the amount of this contract whichever is less. No amount shall be withheld under this paragraph while the amount specified by this paragraph is being withheld under other provisions of the contract. The withholding of any amount or subsequent payment thereof shall not be construed as a waiver of any rights accruing to the Government under this contract.

(i) *Subcontracts.* (1) For the purpose of this paragraph the term "Contractor" means the party awarding a subcontract and the term "Subcontractor" means the party being awarded a subcontract, regardless of tier.

(2) Unless otherwise authorized or directed by the Government Contracting Officer, the Contractor shall include this Patent Rights clause modified to identify the parties in any subcontract hereunder if a purpose of the subcontract is the conduct of experimental, developmental, or research work. In the event of refusal by a Subcontractor to accept this clause, or if in the opinion of the Contractor this clause is inconsistent with the policy set forth in 41 CFR 1–9.107–3, the Contractor:

(i) Shall promptly submit a written notice to the Government Contracting Officer setting forth reasons for the Subcontractor's refusal and other pertinent information which may expedite disposition of the matter; and

(ii) Shall not proceed with the subcontract without the written authorization of the Government Contracting Officer.

(3) The Contractor shall not, in any subcontract or by using a subcontract as consideration therefor, acquire any rights in his Subcontractor's Subject Invention for his own use (as distinguished from such rights as may be required solely to fulfill his contract obligations to the Government in the performance of this contract).

(4) All invention disclosures, reports, instruments, and other information required to be furnished by the Subcontractor to the Government Contracting Officer under the provisions of a Patent Rights clause in any subcontract hereunder may, in the discretion of the Government Contracting Officer, be furnished to the Contractor for transmission to the Government Contracting Officer.

(5) The Contractor shall promptly notify the Government Contracting Officer in writing upon the award of any subcontract containing a Patent Rights clause by identifying the Subcontractor, the work to be performed under the subcontract, and the dates of award and estimated completion. Upon request of the Government Contracting Officer, the Contractor shall furnish a copy of the subcontract. If there are no subcontracts containing Patent Rights Clauses, a negative report shall be included in the final report submitted pursuant to paragraph (e) (2) (iii) of this clause.

(6) The Contractor shall identify all Subject Inventions of the Subcontractor of which he acquires knowledge in the performance of this contract and shall notify the Government Contracting Officer promptly upon the identification of the inventions.

(7) It is understood that the Government is a third party beneficiary of any subcontract clause granting rights to the Government in Subject Inventions, and the Contractor hereby assigns to the Government all rights that he would have to enforce the Subcontractor's obligations for the benefit of the Government with respect to Subject Inventions. The Contractor shall not be obligated to enforce the agreements of any Subcontractor hereunder relating to the obligations of the Subcontractor to the Government in regard to Subject Inventions.

m. Item 21, Publication and Publicity, is deleted and the following is substituted therefor:

21. PUBLICATION AND PUBLICITY

(a) Unless otherwise specified in this contract, the Contractor is encouraged to publish and make available through accepted channels the results of its work under this contract. A copy of each article submitted by the Contractor for publication shall be promptly sent to the Project Officer. The Contractor shall also inform the Project Officer when the article or other work is published and furnish a copy of it as finally published.

(b) The Contractor shall acknowledge the support of the Department of Health, Education, and Welfare whenever publicizing the work under this contract in any media. To effectuate the foregoing, the Contractor shall include in any publication resulting from work performed under this contract an acknowledgement substantially as follows:

"This project has been funded at least in part with Federal funds from the Department of Health, Education, and Welfare under contract number _____. The contents of this publication do not necessarily reflect the views or policies of the Department of Health, Education, and Welfare, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.

n. Item 22, Key Personnel, is deleted and the following is substituted therefor:

22. KEY PERSONNEL

(Text of this clause is set forth in FPR 1–7.404–6.)

o. Item 25, Overtime, is deleted and the following is substituted therefor:

25. PAYMENT FOR OVERTIME

(Text of this clause is set forth in FPR 1–7.402–28.)

p. Item 27, Questionnaires and Surveys, is deleted and the following is substituted therefor:

27. FEDERAL REPORTS ACT

In the event that it subsequently becomes a contractual requirement to collect or record information calling either for answers to identical questions from 10 or more persons other than Federal employees, or information from Federal employees which is to be used for statistical compilations of general public interest, the Federal Reports Act shall apply to this contract. No plan, questionnaire, interview guide or other similar device for collecting information (whether repetitive or single-time) may be used without first obtaining clearance from the Office of Management and Budget (OMB).

The contractor shall obtain the required OMB clearance through the Project Officer before expending any funds or making public contracts for the collection of data. The authority to expend funds and to proceed with the collection of data shall be in writing by the Contracting Officer. The Contractor must plan at least 90 days for OMB clearance. Excessive delay caused by the Government which arises out of causes beyond the control without the fault or negligence of the contractor will be considered in accordance with Clause 14, Excusable Delays.

q. Item 28, Printing, is deleted and the following is substituted therefor:

28. PRINTING

Unless otherwise specified in this contract, the Contractor shall not engage in, nor subcontract for, any printing (as that term is defined in title I of the Government Printing and Binding Regulations in effect on the effective date of this contract) in connection with the performance of work under this contract: *Provided, however,* That performance of a requirement under this contract involving the reproduction of less than 5,000 production units of any one page, or less than 25,000 production units in the aggregate of multiple pages, will not be deemed to be printing. A production unit is defined as one sheet, size 8 by 10 and ½ inches, one side only, one color.

r. Item 29, Services of Consultants, is revised by changing that part of the first paragraph which reads "* * * contract entitled "Subcontracting" * * *" to "* * * contract entitled "Subcontracts" * * *"

s. Item 32, Contract Work Hours Standards Act—Overtime Compensation, is deleted and the following is substituted therefor:

32. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT—OVERTIME COMPENSATION

(Text of this clause is set forth in FPR 1–12.303.)

t. Item 41, Examination of Records by the Department of Health, Education, and Welfare, is deleted and the following is substituted therefor:

41. EXAMINATION OF RECORDS BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The provisions of clause 8, "Examination of Records by Comptroller General" are extended to provide equal rights to authorized representatives of the Secretary and to the Contracting Officer.

u. Item 42, Utilization of Minority Business Enterprises.

42. UTILIZATION OF MINORITY BUSINESS ENTERPRISES

(Text of this clause is set forth in FPR 1–1.1310–2.)

v. The following is added as Item 43, Payment of Interest on Contractor's Claims.

43. PAYMENT OF INTEREST ON CONTRACTOR'S CLAIMS

(Text of this clause is set forth in FPR 1–1.322.)

w. The following is added as Item 44, Listing of Employment Openings.

44. LISTING OF EMPLOYMENT OPENINGS

(Text of this clause is set forth in FPR 1–12.1102–2.)

x. The following is added as Item 45, Competition in Subcontracting.

45. COMPETITION IN SUBCONTRACTING

(Text of this clause is set forth in FPR 1–7.202–30.)

y. The following is added as Item 46, Clean Air and Water.

46. CLEAN AIR AND WATER

(Text of this clause is set forth in FPR 1–1.2302–2.)

z. The following is added as Item 47, Employment of the Handicapped:

47. EMPLOYMENT OF THE HANDICAPPED

(Text of this clause is set forth in FPR 1–12.1102–2.)

§§ 3–16.950–315, 3–16.950–315A and 3–16.950–316 [Amended]

4. The date (12/72) which appears in the subsection headings §§ 3–16.950–315 and 3–16.950–315A is changed to read (Rev. 7/76). In the heading § 3–16.950–316, the date (Rev. 7/76) is inserted after the phrase " • • • "–316."

[FR Doc.76–27905 Filed 9–22–76;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74–129]

PART 164—MATERIALS

Noncombustible Materials for Merchant Vessels

● *Purpose.* The purpose of this rulemaking is to amend the procedures for approving noncombustible materials used in merchant vessels to conform to IMCO Resolution A.270(VIII) adopted by the Intergovernmental Maritime Consultative Organization (IMCO) on November 20, 1973. ●

A notice of proposed rulemaking concerning this amendment was published in the FEDERAL REGISTER issue of April 15, 1976 (41 FR 14389). Interested persons were invited to submit written comments concerning the proposed rule making to the Coast Guard before May 21, 1976.

One comment was received in response to the notice. The commenter stated that while the 50 percent limitation on average weight loss in proposed 164.009–15(j)(4) is a proper limitation, the test procedure for determining the weight loss is impractical for fiberglass products because fiberglass melts during the test and adheres to the thermocouples. He suggested that a provision be added to the test procedures to permit weight loss to be determined on specimens to which thermocouples are not attached. He also suggested that the use of weighing dishes to support the specimens be permitted. The Coast Guard agrees with the commenter and has revised the test procedure accordingly. Since this change corrects the test procedure for equitable results and the change in the procedure only concerns the designated laboratory, no further rule making is considered necessary. No other changes except some minor editorial corrections have been made to the proposed amendment.

The Coast Guard has reviewed this amendment in accordance with Executive Order 11821 and DOT Notice No. 765 (41 FR 16200) and has determined that it has minimal economic impact and does not require an Inflation Impact Statement.

The regulations as adopted are set forth below.

Effective date: October 25, 1976.

Dated: September 15, 1976.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

Part 164 of Title 46, Code of Federal Regulations, is amended by revising Subpart 164.009 to read as follows:

Subpart 164.009—Noncombustible Materials for Merchant Vessels

Sec.

164.009–1 General.
164.009–3 Applicable Documents.
164.009–5 Noncombustible materials not requiring specific approval.
164.009–7 Contents of application.
164.009–9 Procedure for approval.
164.009–11 Furnace apparatus.
164.009–13 Furnace calibration.
164.009–15 Test procedure.
164.009–17 Density measurement.
164.009–19 Measurement of moisture and volatile matter content.
164.009–21 Laboratory report.
164.009–23 Factory inspection.
164.009–25 Marking.

AUTHORITY: R.S. 4405, as amended (46 USC 375), sec. 3, 70 Stat. 152 (46 USC 390b), R.S. 4417a, as amended (46 USC 391a), R.S. 4462, as amended (46 USC 416), R.S. 4488, as amended (46 USC 481), sec. 6(b)(1), 80 Stat. 937 (49 USC 1655(b)(1)); E.O. 11239, 30 FR 1964–65 Comp., p. 334; 49 CFR 1.46(b).

§ 164.009–1 General.

(a) This subpart contains—

(1) procedures for approval of noncombustible materials used in merchant vessel construction;

(2) the test and measurements required for approval of materials; and

(3) a list of noncombustible materials for which specific approval under this subpart is not required.

(b) The test and measurements described in this subpart are conducted by a laboratory designated by the Commandant. The laboratory designated for this purpose is the National Bureau of Standards, Washington, D.C. 20234.

§ 164.009–3 Applicable documents.

(a) References to the following documents are made in this subpart:

(1) *Federal Specification:* HH–M–351D Millboard, Asbestos, dated November 18, 1968, as amended on April 27, 1972.

(2) *ASTM Standard:* D–1571–73, Specification for Woven Asbestos Cloth, published in August, 1973.

(b) Federal Specification HH–M–351D may be purchased from the Business Service Center, General Services Administration, Washington, D.C. 20407. ASTM Standard D–1571–73 may be purchased from the American Society for Testing Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

§ 164.009–5 Noncombustible materials not requiring specific approval.

The following noncombustible materials may be used in merchant vessel construction though not specifically approved under this subpart:

(a) Sheet glass, block glass, clay, ceramics ,and uncoated glass fibers.

(b) All metals, except magnesium and magnesium alloys.

(c) Portland cement, gypsum, and magnesite concretes having aggregates of sand, gravel, asbestos fibers, expanded vermiculite, expanded or vesicular slags, diatomaceous silica, perlite, or pumice.

(d) Asbestos millboard meeting the requirements of Federal Specification HH–M–351D.

(e) Woven asbestos cloth meeting the requirements for Grade AAA or AAAA asbestos in ASTM Standard D–1571–73.

(f) Woven, knitted, or needle punched glass fabric containing not more than 2.5 percent lubricant.

§ 164.009–7 Contents of application.

An application for approval of a material under this subpart must contain the following:

(a) The trade name of the material.

(b) The thickness or density, or both, of the material, or the range of thicknesses or densities, or both, of the material as manufactured.

(c) The composition of the material.

(d) The density and percentage of moisture and volatile matter of each component of the material.

(e) The address of the factory manufacturing the material.

(f) A sample representative of the material that is 305 mm long and 305 mm wide and that has a height equal to the largest thickness of the material as manufactured.

(g) If the applicant intends to observe the test and measurements of the sample, a statement to that effect.

(h) A commitment by the applicant to pay for the cost of the test and measurements when billed by the designated laboratory.

§ 164.009–9 Procedure for approval.

(a) An application for approval of a material under this subpart must be sent to the Chief, Merchant Marine

Technical Division, whose address is Commandant (G-MMT-3/83), U.S. Coast Guard, Washington, D.C. 20590.

(b) The application is examined by the Coast Guard to determine the probability that the material meets the requirements for approval. The Coast Guard notifies the applicant of the results of the examination and of the sample size necessary for submission to the designated laboratory.

(c) The designated laboratory notifies the applicant of the time and place for submission and testing of the sample.

(d) The designated laboratory conducts the tests and measurements of the sample in accordance with the procedures in this subpart, prepares a test report, and sends four copies of the report to the Chief, Merchant Marine Technical Division. The applicant may observe the test and measurements.

(e) The Chief, Merchant Marine Technical Division, sends a copy of the test report to the applicant and advises him whether the material is approved. If the material is approved, an approval certificate is sent to the applicant.

§ 164.009–11 Furnace apparatus.

(a) The test furnace apparatus consists of a furnace tube, stabilizer, draft shield, furnace stand, temperature coil controls with a voltage stabilizer, specimen holder, specimen insertion device, and three thermocouples (a furnace thermocouple to measure furnace temperature, a surface thermocouple to measure temperature at the surface of a specimen, and a specimen thermocouple to measure temperature at the center of a specimen). A detailed plan of the construction and arrangement of the furnace apparatus may be obtained from the Chief, Merchant Marine Technical Division.

(b) Temperatures measured by the thermocouples are recorded by an instrument having a measuring range that corresponds to the temperature changes that occur during a furnace calibration or test. The temperature recording equipment is accurate to within at least 0.5 percent of temperatures recorded during a test.

§ 164.009–13 Furnace calibration.

A calibration is performed on each new furnace and on each existing furnace as often as necessary to ensure that the furnace is in good working order. In each calibration the energy input to the furnace is adjusted so that the furnace thermocouple gives a steady reading of 750±10° C. The wall temperature of the furnace tube is then measured by an optical micro-pyrometer at intervals of 10 mm on 3 equally spaced vertical axes. The furnace is correctly calibrated if the temperature of the furnace tube wall is between 825 and 875° C 50 mm above and below the midline of the wall and if the average wall temperature is approximately 850° C.

§ 164.009–15 Test procedure.

(a) *General.* Paragraphs (b) through (k) of this section contain the test procedures for each material submitted for approval, except fiberglass and other materials that melt at 750°±10°C. Paragraph (*l*) of this section contains test procedures for fiberglass and other materials that melt at 750°±10°C.

(b) *Preparation of specimens.* (1) The designated laboratory prepares 5 cylindrical specimens representative of the properties of the sample submitted for testing. The dimensions of each specimen are as follows:

diameter:	$45\ ^{+2}_{-0}$ mm
height:	50±3 mm
volume:	80±5 cm³

(2) If the height of the sample, except a composite material, is less than 47 mm, the specimens prepared consist of layers of the sample.

(3) If the sample is a composite material and has a height that is not 50±3 mm, the layers of the specimen prepared are proportional in thickness to the layers of the sample.

(4) The top and bottom faces of each specimen prepared are the faces of the material as manufactured.

(5) If it is not practicable to prepare a specimen by the procedures described in paragraphs (b)(2) through (b)(4) of this section, the test is performed on five specimens of each component of the sample made to the dimensions prescribed in paragraph (b)(1) of this section.

(c) *Conditioning of specimen.* Each specimen is conditioned for at least 20 hours in a ventilated oven maintained at 60±5° C and is then cooled to room temperature in a desiccator.

(d) *Weight of specimen.* The weight of each conditioned specimen after cooling is determined before it is tested.

(e) *Placement of specimen in holder.* After a specimen is conditioned and weighed, it is placed in the specimen holder. A specimen that is made of layers of a composite material is held firmly together in the specimen holder.

(f) *Attachment of thermocouples.* After the specimen is placed in the specimen holder, the thermocouples are attached to the specimen as follows: A vertical hole with a diameter of 2 mm and a depth that is half the height of the specimen is made in the center of the top of the specimen. The specimen thermocouple is then inserted into the hole so that its hot junction is at the center of the specimen. The surface thermocouple is put in contact with the surface of the specimen at its mid-height.

(g) *Preparation of the apparatus.* The apparatus is examined to determine whether it is in good working order and to ensure that the equipment is protected against drafts and is not exposed to direct sunlight or artificial illumination. The furnace temperature is stabilized at 750° C±10° C and kept at that temperature for the duration of the test. The furnace temperature is stabilized when no adjustments are needed in the energy input to the furnace to keep the temperature constant.

(h) *Insertion of specimen.* After the furnace temperature is stabilized for at least 10 minutes, the specimen is inserted into the furnace. The insertion is completed within 5 seconds. The specimen is positioned so that the hot junction of the surface thermocouple is diametrically opposite the hot junction of the furnace thermocouple.

(i) *Heating period.* The heating period begins upon insertion of the specimen into the furnace and continues for 20 minutes, or until peak temperatures have passed.

(j) *Test observtaions.* Temperature measurements at each thermocouple are made at intervals of not more than 10 seconds during the heating period, and note is taken of the occurrence and duration of any flaming. At the end of the heating period, the specimen is removed from the furnace and weighed while still hot.

(k) *Test results.* Material is approved under this subpart if the test results of the sample submitted are within the following limits:

(1) The highest temperature recorded for each specimen during the test by the furnace thermocouple, when averaged with the highest temperatures recorded for the other specimens, is not more than 50° C above the stabilized furnace temperature.

(2) The highest temperature recorded for each specimen during the test by the surface thermocouple, when averaged with the highest temperatures recorded for the other specimens, is not more than 50° C above the stabilized furnace temperature.

(3) The duration of flaming of each specimen during the test, when averaged with duration of flaming recorded for the other specimens, is not more than 10 seconds.

(4) The average weight loss of the specimens after heating is not more than 50 percent of their average weight after conditioning.

(*l*) *Fiberglass and other materials that melt at 750° C+10° C.* If the material submitted for approval is fiberglass or other material that melts at 750°±10° C, it is tested as described in paragraphs (b) through (k) of this section, except the average weight loss of the sample is determined as follows:

(1) Five cylindrical specimens in addition to the five cylindrical specimens required in paragraph (b) of this section are prepared as described in paragraph (b) of this section.

(2) Each of the additional specimens is placed on a weighing dish and both the specimen and the weighing dish are conditioned as described in paragraph (c) of this section.

(3) The weight of each specimen and its weighing dish is determined as described in paragraph (d) of this section.

(4) After a specimen and weighing dish are conditioned and weighed, they are placed in the specimen holder with the specimen supported by weighing dish. No specimen thermocouple or surface thermocouple is attached to the specimen.

(5) The apparatus is prepared as described in paragraph (g) of this section, and after the furnace temperature has stabilized for at least 10 minutes, the specimen and weighing dish are inserted into the furnace. The specimen and

weighing dish are then heated for 20 minutes or until peak temperatures have passed. At the end of the heating period, the specimen and weighing dish are removed from the furnace and weighed while still hot.

(6) The average weight loss of the specimens after heating may not be more than 50 percent of their average weight before heating.

§ 164.009–17 Density measurement.

(a) The measurements described in this section are made to determine the density of a sample.

(b) If the sample is a solid material, a specimen that has a length of 305 mm, a width of 305 mm, and thickness equal to that of the sample is prepared. The length and width are measured to the nearest 0.80 mm and the thickness to the nearest 0.25 mm. Allowance is made for any irregularity in the surfaces of the specimen. The average of at least four measurements of each dimension is determined.

(c) If the sample is fibrous insulation, a specimen is prepared from sheets of the sample submitted. The sample is a cube and each dimension is 305 mm±1.60 mm. The average of at least four measurements of each dimension is determined.

(d) The weight of a specimen is determined with a sensitive balance scale accurate to at least 0.5 percent of the weight of the specimen.

(e) The dimension and weight measurements of a specimen are made after it has been conditioned for at least one week, and for any additional time needed for the specimen to reach a constant weight, in an atmosphere that is 22.8°±2° C and 50 percent ±5 percent relative humidity.

§ 164.009–19 Measurement of moisture and volatile matter content.

(a) The measurements described in this section are made to determine the moisture and volatile matter content of a sample.

(b) A specimen cut from the density specimen of a sample is conditioned for at least one week, and for any additional time needed for the specimen to reach a constant weight, in an atmosphere that is 22.8° C±2° C, and 50 percent ±5 percent relative humidity. The conditioned specimen is then weighed and transferred to a previously weighed wide mouth weighing bottle that has a glass stopper. With the stopper removed, the bottle, stopper, and specimen are heated at 105°±5° C for four hours. After four hours, the stopper is inserted in the bottle and the bottle and sample are cooled and weighed.

(c) The content of moisture and volatile matter is the difference between the two weighings and is reported as a percentage of the weight of the conditioned specimen.

§ 164.009–21 Laboratory report.

The laboratory report of the test and measurements of a material contains the following:

(a) Name of the designated laboratory.

(b) Name of manufacturer of the material.

(c) Date of receipt of the material and dates of the test and measurements.

(d) Trade name of the material.

(e) Description of the material.

(f) Density of the sample.

(g) Percentage of moisture and volatile matter in the sample.

(h) Description of the specimens tested if the specimens are prepared from composite material.

(i) If the test was done on individual components of the sample, a description of the components.

(j) Test results including the following:

(1) Complete time and temperature data for each thermocouple.

(2) Each observation of flame emission and the time and duration of each emission.

§ 164.009–23 Factory inspection.

The Coast Guard does not inspect noncombustible materials approved under this subpart on a regular schedule. However, the Commander of the Coast Guard District in which a factory is located may detail a marine inspector at any time to visit a factory where a noncombustible material is manufactured to conduct an inspection of the manufacturing and quality control procedures and to select representative samples of the material for examination or tests to verify that the material is as stated in the original application for approval. The manufacturer is advised in advance of the time of testing samples selected and may witness the tests upon request.

§ 164.009–25 Marking.

The manufacturer must mark each shipping container for an approved noncombustible material with the approval number and date of approval of the material.

(46 U.S.C. 375, 390b, 39 a4,116, and 481; 49 U.S.C. 1655(b)(1); and 49 CFR 1.46(b).)

[FR Doc.76-27940 Filed 9-22-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20500; FCC 76-854]

PART 73—RADIO BROADCAST SERVICES

Licensee-Conducted Contests; Correction

In the matter of amendment of Part 73 of the Commission's rules relating to licensee-conducted contests, Docket No. 20500.

Released: September 21, 1976.

In the Report and Order in the above-entitled matter, FCC 76-854, released September 16, 1976 and published at 41 FR 40469 in the issue of September 20, 1976, in the first column on page 40470 in paragraph 6, line 5 is corrected to change "§ 73.1215" to "§ 73.1216", and immediately below the signature in the amendatory language and headnote change "§ 73.1215" to read "§ 73.1216."

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-27903 Filed 9-22-76;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-119]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegations Under the Federal-Aid Highway Act of 1976

• The purpose of this amendment is to delegate to the Federal Highway Administrator and the Urban Mass Transportation Administrator certain functions vested in the Secretary by the Federal-Aid Highway Act of 1976 (May 5, 1976, Pub. L. 94-280; 90 Stat. 425). •

Since this amendment relates to Departmental policy, procedures, and practices, notice and comment thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations is amended as follows:

§ 1.48 [Amended]

1. In § 1.48(b), subparagraph (29) is amended by deleting therefrom "146", and subparagraph (33) is amended by inserting after "155" the words "and 156".

2. In § 1.48(c), a new subparagraph (16) is added, to read as follows:

(c) * * *

(16) Sections 102(b) (except subparagraph (2)) and (c); 105 (b)(1) and (c); 141; 146; 147; and 152 of the Federal-Aid Highway Act of 1976 (Pub. L. 94-280; 90 Stat. 425).

3. In § 1.51, a new paragraph (l) is added, to read as follows:

§ 1.51 Delegations to the Urban Mass Transportation Administrator.

* * * * *

(l) Section 148 of the Federal-Aid Highway Act of 1976 (Pub. L. 94-280; 90 Stat. 425).

Effective Date: This amendment is effective September 23, 1976.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e).)

Issued in Washington, D.C., on September 15, 1976.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

[FR Doc.76-27788 Filed 9-22-76;8:45 am]

CHAPTER VIII—NATIONAL TRANSPORTATION SAFETY BOARD

INTERNAL REORGANIZATION

Miscellaneous Amendments

Correction

The chapter heading was omitted from FR Doc. 76-27141, appearing at page 39752 of the issue for Thursday, September 16, 1976. The headings of this document, which amends 49 CFR Chapter VIII to reflect an internal reorganization of the National Transportation Safety Board, should read as set forth above.

Title 50—Wildlife and Fisheries

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

PART 26—PUBLIC ENTRY AND USE

Tamarac National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective September 23, 1976.

§ 26.34 Special regulations concerning public access, use, and recreation for individual National Wildlife Refuges.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer with legal firearms on the Tamarac National Wildlife Refuge is permitted over the entire Refuge with exception of those areas posted as "Area Beyond This Sign Closed." The open area comprises 40,200 acres. Areas open for deer hunting are delineated on maps available at Refuge Headquarters, Rochert, Minnesota 56578 and from the office of 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 conditions:

(1) The open season for hunting deer with legal firearms is from sunrise to sunset, November 1 through November 15, both dates inclusive. No taking of black bear or bow hunting is permitted on any portion of the Refuge.

Portions of Tamarac Refuge open to hunting are delineated on Refuge hunting maps. In addition, no persons shall, for the purpose of hunting, enter or leave a Refuge except by access roads which may be so designated, and all hunters shall comply with further regulations which the Refuge Manager may prescribe.

OMER N. SWENSON,
Refuge Manager.

SEPTEMBER 17, 1976.

[FR Doc.76-27915 Filed 9-22-76;8:45 am]

RECREATION, HUNTING, AND SPORT FISHING

Upper Mississippi River Wild Life and Fish Refuge, Illinois and Certain Other States

The following special regulations are issued and are effective on September 23, 1976.

PART 26—PUBLIC ACCESS, USE AND RECREATION

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

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN, UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Public use is permitted on the Upper Mississippi River Wild Life and Fish Refuge in accordance with state laws and subject to the following special conditions:

(1) The cutting of all live trees is prohibited, except that willow may be used for trap stakes, commercial fishing gear and hunting blinds.

(2) No live fire, including hot charcoal, shall be buried and/or left unattended.

(3) The abandonment, burying or placing in the water of garbage, trash, camping and picnic debris, and all other deleterious materials is prohibited.

(4) The use on refuge lands of motorized vehicles of any type is prohibited except on designated public roads and routes of travel.

(5) All state laws on use, possession, transportation and sale of all alcoholic beverages which are applicable to the geographic area concerned are adopted and made a part hereof.

(6) The use and/or possession on the refuge of all controlled substances, including but not limited to opiates, cocaine, marijuana, hashish, depressants, stimulants or hallucinogenic drugs is prohibited except when such use or possession is for the person's own use as authorized by law. All state laws on controlled substances applicable to the geographic area concerned are adopted and made a part hereof.

(7) Camping, defined as the use of tent camps; bedrolls; and all types of floating craft, motorized vehicles, trailers and other shelters for overnight stays for the purpose of sleeping, is permitted on the Upper Mississippi River Wild Life and Fish Refuge subject to the following restrictions:

(a) The period of camping by an individual or group shall not exceed fourteen (14) consecutive days at any one site or within 300 feet of such site.

(b) The leaving of tents, camping equipment or floating craft at an unoccupied campsite for more than 24 hours is prohibited. Such gear will be considered as abandoned and is subject to impoundment.

(c) The erection of tables, fireplaces, latrines and other structures and facilities related to camping is prohibited unless all vestiges of same are removed when the camper departs from the site.

(d) Camping is prohibited on developed access and parking areas and on all other areas posted against camping. Camping on the refuge while engaged in fur animal trapping is prohibited. Camping on land on the refuge while engaged in hunting is prohibited except on sites readily visible from the main commercial navigation channel of the Mississippi River or on designated developed camp sites. Camping while engaged in hunting is prohibited in all areas closed to such hunting.

(8) The placement on the refuge of boathouses, boat docks, boat slips, storage boxes or sheds, stairways, wells, septic systems, sewer systems of any type, and all other kinds and types of construction is prohibited without written authorization of the refuge manager or his authorized representative. All new structures, including boathouses, houseboats, docks, piers and floats authorized by permit to be moored, anchored, or secured along the shoreline and on the waters of the Mississippi River within the Upper Mississippi River Wild Life and Fish Refuge must use flotation methods and devices of a type constructed of polyurethane, high-impact polyethylene fiberglass material or other inert materials to provide flotation. The use of any iron or steel container not fabricated originally for flotation purposes, including barrels, tanks and other containers originally constructed for the purpose of containing fluids, powders or similar products is prohibited unless filled with polyurethane.

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 until June 30, 1977.

PART 32—HUNTING

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

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

The public hunting of migratory game birds on the Upper Mississippi River Wild Life and Fish Refuge, Illinois, Iowa, Minnesota and Wisconsin is permitted on the areas designated by signs as "open" to hunting. Hunting of migratory game birds is not permitted on the areas designated by signs as "closed" to hunting. The "open" areas comprising 153,000 acres are delineated on maps available at the refuge headquarters, Winona, Minnesota 55987, and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be subject to the following conditions:

(1) The hunting of migratory game birds shall be in accordance with all applicable State and Federal regulations and seasons which are adopted herein and made a part of this regulation.

(2) No person shall hunt migratory game birds on the Upper Mississippi River Wild Life and Fish Refuge during any period that person's migratory game bird hunting privileges are suspended or under revocation in any state or Canadian province for game law infractions.

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 until June 30, 1977.

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

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN, UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

The public hunting of upland game birds, upland game animals, and raccoon, groundhogs, foxes and crows on the Upper Mississippi River Wild Life

and Fish Refuge, Illinois, Iowa, Minnesota and Wisconsin is permitted on the areas designated by signs as "open" to hunting. Restricted hunting of these species is also permitted on the areas designated by signs as "closed" to hunting, except that the Goose Island Closed Area in Pool 8 is closed at all times to hunting and the discharge of guns is prohibited thereon. The "open" areas comprising 153,000 acres and the "closed" areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minnesota 55987, and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be subject to the following special conditions:

(1) Hunting on designated "open" areas concurrent with applicable state seasons is permitted, but only during the period from the first day of the earliest fall state game bird or game animal season applicable to the geographic area concerned, until the end of the applicable state seasons, or until the next succeeding March 1, whichever occurs first.

(2) Except for the Goose Island Closed Area which is closed to hunting at all times, hunting on designated "closed" areas concurrent with applicable state seasons is permitted, but only during the period from the first day after the close of the last hunting season for ducks applicable to the geographic area concerned, until the end of the applicable state seasons, or until the next succeeding March 1, whichever occurs first.

(3) The hunting of upland game birds, upland game animals, and raccoon, groundhogs, fox and crows shall be in accordance with all applicable state regulations which are adopted herein and made a part of this regulation.

(4) No person shall hunt upland game birds or animals on the Upper Mississippi River Wild Life and Fish Refuge during any period that person's small game hunting privileges are suspended or under revocation in any state or Canadian province for game law infractions.

(5) Except with permission in writing obtained from the refuge manager, the discharge of guns of all types is prohibited on all lands and waters of the Upper Mississippi River Wild Life and Fish Refuge during the period from March 1 until the first day of the earliest fall state game bird or game animal season applicable to the geographic area concerned.

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 until June 30, 1977.

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

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN, UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

The public hunting of deer on the Upper Mississippi River Wild Life and Fish Refuge, Illinois, Iowa, Minnesota and Wisconsin is permitted on the areas designated by signs as "open" to hunting. Restricted hunting of deer is also permitted on the areas designated by signs as "closed" to hunting, except that the Goose Island Closed Area in Pool 8 is closed to all hunting at all times. The "open" areas comprising 153,000 acres and the "closed" areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minnesota 55987, and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be subject to the following conditions:

(1) Bow and gun deer hunting on designated "open" areas is permitted concurrent with applicable state seasons.

(2) Except for the Goose Island Closed Area which is closed to hunting at all times, bow and gun deer hunting on designated "closed" areas concurrent with applicable state seasons is permitted, but only during the period from the first day AFTER the close of the last hunting season for DUCKS applicable to the geographic area concerned, until the end of the applicable state seasons, or until the next succeeding March 1, whichever occurs first.

(3) The hunting of white-tailed deer shall be in accordance with all applicable state regulations which are adopted herein and made a part of this regulation.

(4) No person shall hunt deer on the Upper Mississippi River Wild Life and Fish Refuge during any period that person's big game hunting privileges are suspended or under revocation in any state or Canadian province for game law infractions.

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 until June 30, 1977.

PART 33—SPORT FISHING

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Sport fishing, commercial fishing, and the taking of frogs, turtles, crayfish and clams on the Upper Mississippi River Wild Life and Fish Refuge, Illinois, Iowa, Minnesota and Wisconsin is permitted on all water areas of the refuge. The refuge water areas comprising 125,000 acres are delineated on maps available at the refuge headquarters, Winona, Minnesota 55987, and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. All fishing is subject to the following conditions:

(1) Unless further restrictions are imposed by this regulation, all fish, frogs, turtles, crayfish and clams shall be taken in accordance with all applicable state regulations and seasons which are adopted herein and made a part thereof.

(2) All sport and commercial fishing and all travel by boat or any other means across, through or on the Spring Lake Closed Area of the Upper Mississippi River Wild Life and Fish Refuge in Carroll Co., Illinois, is prohibited from October 1 through December 20.

(3) All persons, including their helpers, exercising the privilege of commercial fishing on the Spring Lake Closed Area must possess a valid commercial fishing permit issued by the Refuge Manager authorizing such commercial fishing and must comply with all conditions as prescribed by the Refuge Manager which are set forth in the permit.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective until June 30, 1977.

GEORGE P. BEKERIS,
Acting Regional Director.

[FR Doc.76-27832 Filed 9-22-76;8:45 am]

RECREATION, HUNTING, AND SPORT FISHING

Special Regulations

The following special regulation is issued and is effective September 23, 1976.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE, SENEY, MICHIGAN

In light of the great fire hazard presently existing in certain counties of Michigan, the United States Fish and Wildlife Service has decided to close all forms of public access, including hunting and fishing, on the 95,455 acre Seney National Wildlife Refuge, Seney, Michigan.

The Service's closure of the Seney National Wildlife Refuge will remain in effect only so long as the fire hazard remains high and the Refuge Manager determines the closure necessary for public safety. Public notice, by posted signs, news releases, and other means will be

used to apprise the public of the refuge closure.

The following special regulations, implementing this decision, are published under the authority of 16 U.S.C. § 668dd (1970) and 50 C.F.R. § 25.5 (1975), and are effective immediately.

PART 26—PUBLIC ACCESS, USE AND RECREATION

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

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE, SENEY, MICHIGAN

All forms of public access, use, and recreation are temporarily closed on the Seney National Wildlife Refuge. This closure will have effect only so long as the fire hazard remains high and the Refuge Manager determines the closure necessary for public safety.

PART 32—HUNTING

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

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE, SENEY, MICHIGAN

No hunting of migratory birds shall be permitted within the Seney National Wildlife Refuge. The effective term of this closure shall be the same as that of the Special Regulation published this date amending 50 C.F.R. § 26.34. (9–23–76.)

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

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE, SENEY, MICHIGAN

No hunting of upland game shall be permitted within the Seney National Wildlife Refuge. The effective term of this closure shall be the same as that of the Special Regulation published this date amending 50 C.F.R. § 26.34. (9–23–76.)

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

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE, SENEY, MICHIGAN

No hunting of big game shall be permitted within the Seney National Wildlife Refuge. The effective term of this closure shall be the same as that of the Special Regulation published this date amendming 50 C.F.R. § 26.34. (9–23–76.)

PART 33—SPORT FISHING

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE, SENEY, MICHIGAN

No fishing shall be permitted within the Seney National Wildlife Refuge. The effective term of this closure shall be the same as that of the Special Regulation published this date amending 50 C.F.R. § 26.34. (9–23–76.)

CHARLES A. HUGHLETT,
Acting Regional Director.

[FR Doc.76-27916 Filed 9-22-76;8:45 am]

USE AND RECREATION, HUNTING, AND SPORT FISHING

Special Regulations

The following special regulation is issued and is effective on September 23, 1976.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE, NECEDAH, WISCONSIN

In light of the fire hazard presently existing in certain counties of Wisconsin, the United States Fish and Wildlife Service has decided to close all forms of public access, including hunting and fishing, on Necedah National Wildlife Refuge, Necedah, Wisconsin, which is located within the fire hazard area.

The Service's closure on Necedah National Wildlife Refuge will remain in effect only so long as the State of Wisconsin's hunting and fishing ban affects the counties in which this unit of Service-administered land lies. Public notice, by posted signs, news releases, and other means will be used to apprise the public of the status of the refuge's closure to public use.

The following special regulations, implementing this decision, are published under the authority of 16 U.S.C. § 668dd (1970) and 50 C.F.R. § 25.5 (1975), and are effective immediately:

PART 26—PUBLIC ACCESS, USE AND RECREATION

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

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

(a) All forms of public access, use, and recreation are closed on Necedah National Wildlife Refuge. This closure will have effect only so long as the ban on hunting and fishing invoked by the State of Wisconsin, Department of Natural Resources is effective in the counties in which the Necedah National Wildlife Refuge lies.

PART 32—HUNTING

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

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

No hunting of upland game shall be permitted within the Necedah National Wildlife Refuge. The effective terms of this closure shall be the same as that of the Special Regulation published this date amending 50 C.F.R. § 26.34. (9–23–76.)

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

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

No hunting of big game shall be permitted within the Necedah National Wildlife Refuge. The effective terms of this closure shall be the same as that of the Special Regulation published this date amending 50 C.F.R. § 26.34. (9–23–76.)

PART 33—SPORT FISHING

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

No fishing shall be permitted within the Necedah National Wildlife Refuge. The effective term of this closure shall be the same as that of the Special Regulation published this date amending 50 C.F.R. § 26.34. (9–23–76.)

CHARLES A. HUGHLETT,
Acting Regional Director.

[FR Doc.76-27917 Filed 9-22-76;8:45 am]

PART 32—HUNTING

De Soto National Wildlife Refuge, Nebraska

The following special regulation is issued and is effective on September 23, 1976.

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

NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

That portion of the DeSoto National Wildlife Refuge open to Nebraska waterfowl hunters during the 1974 and 1975 hunting seasons will not be open during the 1976 waterfowl hunting season. This area, herein referred to as the Nebraska Unit, comprises approximately 431 acres and is located west of the present channel of the Missouri River.

JAMES E. FRATES,
Refuge Manager, DeSoto National Wildlife Refuge, Missouri Valley, Iowa.

SEPTEMBER 15, 1976.

[FR Doc.76-27918 Filed 9-22-76;8:45 am]

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on November 1, 1976.

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

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Hunting of geese, ducks, and coots on the Wheeler National Wildlife Refuge,

Alabama, is suspended for the 1975–76 season.

FLORIDA

CHASSAHOWITZKA NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Chassahowitzka National Wildlife Refuge, Florida, is permitted only on the area designated by signs as open to hunting. The open area, comprising 2,500 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of ducks and coots subject to the following special conditions:

(1) *Open Season:* Hunting will be permitted only on Wednesdays through Sundays during the regular waterfowl season.

(2) *Daily Bag Limits:* Same as prescribed by State and Federal regulations.

(3) *Permits:* A National Wildlife Refuge Hunting Permit is required.

(4) Only steel shot ammunition may be used. The use or possession of shotgun shells with lead or other toxic shot is prohibited.

(5) *Juveniles:* Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

(6) *Entry:* Hunters must follow the routes of travel within the refuge that are designated by posting by the officer-in-charge. The routes of travel for airboats to and from the public hunting area are shown on a map available at refuge headquarters. While traveling to and from the hunting area, hunters must have guns unloaded and cased.

(7) *Blinds:* Only temporary blinds constructed of native vegetation are permitted.

(8) *Dogs:* The use of dogs is encouraged to retrieve dead and wounded birds. Dogs must be under control at all times.

(9) *Airboats:* A Federal permit is required for the use of airboats on the area. Airboats must be equipped with an exhaust muffler.

(10) Decoys will be retrieved by owners at the end of each day's hunt.

(11) Boats and hunting equipment and all game bagged will be presented for inspection to refuge agents or other wildlife enforcement officers upon request.

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on Loxahatchee National Wildlife Refuge, Florida, is permitted only on the area designated by signs as open to hunting. This open area, comprising 29,000 acres, is delineated on a map available at the refuge headquarters, Boynton Beach, Florida, and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots and subject to the following special conditions:

(1) *Daily Bag Limits:* See State regulations. Note: Only ducks and coots may be taken on the refuge.

(2) *Open Season:* See State regulations.

(3) *Daily Shooting Hours:* One-half hour before sunrise to sunset.

(4) All hunters must possess a refuge permit to hunt on Loxahatchee National Wildlife Refuge.

(5) All air-thrust boat operators must possess a valid refuge permit for operating on Loxahatchee Refuge.

(6) *Entry to Refuge:* Hunters are required to enter and leave the refuge from the headquarters landing or the S–39 landing (Loxahatchee Reereation Area). Air-thrust boats may be launched at the headquarters landing only. Use of the refuge is limited to the hours from one and one-half hours before sunrise to one hour after sunset. Hunters must use the designated routes of travel to and from the hunting area. These routes are those portions of Canal 40 and Canal 39 (Hillsboro Canal immediately east and south of the hunting area. The refuge marsh near headquarters and S–39 landing lying between the hunting area and said portions of the above canals may also be used for travel. No hunting is permitted in these canals or the marsh off-sets.

(7) *Firearms:* Hunters must carry unloaded shotguns that are dismantled or cased over the routes stated under Item 6 in travelling to and from the hunting area.

(8) Only steel shot ammunition may be used. The possession or use of shotgun shells with lead or other toxic shot is prohibited.

(9) *Hunting Dogs:* Hunters are permitted to use dogs for the purpose of retrieving dead or wounded birds.

(10) *All Boats:* For safety reasons all boats must display a light when travelling to and from the hunting area when travelling in darkness. All boats operating within the public hunting area are required to fly a flag 12" x 12" ten feet above the bottom of the boat.

(11) *Blinds:* Only temporary blinds constructed of native vegetation are permitted.

(12) *Posted Areas:* The public hunting area has been designated by red signs with black lettering. Other signs designate closed areas.

(13) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Merritt Island National Wildlife Refuge, Florida, is permitted only on the areas designated by signs as open to hunting. These open areas are delineated on a map available at the refuge headquarters, Merritt Island National Wildlife Refuge, Florida and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions:

(1) Hunting is allowed Wednesday through Sunday during the State waterfowl season except no hunting on Christmas Day.

(2) Shooting hours are from legal starting time until noon.

(3) Use of steel (iron) shot is required. Possession of lead or other toxic shot is prohibited.

(4) Shooting within 10 feet of any refuge dike or road (except in Area 1) is prohibited.

(5) Air-thrust boats are not permitted on the refuge.

(6) Hunting from permanent blinds is prohibited in Areas 2, 3 and 4.

(7) Hunters under 18 years of age must be accompanied by an individual 21 years of age or older.

(8) No overnight camping is allowed.

(9) A general refuge hunting permit is required and must be carried on the hunter's person at all times.

PUBLIC HUNTING AREA NO. 1

(1) A certificate showing successful completion of the Florida Game and Fresh Water Fish Commission's Hunter Safety Course is required.

(2) Hunting is from established blinds only and a daily permit is required.

(3) Hunters must have a boat and/or retriever to hunt in this area.

PUBLIC HUNTING AREA NO. 2

(1) A maximum of 200 permits will be issued daily throughout the season.

(2) No shooting is permitted from or across the railroad right-of-way or any paved road.

(3) Area south of the railroad track is closed to hunting.

PUBLIC HUNTING AREA NO. 3

(1) Access is permitted by using designated dikes and/or by boat only.

PUBLIC HUNTING AREA NO. 4

(1) A certificate showing successful completion of the Florida Game and Fresh Water Fish Commission's Hunter Safety Course is required.

(2) A maximum of 100 permits will be issued daily throughout the season.

(3) Vehicles are prohibited from travelling on any dikes and must park in designated areas.

GEORGIA

EUFAULA NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Eufaula National Wildlife Refuge, Georgia, is permitted only on the area designated by signs as open to hunting. This open area, comprising 770 acres, is delineated on a map available at the refuge headquarters, Eufaula, Alabama, and from the Regional Director, U.S. Fish and Wildlife Service, 17 Executive

Park Drive, NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following special conditions:

(1) Hunting is permitted only on Saturdays. Hunting hours are from one-half hour before sunrise to 11:30 a.m. during the waterfowl season. No hunting December 25, 1976.

(2) Hunters must use designated blinds. Shooting is not permitted outside of designated blind zone.

(3) Guns must be unloaded while being transported on the refuge and while being carried to and from the blinds.

(4) Each hunter is limited to one box of 12-gauge shells in his possession. Only shells containing steel shot will be permitted.

(5) Hunters are required to check in and out of the hunt area and must present all bagged game for inspection.

(6) A refuge permit is required. A blind fee of $6 per blind will be charged at the time the permits are issued prior to each day's hunt.

(7) Applications for reservations for refuge permits must be received by the Refuge Manager, Eufaula Refuge, Eufaula, Alabama, prior to 12 noon, October 31, 1976.

(8) Hunters under 17 years of age must be accompanied by an adult 21 years of age or older.

(9) Blind reservations are nontransferable.

SAVANNAH NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, and snipe on the Savannah National Wildlife Refuge, Georgia, is permitted only on the area delineated on the Public Hunt Area map which is available at the refuge headquarters, Hardeeville, South Carolina, and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, coots, and snipe, subject to the following conditions:

(1) Daily bag limits are the same as State regulations for ducks, coots, and snipe.

(2) Hunting will be permitted only on Thursday, Friday, and Saturday, from one-half hour before sunrise to 12 o'clock noon during the season set by State regulations. Note: Snipe season opens at different dates than ducks and coots but will close on the refuge on the same date.

(3) Hunting will not be permitted in or on Front, Middle, and Back Rivers, nor closer than 50 yards to the shoreline of these rivers.

(4) Hunters will not be permitted to enter the hunting area sooner than one and one-half hours before sunrise.

(5) Only steel shot ammunition may be used. The possession or use of lead or other toxic shot is prohibited. Guns must be unloaded while being carried to and from the hunting area.

(6) Only temporary blinds constructed of native materials are permitted. Hunters must build their own blinds and furnish their own boats and decoys.

(7) Dogs used to retrieve waterfowl must be under control at all times.

(8) Season permits must be carried on person while hunting.

(9) Hunting questionnaire must be completed and returned to Refuge Manager, Savannah National Wildlife Refuge, within 30 days following the end of the season. Failure to comply may result in suspension of future hunting privileges.

(10) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

LOUISIANA

LACASSINE NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots is permitted only on the area designated by signs as open to hunting. The open area comprises 6,400 acres and is delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable Federal and State regulations subject to the following special conditions:

(1) All hunters must have a Federal refuge hunting permit in their possession in order to hunt on the refuge.

(2) Hunting is restricted to 12 gauge shotguns and steel shot shells only. No lead or other toxic shot shell or other gauge shotgun will be permitted on the refuge.

(3) *Hunting Season:* November 6 to 28, 1976 and December 11, 1976 to January 9, 1977. Hunting permitted five half-days per week, Wednesday through Sunday. No hunting on Mondays or Tuesdays, and no hunting on December 25.

(4) *Shooting Hours:* One half-hour before sunrise until 11 a.m. Hunters may enter the hunting area two hours before legal shooting time and must depart the refuge by 12 noon.

(5) Hunting is restricted to ducks, geese, and coots. No other species of birds, mammals, or reptiles may be shot or taken on the refuge.

(6) Hunters under 17 years of age must be accompanied by a responsible adult. No more than two youth hunters per each adult hunter will be permitted.

(7) Hunting parties may not blind-up and hunt closer than 100 yards apart.

(8) Firearms must be encased or dismantled when carried in transit through refuge canals.

(9) Temporary blinds made of native vegetation are required, but they may not contain boards, lumber, poles or wire. Portable blinds may be carried in for each hunt.

(10) Use of retriever dogs is permitted and encouraged, but they must be under control of hunter at all times.

(11) Livestock, furbearers, and trapping equipment present in the hunting areas shall not be molested or disturbed by hunters.

(12) Hunters must station themselves a minimum of 50 yards inland from refuge canals.

(13) Airboats and all terrain vehicles (ATV) will not be permitted on the hunting area. Operation of boats shall be in accordance with all State and Federal regulations.

SABINE NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Sabine National Wildlife Refuge is permitted only in areas designated by signs as open to hunting. These areas, comprising approximately 10,000 acres, are delineated on a map available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Waterfowl hunting shall be in accordance with all applicable State and Federal regulations including the following special conditions:

(1) All hunters must have a Federal refuge hunting permit in their possession in order to hunt on the refuge.

(2) Hunting is restricted to 12 guage shotguns and steel shot shells only. No lead or other toxic shot shell or other gauge shotguns will be permitted on the refuge.

(3) *Hunting Season:* November 6 to 28, 1976 and December 11, 1976 to January 9, 1977. Hunting permitted five half-days per week, Wednesday through Sunday. No hunting on Mondays or Tuesdays, and no hunting on December 25.

(4) *Shooting Hours:* One-half hour before sunrise until 11:00 a.m. Hunters may enter the hunting area two hours before legal shooting time and must depart the refuge by 12 noon.

(5) Hunting is restricted to ducks, geese, and coots. No other species of birds, mammals, or reptiles may be shot or taken on the refuge.

(6) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

(7) Hunters are required to check in at check station before entering the hunt area and must check out after completing the hunt. All access to refuge hunting area must be from within refuge boundary. (Area cannot be entered through adjacent private property.) Any waterfowl bagged must be shown to a refuge agent.

(8) Hunting parties may not blind-up and hunt closer than 100 yards apart.

(9) Firearms must be encased or dismantled when carried in transit through refuge canals.

(10) Temporary blinds made of native vegetation may be constructed, or portable blinds may be carried in for each hunt.

(11) Use of retriever dogs is permitted and encouraged, but they must be under control at all times.

(12) Livestock, furbearers, and trapping equipment present in the hunting areas shall not be molested or disturbed.

(13) Hunters must station themselves a minimum of 50 yards inland from refuge canals.

(14) Running lights are required on all boats using refuge canals before sunrise. Life jackets must be worn by all juvenile hunters while travelling on refuge waters.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Noxubee National Wildlife Refuge, Mississippi, is permitted only on the area designated by signs as open to hunting. The open area of 520 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of ducks and coots subject to the following special conditions:

(1) Hunting will be permitted only on Mondays, Wednesdays, and Saturdays from one-half hour before sunrise to 12 noon during the State waterfowl hunting season.

(2) The use of boats with electric motors is permitted within the hunting area.

(3) The construction of blinds is not permitted.

(4) Hunters will not be permitted to enter the hunting area sooner than 45 minutes before legal shooting hours.

(5) No hunter may take more than 16 shotgun shells into the hunting area.

(6) No shooting will be permitted from the levee or the open water area immediately adjacent to the levee.

(7) All hunters are required to check in and out at the designated check station.

(8) Only steel shot ammunition may be used. The possession or use of lead or other toxic shot is prohibited.

(9) Permit required.

(10) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Mattamuskeet National Wildlife Refuge, North Carolina, is suspended during the 1976–77 waterfowl hunting season.

SOUTH CAROLINA

SANTEE NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, and coots on the Santee National Wildlife Refuge, South Carolina is suspended for 1976–77 season inasmuch as lands which have previously been hunted have been removed from the refuge under a revised lease agreement with the South Carolina Public Service Authority.

KENNETH BLACK,
Regional Director.

SEPTEMBER 14, 1976.

[FR Doc.76-27919 Filed 9-22-76;8:45 am]

PART 32—HUNTING

Audubon National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective September 23, 1976.

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

NORTH DAKOTA

AUDUBON NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Audubon National Wildlife Refuge, North Dakota, is permitted only in the area designated by signs as open to hunting. This open area, comprising 13,837 acres, is delineated on a map available at refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following special conditions:

(1) Hunting is permitted from 12:00 noon, C.S.T. November 12, 1976 to sunset that day, and from sunrise to sunset each day from November 13 through November 21, 1976.

(2) All hunters must exhibit their hunting license, deer tag, game, and vehicle contents to Federal and State officers upon request.

(3) Vehicular traffic, including the use of boats, is prohibited by hunters on the refuge during the deer season.

The provision 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 November 21, 1976.

Dated: September 16, 1976.

DAVID C. MCGLAUCHLIN,
Refuge Manager, Audubon National Wildlife Refuge, Coleharbor, North Dakota.

[FR Doc.76-27831 Filed 9-22-76;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

[Amdt. 5]

PART 16—LIMITATION ON IMPORTS OF MEAT

Subpart—Section 204 Import Regulations

RESTRICTION ON IMPORTATION OF MEAT FROM PANAMA

Part 16 is amended to prohibit the importation of meat in excess of 2.6 million pounds from Panama during the calendar year 1976. This regulation is issued with the concurrence of the Secretary of State and the Special Representative for Trade Negotiations to carry out a bilateral agreement negotiated with the Government of Panama pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854). Since the action taken herewith has been determined to involve foreign affairs functions of the United States, this amendment falls within the foreign affairs exception to the notice and effective date provision of 5 U.S.C. 553 and shall become effective as set forth below.

The subpart, section 204 Import Regulations of Part 16, Subtitle A of Title 7 (40 FR 31227), is amended as follows:

In § 16.4 a new paragraph (b) is added which reads as follows:

§ 16.4 Quantitative restrictions.

* * * * *

(b) *Imports from Panama.* No more than 2.6 million pounds of meat which is the product of Panama may be entered, or withdrawn from warehouse, for consumption in the United States during the calendar year 1976.

Effective date: The regulation contained in this amendment shall become effective September 23, 1976, but meat released under the provisions of section 448(b) of the Tariff Act of 1930 (19 U.S.C. 1448(b)) prior to such date shall not be denied entry.

(Sec. 204, Pub. L. 540, 84th Cong., 70 Stat. 200, as amended (7 U.S.C. 1854), and Executive Order 11539, 35 FR 10733)

Issued at Washington, D.C., this 20th day of September 1976.

RICHARD E. BELL,
Assistant Secretary of Agriculture.

[FR Doc.76-27907 Filed 9-22-76;8:45 am]

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

[Valencia Orange Regulation 546]

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

Limitation of Handling

PREAMBLE

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Sept. 24–30, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.846 Valencia Orange Regulation 546.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Or-

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

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues good. Prices f.o.b. for the week ending September 16, were $3.66 per carton on 614 cars as compared with $3.64 per carton on 623 cars during the prior week. Track and rolling supplies at 309 cars were down 69 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 21, 1976.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period September 24, 1976, through September 30, 1976, are hereby fixed as follows:

(i) District 1: 360,000 cartons;

(ii) District 2: 440,000 cartons;

(iii) District 3: Unlimited."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: September 22, 1976.

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

[FR Doc.76-28163 Filed 9-22-76;11:30 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—ACCOUNT SERVICING

[FmHA Instruction 451.1]

PART 1861—ROUTINE

Subpart A—Account Servicing Policies

REAMORTIZING DIRECT OR INSURED FO, RH, OR INDIVIDUAL SW ACCOUNTS

Section 1861.9 of Subpart A of Part 1861, Title 7, Code of Federal Regulations (37 FR 13703) is revised. Paragraph (e) (1) (i) of this section is revised to specifically include under this subpart, the reamortization of Section 502 rural housing accounts in connection with making the borrower an additional loan; paragraph (e) (1) (iii) is added to include with those accounts that can be reamortized under this subpart, Section 502 and 504 rural housing accounts for which moratorium on payments have been granted and completed.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is being published without notice of proposed rulemaking because the changes merely add to the subpart certain authority currently in another subpart, resulting in no substantive changes to the regulation. Such prior publication is therefore unnecessary.

As revised, § 1861.9(e) reads as follows:

§ 1861.9 Definitions and other information on FO, SW, ORE, RH, LH, and SCH accounts.

* * * * *

(e) *Reamortizing direct or insured FO, RH, or individual SW accounts.* (1) Such accounts may be reamortized when:

(i) Authorized under Subpart A or B of Part 1821 of this chapter, or Subpart A of Part 1822 of this chapter in connection with making the borrower an additional loan, or

* * * * *

(iii) Authorized at the end of the moratorium on payments as set forth by § 1861.10.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70; delegations of authority by Director, Office of Economic Opportunity, 29 FR 14764, 33 FR 9850.)

Effective date: This revision is effective on September 23, 1976.

Dated: September 10, 1976.

FRANK W. NAYLOR, Jr.,
Acting Administrator, Farmers Home Administration.

[FR Doc.76-27863 Filed 9-22-76;8:45 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1464]

BURLEY TOBACCO

Proposed Grade Loan Rates for Price Support on 1976-Crop Tobacco

Notice is hereby given that CCC is considering the grade loan rates to be applied in making price support available on 1976-crop burley tobacco.

Interested persons are invited to participate in establishing the grade loan rates to be applied by submitting views and recommendations in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. To assure consideration, all submissions must be received by the Director not later than October 26, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

Under the Tobacco Loan Program published in this part, CCC proposes to establish loan rates by grades for the 1976-crop burley tobacco, type 31, as set forth herein. These proposed rates, calculated to provide the level of support of 109.3 cents per pound as determined under Section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445), are as follows:

§ 1464.21 1976 Crop—Burley Tobacco, Type 31, Loan Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade:	Loan rate	Grade:	Loan rate
B1F	120	B3M	111
B2F	119	B4M	109
B3F	117	B5M	101
B4F	114	B3VF	115
B5F	111	B4VF	111
B1FR	119	B5VF	107
B2FR	118	B3VR	108
B3FR	116	B4VR	106
B4FR	113	B5VR	103
B5FR	110	B3GF	106
B1R	116	B4GF	104
B2R	115	B5GF	110
B3R	113	B3GR	99
B4R	111	B4GR	97
B5R	106	B5GR	94
B4D	101	T3F	113
B5D	96	T4F	109
B3K	111	T5F	104
B4K	109	T3FR	110
B5K	103	T4FR	108
T5FR	103	C4V	111
T3R	106	C5V	105
T4R	103	C4G	101
T5R	97	C5G	96
T4D	97	X1L	119
T5D	93	X2L	118
T4K	96	X3L	116
T5K	93	X4L	112
T4VF	106	X5L	109
T5VF	101	X1F	119
T4VR	99	X2F	118
T5VR	94	X3F	116
T4GF	96	X4F	112
T5GF	90	X5F	109
T4GR	90	X4M	110
T5GR	85	X5M	102
C1L	120	X4G	103
C2L	119	X5G	95
C3L	117	M1F	104
C4L	114	M2F	103
C5L	111	M3F	102
C1F	120	M4F	100
C2F	119	M5F	98
C3F	117	M3FR	100
C4F	114	M4FR	98
C5F	111	M5FR	94
C3K	112	N1L	96
C4K	110	N2L	89
C5K	104	N1F	92
C3M	112	N1R	88
C4M	110	N2R	82
C5M	104	N1G	83
C3V	113	N2G	75

[1] Only the original producer is eligible to receive advances. Tobacco graded "U" (unsound), "W" (wet), "No-G" (no-grade), or scrap will not be accepted. Cooperatives are authorized to deduct $1 per hundred pounds to apply against overhead costs.

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

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

[FR Doc.76-27942 Filed 9-22-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 76-175]

WEYMOUTH FORE RIVER, MASS.

Proposed Drawbridge Operation Regulations

At the request of the Massachusetts Department of Public Works, the Coast Guard is considering amending the regulations for the Route 3A drawbridge across the Weymouth Fore River, mile 3.5, to permit closed periods from Monday through Friday, during morning and evening peak vehicular traffic. This change is being considered because of a significant increase in vehicular traffic.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander (oan-1), First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, First Coast Guard District.

The Commander, First Coast Guard District, will forward any comments received before October 29, 1976, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended:

1. In § 117.75(f) by striking the letter "(l)" in the first sentence, and inserting the letter "(m)" in place thereof.

2. By adding a new paragraph § 117.75 (m) immediately after paragraph § 117.75(l) to read as follows:

§ 117.75 Boston Harbor, Mass., and adjacent waters; bridges.

* * * * *

(m) *Weymouth Fore River.* State Route 3A between Quincy Point and Weymouth. The draw shall open on signal except that from 6:30 a.m. to 9:00 a.m., and from 4:30 p.m. to 6:00 p.m., Monday through Friday, except holidays, the draw need not open for the passage of vessels. The draw shall open at any time in case of emergency or during storm conditions.

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

Dated: September 16, 1976.

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

[FR Doc.76-27939 Filed 9-22-76;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 75-NW-23-AD]

BOEING 707-300, -400, -300B, -300C SERIES AIRPLANES

Proposed Airworthiness Directive; Extension of Time for Comments

The Federal Aviation Administration issued a notice of proposed rulemaking in the above referenced docket on July 8, 1976 (published in 41 FR 29714 on

July 19, 1976), which solicited comments on an inspection program for the upper wing skin on certain Boeing Model 707–300, –400, –300B, –300C series airplanes. The inspection program is, in part, based on two Boeing service bulletins which have not as yet been issued. Various operators have indicated that they need further information on these service bulletins before making meaningful comments on the NPRM.

The comment period specified in the NPRM expires on September 15, 1976. The Boeing Company has indicated that they will issue Boeing Service Letter No. 707–SL–57–1 on September 16, 1976, outlining the intended technical procedures to be followed in the proposed inspection program. In light of the expressed need of the operators to study the Boeing publication prior to comment, the deadline for comments on the NPRM in Docket No. 75–NW–23–AD is hereby extended to November 1, 1976.

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

Issued in Seattle, Wash., September 15, 1976.

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

[FR Doc.76–27799 Filed 9–22–76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76–GL–34]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Baraboo, Wisconsin.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before October 26, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

The rule proposed herein has been reviewed in accordance with Executive Order 11821, titled "Inflation Impact Statements" (39 FR 41501, November 29, 1974), and it has been determined that an inflation impact statement is not required.

An instrument approach procedure has been developed to the Portage Municipal Airport, Portage, Wisconsin. Controlled airspace is required to protect the procedure. It is proposed to amend the Baraboo, Wisconsin transition area to contain the required controlled airspace to protect the Portage procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (41 FR 440), the following area is amended to read:

BARABOO, WISCONSIN

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Baraboo-Wisconsin Dells Airport (latitude 43°31'30" N.; longitude 89°46'15" W.); within an 11-mile radius of the Reedsburg Airport (latitude 43°31'44" N.; longitude 89°59'06" W.) and within a 10-mile radius of the Portage Airport (latitude 43° 33'35" N.; longitude 89°28'58" W.).

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

Issued in Des Plaines, Ill., on September 1, 1976.

LEON C. DAUGHERTY,
Acting Director, Great Lakes Region.

[FR Doc.76–27798 Filed 9–22–76;8:45 am]

Federal Highway Administration

[23 CFR Part 630]

[FHWA Docket No. 76–14]

CONSTRUCTION ZONE SAFETY

Advance Notice of Proposed Rulemaking

• *Purpose.* The Federal Highway Administration (FHWA) solicits suggestions for increasing the safety of motorists and construction workers in areas open to traffic during construction or reconstruction of a highway. •

In recent years, increasingly larger portions of Federal-aid highway funds have been used for reconstructing or widening existing facilities during which processes traffic must be maintained. Interruption and constriction of the normal flow of traffic on such projects may result in a potential for increased frequency and severity of traffic accidents. As a result, the FHWA has become seriously concerned about the issue of highway safety in construction zones on Federal-aid highway projects. A national program emphasis area has been established for safety in construction zones. In addition the FHWA is considering the modification of existing requirements for those Federal-aid highway construction zones which are open to traffic on any Federal-aid system.

All suggestions for increasing safety in these construction zones are welcome. In addition, comments are specifically requested on the following proposals:

1. The inclusion in the plans, specifications and estimates (PS&E) for each proposed project of a reasonably specific traffic control plan for moving traffic through or around the construction zone in a manner that is conducive to the safety of motorists and workers.

2. The designation, prior to the commencement of work, by the highway agency administering the project of a full time or part time project staff person who will be principally or primarily responsible and will have meaningful authority for assuring that the traffic control plan and other safety aspects of the project are effectively administered.

Recent reports indicate that more attention should be directed toward early project planning for traffic control in construction areas and implementation and surveillance of these controls during construction. Inclusion of a traffic control plan in the PS&E for proposed projects and implementation of the plan by responsible project staff personnel are viewed as effective means for accomplishing these objectives. A traffic control plan presumably would address, as appropriate, such items as signing; application and removal of pavement markings; construction scheduling and hours of work; flagging; use of pilot cars; methods and devices for delineation and channelization; placement and design of barriers and barricades; storage of equipment and materials; removal of construction debris; geometrics of detours; access for emergency vehicles; clear roadside recovery areas; provisions for disabled vehicles; roadway lighting; movement of construction equipment; length of project under construction at any one time; speed limits and enforcement; surveillance and inspection; methods to minimize construction time consonant with safety; and modification of items above under conditions of darkness or inclement weather. Interested parties are invited to comment on the need to address these factors and their relative importance to a traffic control plan, and to suggest additional areas for consideration. The FHWA recognizes the importance of training for persons who will be responsible for implementing traffic control plans, and has sponsored training programs designed to educate field forces in proper traffic control techniques. Comments on the need to upgrade these programs and suggestions on ways in which they might be improved are invited.

There are, of course, many questions to be considered. To what extent should the proposed requirements apply on projects of varying size and complexity? Should the plans for every project include a traffic control element or should certain projects be exempt? Who should have the responsibility for seeing that a traffic control plan actually is implemented? What authority should this individual have in order to effectively implement the plan? How large a project or how many projects can one safety official oversee? Comments of all interested parties are invited towards the goal of answering such questions, the raising of new ones, or the recommendation of ad-

ditional or alternative measures that might be taken.

Studies have shown that high accident rates can be avoided if sufficient attention is directed toward motorist safety. FHWA activities currently in progress include (1) selected field reviews of traffic safety conditions on existing construction projects, (2) added emphasis on project reviews by safety coordinators to identify problem areas for action, (3) a concentrated review of proposed projects to assure that they adequately provide for the safety of traffic and that they provide the necessary pay items to cover required services, (4) a review of the implementation of relevant provisions of the Manual on Uniform Traffic Control Devices on all construction projects, and (5) an examination of the adequacy and appropriateness of all applicable highway safety program standards established under section 402 of title 23, United States Code. In addition the FHWA has intensified its ongoing research program for traffic safety in construction zones.

Comments and suggestions on this advance notice of proposed rulemaking should be submitted to: Federal Highway Administration, Room 4230, Docket No. 76–14, 400 7th Street, SW., Washington, D.C. 20590, by November 22, 1976. It would be appreciated if they were sent in triplicate. All comments and suggestions received will be available for examination at the above address between 7:45 am. and 4:15 pm., Monday through Friday. After consideration of the available data and comments received in response to this notice, it is anticipated that a notice of proposed rulemaking will be issued.

This advance notice of proposed rulemaking is issued under the authority of 23 U.S.C. 315 and 49 CFR 1.48.

Issued on: September 20, 1976.

J. R. COUPAL, Jr.,
Deputy Administrator.

[FR Doc.76-27908 Filed 9-22-76;8:45 am]

Office of Hazardous Materials Operations

[49 CFR Part 178]

[Docket No. HM–140; Notice No. 76–6]

SHIPPING CONTAINER SPECIFICATIONS

Notice of Proposed Rulemaking; DOT Specification 17H Modification

The Materials Transportation Bureau (MTB) is considering an amendment to Part 178 of the Department's Hazardous Materials Regulations pertaining to the minimum thickness of the removable head of a 55-gallon capacity, DOT specification 17H steel drum. The Bureau proposes to change the minimum thickness of the removable head from 16-gauge to 18-gauge.

The Bureau had previously received two applications requesting exemptions from the minimum thickness requirements specified for certain components of a DOT–17H steel drum. One application requested the use of an 18-gauge removable head on a 55-gallon capacity, DOT–17H steel drum. The specification requires a 16-gauge removable head for a drum of this capacity. The other application requested the use of a 20-gauge body and bottom head on a 30 gallon capacity, DOT 17H, steel drum. The specification requires an 18-gauge body and bottom head for a drum of this capacity. The applications were denied because adequate justification was not provided.

The Bureau is proposing a reduction in the minimum thickness of the removable top head of a 55-gallon capacity, DOT–17H drum because a further review of the performance test results and of the specification thickness requirements of the heads of the drum indicate that further study is warranted.

One feature of the DOT 17H specification, as well as other DOT packaging specifications, that is not related to a performance test is puncture resistance. This aspect is addressed only by gauge thickness specifications. In the case of the 55-gallon capacity drum, the bottom head may be constructed of 18-gauge steel. Therefore, the Bureau believes there is no basis for the requirements of the removable head to be continued at 16-gauge for purposes of puncture resistance. Accordingly, the Bureau proposes to change the specification requirements of the 55 gallon capacity, DOT–17H drum to authorize the same gauge for the removable head that is specified for the bottom head.

The proper mating of removable heads to drums is essential to assure compliance with specification requirements. Such mating, adequate to prevent leakage, is accomplished by the assembly of the removable head to the drum body in conjunction with the use of a gasket and a locking ring.

The Bureau anticipates comments expressing concern that a 12-gauge bolted ring with drop forged lugs and a ⅝-inch bolt or an approved equally efficient closure, as specified in § 178.118–8, will not be suitable in conjunction with an 18-gauge removable head. This is a valid concern; however, such a concern may also be applicable to a 16- or 14-gauge removable head. The Bureau would welcome a discussion of this subject in the comments it receives to this notice.

The impacts of this proposal, if adopted have been reviewed and it has been determined in accord with procedures for considering inflationary impacts (E.O. 11821, OMB Circular A–107, and DOT Order 2050.4), that an inflationary Impact Statement is not required.

In consideration of the foregoing, it is proposed to amend 49 CFR 178.118–6 by revising footnote 3 followirg the table in paragraph (a) to read as follows:

§ 178.118–6 Parts and dimensions.

(a) * * *

[3] 18-gauge authorized provided there are one or more corrugations in the removable head near the periphery.

* * * * *

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted (five copies) to the Section of Dockets, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Communications received on or before November 30, 1976 will be considered before final action is taken on this proposal. All comments received will be available for examination by interested persons at the Office of Hazardous Materials Operations, Room 6500 Trans Point Building, 2100 Second Street, S.W., Washington, D.C. both before and after the closing date for comments.

((49 U.S.C. 1804), 49 CFR 1.53(e) and paragraph (a)(4) of App. to Part 102.)

Issued in Washington, D.C. on September 20, 1976.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.76-27900 Filed 9-22-76;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 531]

[Docket No. FE76–1; Notice 1]

AVERAGE FUEL ECONOMY STANDARDS FOR PASSENGER AUTOMOBILES MODEL YEARS 1981 THROUGH 1984

Advance Notice of Proposed Rulemaking

This advance notice of proposed rulemaking (ANPRM) is being issued to obtain information and comments concerning average fuel economy standards for passenger automobiles in model years 1981 through 1984. These standards will not be issued without further notice and opportunity to comment.

Section 502(a)(3) of the Motor Vehicle Information and Cost Savings Act, as amended, (the "Act") requires the Administrator of the National Highway Traffic Safety Administration (NHTSA) to prescribe by rule, not later than July 1, 1977, average fuel economy standards for passenger automobiles manufactured in each of the model years (MY) 1981 through 1984.[1] These standards are required to meet several criteria set forth in section 502. They must be set for each model year at a level which:

(1) Is the maximum feasible average fuel economy level; and

(2) Will result in steady progress toward meeting the average fuel economy standard for MY 1985.

The average fuel economy standard for MY 1985 established by the Act is 27.5 miles per gallon ("mpg"). If the Administrator determines that the maximum feasible average fuel economy level for MY 1985 should be higher or lower than 27.5 miles per gallon, he is authorized to establish, by rulemaking, a higher or lower level (subject to congressional review if higher or more than 1.5 mpg lower).

In determining the level of maximum feasible average fuel economy for each

[1] This responsibility was vested in the Secretary of Transportation and delegated to the Administrator (41 FR 25015, June 22, 1976).

model year, the Administrator is required by section 502(e) to consider technological feasibility, economic practicability, the effect of other Federal motor vehicle standards on fuel economy, and the need of the Nation to conserve energy. Underlying this legislation is the premise that, because the marketplace is unlikely to achieve the fuel economy goals specified in the Act, mandatory action is required. The resultant intervention in the operation of the marketplace may affect employment, production cost, product performance, prices, and consumer choices and satisfaction. It may also affect the competitive structure of the industry, as well as the levels of exports and imports. In making a judgment as to the economic practicability of a level of fuel economy, all of these possible effects must be considered. Similarly, in determining what is technologically feasible, the Administrator must fully and carefully assess not only the general state of the art but the precise plans and capabilities of each automobile manufacturer. It is these requirements which dictate the scope and depth of the issues and request for information presented for comment by this ANPRM.

The NHTSA is drawing upon a growing body of knowledge possessed by various Federal agencies in assessing the potential of the passenger automobile industry as a whole to improve fuel economy. The principal Federal sources of information are:

1. The Automotive Energy Efficiency Program of the Office of the Secretary, Department of Transportation (DOT).

2. The Research Safety Vehicle Program and the programs for vehicle safety research of the National Highway Traffic Safety Administration, DOT.

3. The automotive emission control evaluation and fuel economy assessment programs of the Environmental Protection Agency.

4. The alternative automotive propulsion system program of the Energy Research and Development Administration.

5. The alternative engine assessment project of the Jet Propulsion Laboratory at the California Institute of Technology under auspices of the National Aeronautics and Space Administration.

Relevant documents from these programs as well as other pertinent literature will be placed in the reference section of this docket. Of particular relevance is the Report of the Federal Task Force on Motor Vehicle Goals Beyond 1980. This comprehensive report will be placed in the docket as soon as it is completed. These materials and programs will form part of the basic for a notice of proposed rulemaking regarding the fuel economy standards for MY's 1981 through 1984.

Since the average fuel economy standard established by the Act for MY 1980 is 20.0 mpg, "steady progress" toward the MY 1985 standard of 27.5 mpg could be achieved by prescribing 1.5 mpg increments in each of the MY's 1981–1984. In commenting on the issues raised in this notice and the appendix, commenters should state for each MY how their assessment of each issue would affect the achievement of this average rate of progress. For example, if a signicant technological innovation were known to be available by MY 1982 but not before, it is conceivable that "steady progress" might be achieved by prescribing a standard below 21.5 mpg in MY 1981 and above 23.0 mpg in MY 1982.

While information and views are desired on all considerations inherent in setting average fuel economy standards, the NHTSA is particularly interested in comments on the issues in A–D below and in the appendix relating to the average fuel economy standards for MY's 1981 through 1985. This notice is concerned with the establishment of average fuel economy standards only through MY 1984. Because those standards must, however, show steady progress toward the MY 1985 standard, the Administrator's assessment of the potential for fuel economy must extend through MY 1985.

A. *Potential for Improving Automobile Fuel Economy.* 1. Technological Potential. Identify existing technology, and technical advances that could occur before or during any of MY's 1981 through 1985, that would improve the fuel economy of passenger automobiles manufactured in any of those MY's. Indicate the extent of the improvement, and when and how this technology could be applied to bring about such improvement. If earlier and broader application is considered not possible, explain why. In addition, interested persons, especially passenger automobile manufacturers, are requested to respond to the more detailed requests for information listed in the appendix to this notice.

Identify the effects of the technology described above on passenger automobile performance, size and passenger capacity.

2. Other. Describe the extent to which production mix could be shifted to increase average fuel economy of MY 1981 through 1985 passenger automobiles.

Identify measures, such as pricing policies or marketing strategies, that would sustain or increase consumer demand for MY 1981 through 1985 passenger automobiles incorporating technology to improve fuel economy and indicate the effect of those measures on average fuel economy.

B. *Economic Effects of the MY 1981 through 1985 Fuel Economy Standards.* With respect to the items of technology discussed under A and the appendix, or with respect to any other means of achieving the level of maximum feasible average fuel economy for MY's 1981 through 1985 discussed in A, such as production mix changes, new passenger automobile pricing policies or marketing strategies, indicate

Ranges of cost increases or decreases to passenger automobile manufacturers in terms of: labor, materials, capital investment, research and development, marketing or pricing costs, and any other costs.

The effect on automobile manufacturers of incurring the cost increases or decreases mentioned above.

Cost increases, or cost savings, for the consumer, in terms of:

retail price of new passenger automobiles,
retail price of replacement equipment for passenger automobiles,
passenger automobile operating costs, and
passenger automobile maintenance costs.

The effect that these costs to the manufacturer and consumer may have on demand for new passenger automobiles.

The effect that changes in non-cost factors, such as passenger automobile performance, size, or passenger capacity, may have on demand for new passenger automobiles.

The effect that these changes in demand may have on the automobile industry and the national economy.

The projected impact which achieving the level of maximum feasible average fuel economy may have on competition within the domestic and within the international passenger automobile industries, or related industries.

For each MY 1981 to 1985, indicate the measures to improve the average fuel economy of passenger automobiles, and the costs of such measures, that would have been undertaken in response to the demands of the marketplace, competitive pressure, and current and projected fuel prices, and in the absence of any mandatory Federal fuel economy program.

C. *Effect of Other Federal Motor Vehicle Standards on Fuel Economy.* The effect, if any, of Federal motor vehicle standards that have been promulgated and will be effective before or during MY 1985 in the areas of automobile safety, emissions, noise, and damageability on the average fuel economy achievable in MY's 1981 through 1985. It is recognized that substantial information with respect to emissions will be provided in the responses to the appendix, but any other comments and views on that aspect of this issue will be of interest.

D. *The Need of the Nation to Conserve Energy.* In considering the need of the Nation to conserve energy, the Administrator must examine very closely the effect of the average fuel economy standard on the consumption of gasoline. Therefore, commenters are directed to "Fuels and Materials Resources for Automobiles in the 1980–1990 Decade" (March 1976), a report of a panel of the Interagency Task Force on Motor Vehicle Goals Beyond 1980, and are asked to submit additional information, or views, with respect to that report's discussion of supply of and demand for, as well as prices of, fuel. Copies of this report will be placed in the docket.

Assumptions.—In commenting upon issues in A–C and the appendix, commenters should make several assumptions.

(1) The pump price of gasoline will be 65 cents in constant 1974 U.S. dollars.

(2) There will not be any significant impact on fuel economy as a consequence of any new Federal motor vehicle standards relating to safety, damageability,

or noise that may be promulgated and become effective between now and the end of MY 1985. This assumption is made only for the purpose of obtaining comments on this ANPRM and does not reflect any decision regarding future rulemaking plans.

(3) For the subjects for which the information to be provided is dependent upon the level of Federal emissions standards, commenters should provide two sets of information. One set should be based on the first series of standards set forth below and the other set on the second series. The agency recognizes that the issue of Federal emissions standards is presently being considered by Congress, and that Federal emissions standards beyond 1977 are a matter of considerable uncertainty. It is anticipated that the final Federal emissions standards will fall somewhere between the two series of standards set forth below. If Congress resolves the issue of Federal emissions standards within 14 days after the publication of this notice, the agency will amend this notice to specify the new Federal emissions standards, and extend the comment closing date of this notice. If the issue is not resolved during that period, comments on those standards will be sought when a notice of proposed rulemaking is issued pursuant to this notice.

a. The standards in the proposed Clean Air Act amendment co-sponsored by Representatives John Dingell and James Broyhill.

Model year	Grams per vehicle-mile (maximum)		
	HC	CO	NO_x
1976	1.5	15.0	3.1
1977-79	1.5	15.0	2.0
1980-81	.9	9.0	2.0
1982-85	.41	3.4	(1)

[1] To be administratively established by the Environmental Protection Agency.

b. The currently-legislated standards.

Model year	Grams per vehicle-mile (maximum)		
	HC	CO	NO_x
1976	1.5	15.0	3.1
1977	1.5	15.0	2.0
1978 and thereafter	.41	3.4	.4

(4) To the extent that determinations of average fuel economy are necessary to provide information, such determinations should be made in accordance with the Fuel Economy Standards compliance procedures issued by the Environmental Protection Agency (41 FR 38674, September 10, 1976).

All interested persons are invited to submit written data, views, and arguments concerning this notice. We wish to emphasize that the particular issues set out above are not exclusive areas of agency concern, and that comments on any other issues concerning fuel economy standards for passenger automobiles for model years 1981 through 1985 will be welcome. The agency also wants to emphasize that comments and views documented by and based upon data, especially statistical and engineering data, will be given greater consideration than unsupported statements or opinions.

All persons submitting information which they desire to be withheld from public disclosure by the agency, should clearly identify such information and include a statement of reasons in support of the claim for confidentiality. For information desired to be withheld under the authority of 5 U.S.C. 552(b)(4), show that the information is the kind described in 5 U.S.C. 552(b)(4), show that disclosure of the information would result in significant competitive damage, specify the period during which the information must be withheld to avoid that damage, and show that earlier disclosure would result in that damage.

Comments should refer to the docket number and notice number, and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108 400 Seventh Street, SW, Washington, D.C. It is requested, but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. Comments received after the close of the comment period will be considered to the extent possible. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: November 22, 1976.

This advance notice of proposed rulemaking is issued under the authority of section 502 of the Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 2002) and the delegation of authority at 41 FR 25015, June 22, 1976.

Issued in Washington, D.C., on September 15, 1976.

JOHN W. SNOW,
Administrator.

APPENDIX

The appendix is divided into two parts. Part A covers MY's 1975–1980, inclusive. Information regarding subjects listed in that part will be useful as background information and as a reference point for assessing information submitted under Part B. Part B deals with MY's 1981–1985, inclusive.

In responding to this portion of the notice, each manufacturer is requested to provide information as the listed subjects pertain to its passenger automobiles only. If earlier introduction or more expanded use of the technology to be discussed under subjects 1–4 in Part A and subjects 1–6 in Part B is not considered possible, please explain why.

Many of the listed subjects specify information regarding inertia weight classes of passenger automobiles. These classes are specified by the Environmental Protection Agency in 40 CFR 86.117–11(d).

PART A: 1975–1980

1. For each MY, discuss improvements in the technology of spark ignition internal combustion engines and diesel engines, and the introduction or expanded use of diesel engines, of such improvements, or of other types of engines. Indicate the inertia weight classes in which each item of those technologies has been or will be used, the number of affected passenger automobiles, and the percentage that the number constitutes of all passenger automobiles produced or projected to be produced during the MY. Indicate the extent to which each item has increased or will increase the fuel economy of the passenger automobiles for that MY as compared to the fuel economy of comparable passenger automobiles in the same inertia weight class that lack the item and were produced or are projected to be produced in the immediately preceding MY. Discuss the reasons for selecting each item incorporated or to be incorporated. Describe the technological alternatives to the selected item that were considered and discuss the reasons for not selecting those alternatives.

2. For each MY, discuss the changes in engine displacement to inertia weight ratio, horsepower to inertia weight ratios and rear axle ratio made or to be made as compared to those ratios for comparable passenger automobiles in the same inertia weight class produced or projected to be produced in the immediately preceding MY. Indicate the inertia weight classes in which each of the ratio changes have been or will be made, the number of affected passenger automobiles, and the percentage that the number constitutes of all passenger automobiles produced or projected to be produced during the MY. Indicate the extent to which each of the ratio changes have increased or will increase the fuel economy of the passenger automobiles for that MY as compared to the fuel economy of comparable passenger automobiles in the same inertia weight class that lack the changed ratio and were produced or are projected to be produced in the immediately preceding MY. If ratio changes were not or will not be made in any passenger automobiles to improve fuel economy, explain why.

3. For each MY, discuss any improvements or changes in technology other than those covered under subjects 1 and 2 of Part A that have been made or will be made to improve the fuel economy of the passenger automobiles in that MY. Indicate the inertia weight classes in which each of the improvements or changes have been or will be made, the number of affected passenger automobiles, and percentage that the number constitutes of all passenger automobiles produced or projected to be produced during the MY. Indicate the extent to which each of the improvements or changes have increased or will increase the fuel economy of the passenger automobiles for that MY as compared to the fuel economy of comparable passenger automobiles in the same inertia weight class that lack the improvement or change and were produced or are projected to be produced in the immediately preceding MY.

4. For each MY, provide the following information with respect to less than 4 person passenger automobiles (person refers to the number of designated seating positions), 4 person passenger automobiles, 5 person passenger automobiles, 6 person passenger automobiles, and more than 6 person passenger automobiles: reduction of vehicle weight, reduction of engine size, upgrading of transmissions, use of diesel engines, improvements in gas engine performance, effects of the above measures on passenger automobile performance, and on capacity to carry cargo.

5.(a) For each MY, indicate the actual or projected passenger automobile sales in each inertia weight class as a percentage of the total number of passenger automobile sales.

(b) For each MY, indicate the actual or projected percentage of passenger automobiles in each inertia weight class that are less than 4 person passenger automobiles, 4 person passenger automobiles, 5 person passenger automobiles, 6 person passenger automobiles, and more than 6 person passenger automobiles.

(c) For each MY 1977–1980, show that the projections under subject 5(a) and (b) of Part A are consistent with anticipated consumer demand in that MY and explain the bases for determining that demand, both for the manufacturer and for the industry as a whole.

(d) For MY 1980, indicate the anticipated production-weighted, harmonic average of the fuel economy of each inertia weight class and the anticipated average fuel economy of the total production of passenger automobiles for that MY.

PART B: 1981–1985

1. For each MY, discuss improvements in the technology of spark ignition internal combustion engines and diesel engines, and the introduction or expanded use of diesel engines, of such improvements, or of other types of engines being considered for use in passenger automobiles to be produced during that MY. Indicate the inertia weight classes in which each item of those technologies will be used, the number of affected passenger automobiles, and the percentage that the number constitutes of all passenger automobiles projected to be produced during the MY. For each item, indicate the extent to which the item will increase the fuel economy of the affected passenger automobile as compared to the fuel economy of comparable passenger atuomobiles in the same inertia weight class that lack the item and are projected to be produced in the immediately preceding MY. If there are items of those technologies that are not being considered and that would be more effective than the items being considered in improving fuel economy, explain why they are not being considered.

2. For each MY, describe any improvements in transmissions that will be in the passenger automobiles produced in that MY, including (1) adding a fourth forward gear, and (2) using a lockup clutch. Also describe any improvements in drivetrains other than those considered under 3, below, that are being considered for use in passenger automobiles to be produced during that MY. Indicate the inertia weight classes in which the improvements will be used, the number of affected passenger automobiles, and the percentage that the number constitutes of all passenger automobiles projected to be produced during the MY. For each improvement, indicate the extent to which the improvement will increase the fuel economy of the affected passenger automobiles as compared to the fuel economy of comparable passenger automobiles in the same inertia weight class that lack the improvements and are projected to be produced in the immediately preceding MY. If there are alternative improvements that are not being considered and that would be more effective than the improvements being considered in improving fuel economy, explain why they are not being considered.

3. For each MY, discuss changes in the engine displacement to inertia weight ratio, horsepower to inertia weight ratios and rear axle ratio that are being considered for passenger atuomobiles to be produced during that MY. Indicate the inertia weight classes in which each of the changed ratios will be used, the number of affected passenger automobiles, and the percentage that the number constitutes of all passenger atuomobiles projected to be produced during the MY. For each changed ratio, indicate the extent to which the change will increase fuel economy of the affected passenger automobiles as compared to the fuel economy of comparable passenger automobiles in the same inertia weight class that lack the changed ratio and are projected to be produced in the immediately preceding MY.

4. For each MY, discuss any technological advances, other than those discussed under subjects 1–3 or 5 of Part B, that are being considered for improving the fuel economy of passenger automobiles to be produced in that MY. Indicate the inertia weight classes in which each technological advance would be used, the number of affected passenger automobiles, and the percentage that the number constitutes of all passenger automobiles projected to be produced during the MY. For each technological advance indicate the extent to which the advance will increase the fuel economy of the affected passenger automobiles as compared to fuel economy of comparable passenger automobiles in the same inertia weight class that lack the advance and are projected to be produced in the immediately preceding MY. If there are alternative technological advances that are not being considered and that would be more effective than the technological advances being considered in improving fuel economy, explain why they are not being considered.

5. For each MY, discuss the improvements in emission control equipment being considered to limit any negative effect of emission control on fuel economy of the passenger automobiles to be produced during that model year. If there are any alternative improvements that are not being considered and that would be more effective than the improvements being considered in reducing any negative impacts, explain why they are not being considered.

6. For each MY, provide the information requested under subjects 4 and 5(a)–(c) of Part A.

7. Based on information provided for subjects 1–6 of Part B, submit a "best" estimate of the average fuel economy of each inertia weight class and of the total production of passenger automobiles to be produced in each model year. Explain the basis for each estimate, including the assumed technology and production mix. Discuss the uncertainties associated with the estimate that would decrease the average fuel economy and those that would increase it. If the best estimate of average fuel economy for the total production is less than 21.5 mpg for MY 1981, 23.0 mpg for MY 1982, 24.5 mpg for MY 1983, 26.0 mpg for MY 1984 or 27.5 mpg for MY 1985, indicate the changes in technology or production mix that could be made to achieve those levels, and the projected consequences to the manufacturer, automobile industry, and national economy of making those changes.

[FR Doc.76–27653 Filed 9–17–76;10:50 am]

[49 CFR Part 571]

[Docket No. 76–06; Notice 02]

SPEEDOMETERS AND ODOMETERS

Withdrawal of Proposed Rule

• The purpose of this notice is to withdraw Notice 01 of Docket No. 76–06 (41 FR 36513, August 30, 1976), in which the NHTSA solicited comments on a proposal that would require vehicles to be equipped with speed and distance indicators, establish accuracy requirements for the indicators, limit the speed indicator scale to 85 mph, and require that distance indicators be tamper-resistant.•

The NHTSA has decided to withdraw this notice of proposed rulemaking in order to undertake additional evaluation of the potential effects of the proposal. This action is consistent with the published policies of the Department of Transportation (41 FR 16200, April 16, 1976) to analyze and review regulations to ensure that they are sound and do not impose unnecessary burdens on the private sector, on consumers, or on Federal, State, and local governments. The withdrawal of this proposal does not preclude the NHTSA from issuing similar notices in the future or commit the NHTSA to any course of action.

If further rulemaking proceedings on the subject of speedometer and odometer performance are contemplated, another notice to that effect will be issued. The present proceeding, Docket 76–06, is closed.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on September 16, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.76–27655 Filed 9–17–76;10:49 am]

Office of the Secretary

[49 CFR Part 85]

[Docket No. 32; Notice No. 76–10]

CARGO SECURITY ADVISORY STANDARDS

Cargo Loss Reporting System and Procedures; Proposed Advisory Standard Setting

This is the fourth in a series of Cargo Security Advisory Standards to be proposed by the Department of Transportation's Office of Transportation Security.

The data reported by the transportation industry on theft-related losses, while cargo is entrusted to individual carriers, shows that more than eighty-five percent of those losses (except for the rail industry) result from pilferage and mysterious disappearance. Cargo in the transportation system is extremely vulnerable due to the risk exposure characteristic in transportation systems.

The risk can be reduced through the application of safeguards and practices by carriers that will protect the cargo entrusted to them by the shipping public.

One safeguard and practice is the implementation of a Cargo Loss Reporting System and Procedures, to provide a carrier the means for prompt discovery of shipment discrepancies. The system is designed so that an effective audit trail is established at the time cargo is received from the shipper and it follows the cargo through the carrier's facilities to the receiver. Prompt detection of discrepancies will lead to recovery of the cargo and/or detection of a weak spot in the carrier's freight accountability system.

It is recognized that differences exist in the carrier's facilities and in the various modes; however, a determined application of the guidelines and procedures will provide management information on which to base decisions to improve the loss prevention program.

This Advisory Standard outlines procedures and guidelines intended to assist all modes in the transportation industry in reducing the incidence of theft and pilferage of cargo entrusted to their care. It is not mandatory and nothing in it replaces or modifies any statutory requirement or regulatory authority vested in any Federal, state, or local governmental body.

Before taking final action to issue the proposed advisory standard, the Department will consider the timely comments of all interested persons. Comments should identify the docket or notice number (see above) and be submitted to the Docket Clerk, Office of the General Counsel, TGC, Department of Transportation, Washington, D.C. 20590. Comments received on or before November 8, 1976, will be considered before final action is taken. All docketed comments will be available for public inspection and copying, both before and after the closing date for comments, in the Office of the Assistant General Counsel for Operations and Legal Counsel, Room 10100, Nassif Building, 400 Seventh Street, SW, Washington ,D.C., between 9:00 a.m. and 5:30 p.m. local time, Monday through Friday, except Federal holidays.

In consideration of the foregoing, the Department proposes to establish Part 85–4 of the Appendix to Part 85 of Title 49 of the Code of Federal Regulations to read as appears below.

(Sec. 9(e)(1) Department of Transportation Act (80 Stat. 944, 49 U.S.C. 1657(e)(1)(3)), § 85.3 Regulations of the Office of the Secretary of Transportation (49 CFR 85.3).)

Issued in Washington, D.C. on September 16, 1976.

DANIEL A. WARD,
Director of
Transportation Security.

APPENDIX—CARGO SECURITY ADVISORY STANDARDS

PART 85–4—CARGO LOSS REPORTING SYSTEM AND PROCEDURES

SUBPART A—GENERAL

Sec.

85–4.1 Purpose.
85–4.3 General.
85–4.5 Definitions.

SUBPART B—ELEMENTS OF THE SYSTEM

85–4.11 General.
85–4.13 Guidelines and Procedures.
85–4.15 Training.
85–4.17 Management Review and Analysis.

SUBPART C—SYSTEM ORGANIZATION, GUIDELINES AND PROCEDURES

85–4.21 General.
85–4.23 Organization.
85–4.25 Guidelines.
85–4.27 Procedures.
85–4.29 Training.
85–4.31 Review and Analysis.

SUBPART A—GENERAL

Sec. 85–4.1 *Purpose.* (a) The purpose of this part is to set forth minimum procedures and guidelines that should be observed in establishing a cargo loss reporting system.

(b) The provisions herein are general and each may not apply to every transportation mode. Adaptation may be necessary to suit mode pecularities and individual carrier needs.

Sec. 85–4.3 *General.* The movement of cargo by carrier involves an inherent risk of loss from theft and other causes due mainly to its exposure in the transportation system. Thus, the transportation carrier with this inherent characteristic should establish a cargo loss reporting system which will provide information, safeguards, and practices to protect the cargo entrusted to him by the shipping public. The need for timely, accurate and definitive cargo loss information is essential to a successful cargo claims prevention program. Early identification of the cause of cargo losses through theft, hijack, pilferage, or other reasons is an essential step to prevention and cure.

Sec. 85–4.5 *Definitions.* As used in this part—

"Bill of lading" means the document by which a carrier acknowledges receipt of freight and contracts for its carriage. Also known as "ocean bill of lading" and "air bill of lading."

"Carrier" means a common or contract carrier, but does not mean a private carrier.

"C.O.D." means collect on delivery for invoice value of the goods.

"Connecting line" means another carrier with whom the original carrier interlines a shipment for thru movement from origin to destination. Also known as "interline."

"Consignee" means the designated receiver of merchandise.

"Consignor" means the shipper of merchandise.

"Damage" means impairment of cargo shipment or contents.

"Destination terminal" means the terminal from which carrier makes final delivery. Also known as "destination port."

"Exception" means a deviation from the condition or quantity as shipped.

"Forced billing" means an internal document used by carriers to cover movement of a shipment from one terminal to another, when there is no way bill to cover, and is also used as a delivery receipt until the proper paperwork is found or prepared.

"Free astray" means a form used by carriers to cover movement of an over-shipment from one terminal to another until it can be matched up with paperwork or other disposition made.

"Hijack" means stealing a cargo vehicle by force or threat of bodily harm.

"High-value cargo" means cargo handled at a facility, which because of its monetary value, utility, desirability, or history of frequent theft, requires greater protection than other commodities normally handled at the facility.

"Intermediate terminal" means a location through which a shipment moves at some point between origin and destination. It can also be a carrier's break-bulk terminal or rehandling location. Also known as "intermediate point" and "intermediate port."

"Loss" means disappearance of cargo under circumstances where the cause cannot be defined.

"Manifest" means tabulation of waybills on the loaded vehicle. Often used by checkers as a check sheet when loading and unloading to verify the count.

"Order notify" means a shipment is consigned to order of the shipper, with instructions to notify another party of the arrival of the freight who can claim the shipment by surrendering the original "bill of lading." Also known as "sight draft."

"Origin terminal" means the terminal at which the shipment begins its travel to destination. Also known as "origin port."

"O. S. & D." means over, short, and damaged cargo.

"Overage" means a cargo shipment that is not covered by a "bill of lading" or "waybill."

"Pilferage" means theft of cargo in small amounts.

"Proof of delivery" means a request by shipper or consignee for proof of delivery, requesting name, date and exceptions.

"Seal procedure" means an internal procedure detailing company practices in seal application and removal.

"Security" means human or mechanical protection for cargo shipments.

"Shortage" means a shipment that is incomplete as compared with its description on the "bill of lading" or "waybill."

"S.L. & C." means shipper's load and count.

"Theft" means larcency or unlawfully taking goods of another without force.

"Tracer" means an internal inquiry between terminals to determine location or status of a shipment.

"Traffic" means goods moved by a transportation carrier. Also known as "cargo" or "freight."

"Waybill means a document prepared from a "bill of lading" that accompanies shipment from origin to destination. Also known as "freight bill."

SUBPART B—ELEMENTS OF A SYSTEM

Sec. 85–4.11 *General.* An effective cargo loss reporting system must contain certain elements for successful implementation by employees and management. This subpart sets forth the minimal elements of such a system.

Sec. 85–4.13 *Procedures.* Detailed procedures for identifying and handling over, short, and damage cargo should be prepared by each carrier's management office and placed in terminals for reference, guidance, and training of all personnel involved in the cargo movement.

Sec. 85–4.15 *Training.* (a) Employees should have knowledge of the operating authority and traffic patterns of the carrier. This includes terminal locations, points served, service restrictions and exceptions, and average service schedule to all points.

(b) Drivers, dock workers and others involved with the traffic should have knowledge of customer freight movements, commodities shipped and peculiarities of specific customers.

(c) Employees should have full knowledge of the loss reporting system and the company's claim prevention program.

(d) All supervisory and management personnel should be involved in the training and fully understand the loss reporting system, how it functions, its objectives, the mechanics thereof, and who to contact in making the system work.

Sec. 85–4.17 *Management Review and Analysis.* (a) Reports in appropriate detail from the Cargo Loss Reporting System should be reviewed by the following: (1) General Management, (2) Security Officers, (3) Claims Managers, (4) Directors of Operations, and (5) Terminal Managers.

(b) The cargo loss data should form the basis for reports on cargo claims which are or may be required by a regulatory agency.

(c) Reports should be analysed to pinpoint needed improvements in the claims prevention program.

SUBPART C—SYSTEM ORGANIZATION, GUIDELINES AND PROCEDURES

Sec. 85–4.21 *General.* (a) The cargo loss reporting system is intended to be responsive to management in the claims prevention program.

(b) The system should provide the most effective means and times to report all discrepancies in shipments to minimize claims exposure, and to provide better service to the customer.

(c) The reports generated by the system will serve as information to the claims department for denial or approval of claims presented by customers.

Sec. 85–4.23 *Organization.* (a) A central office to serve as the clearinghouse for all reports of shipment discrepancies should be established preferably at the corporate or company headquarters.

(b) This central office should be the focal point for all reports of overages, shortages, and damages and is responsible for: (1) Clearing reports on discrepancies; (2) Matching overages and shortages; (3) Issuing disposition instructions to terminals; and (4) Developing advisory instructions for terminals with special problems.

(c) The central office should be in the claims department with direct communication with all terminals by means of teletype or telephone.

Sec. 85–4.25 *Guidelines.* (a) The loss reporting procedures should be implemented immediately upon discovery of an overage, shortage, or damage in shipment.

(b) The reports of an overage, shortage, or damage should include information defining who, what, when, where and how.

(c) Effectiveness of the procedures depends on detailed facts and prompt action.

(d) When a shortage is discovered at a terminal, usually one of the following errors has occurred:

(1) A billing error was made.

(2) Driver failed to pick up the entire shipment.

(3) A theft occurred from the pickup unit enroute to the terminal.

(4) The freight was loaded on the wrong unit at the shipper's dock.

(5) Another carrier picked up the freight in error.

(e) Action to be taken when such shortages are discovered:

(1) Check for billing or typographical error on bill of lading.

(2) Review with checker and crew that unloaded pickup unit.

(3) Check dock area for the missing freight.

(4) Interview the pickup driver promptly, by telephone if necessary, for his recollection of facts surrounding pick up and his count.

(5) Contact the shipper for possible error in his billing or have him recheck his dock for the missing freight. Obtain names of other carriers who made pick ups that day at his dock.

(6) Call other carriers and ask them to check for the missing freight.

(7) Check with the consignee to determine if he received the freight via another carrier.

(8) Advise the central clearing office and other terminals of the shortage with a full description.

(f) Other actions that should be taken:

(1) If shortage was part of a shipment; move the balance to destination with accompanying shortage report. Do not hold up the freight.

(2) If shortage is a complete shipment, a report should be prepared immediately for the central clearing office.

(3) If theft is indicated, notify all appropriate law enforcement authorities.

(4) Make a daily check for the missing freight with other terminals for the next five workdays.

(5) If the missing freight is located as a complete shipment, ship it promptly to destination on original waybill, free-astray bill or forced billing, depending on circumstances.

(6) If the recovered freight is a part shipment, and the balance of the shipment has already moved to destination, prepare a free-astray bill and move the freight to destination promptly for final delivery.

(7) If the shortage is from an interline carrier, a signed and dated exception should be noted by the checker on connecting carriers freight bill.

(8) If the shortage is noted at an intermediate terminal, it should be recorded by the checker who should notify his supervisor. The central clearing office should be notified as well as the origin and destination terminal.

(g) Copies of all over, short, and damage reports should be sent to the central clearing office where records and statistics should be compiled from each day's receipts, detailing all pertinent facts regarding each incident. Such facts should serve to furnish the carrier's management with facts and figures to formulate an improved claim prevention program.

(h) The central clearing office should maintain a daily follow-up with terminals on outstanding shortages and other omissions, thereby encouraging the terminals to intensify the search for facts to close out those files.

(i) When discrepancies are found and reported, immediate action should commence to correct the cause or causes.

(j) A daily schedule should be established for reporting all shortages and overages. Each carrier, based on experience, length of haul, and other factors should establish a time-frame within which discrepancies are reported to the central office and to other terminals to clear them and for a match-up. The report on losses should contain the following information:

(1) Name of Shipper;
(2) Name of Consignee;
(3) Waybill number;
(4) Date of shipment;
(5) Commodity;
(6) Weight;
(7) Type of shipment (container, truckload, pallet, etc.);
(8) Part missing (in shortage shipment);
(9) Part damaged;
(10) C.O.D. or order notify;
(11) Prepaid/collect;
(12) Where checked and by whom;
(13) How many times handled;
(14) Type loss (theft/hijack/pilferage/unknown) and
(15) Location where loss was detected.

(k) Any failure of the system in reporting losses should be investigated to determine and institute corrective measures.

(l) Prompt investigation of distressed freight and immediate reporting to the central control is essential to curtail cargo loss claims. This enhances the opportunity for correction and recovery before the audit trail becomes obliterated.

(m) Liaison should be established with all law enforcement agencies for help as needed. All theft losses and break-ins or attempted break-ins of facilities should be reported to these agencies.

(n) Shipments found without identification should be segregated and placed in the security cage while a search is made by an authorized person for packing slips or invoices to determine ownership. If identification is made, the freight should be recoopered and proper markings should be applied to each shipping container for prompt movement to destination.

(o) Overages found in the carrier's terminals should be reported in the same manner as shortages, for an overage can well mean a shortage elsewhere.

(p) All damaged freight should be reported to the central office. Local terminals should recooper such freight promptly to prevent further damage. Dry freight containers (cartons, bags, etc.) should be securely recoopered with sealing tape, banding wire, or other material to prevent further loss of contents or further damage. Waybills should be marked to indicate that shipment has been damaged.

(q) Each carrier should have printed forms for all reports in a format best suited to its needs for recording all types of discrepancies. The data content of the form should be tailored to its loss reporting system so that information can be retrieved.

(r) The carrier should issue advisory bulletins as needed to all terminals on specific problems or situations that arise. Changes in the existing Loss Reporting System should be made as necessary.

Sec. 85–4.27 *Procedure.* (a) A comprehensive over, short, and damage manual should be prepared and maintained based on the guidelines in section 85–4.25 of this subpart.

(b) An employee at each terminal should be designated the O. S. & D. clerk. Such person should be experienced in freight, traffic, company routes, customer identity, commodities shipped, all movements of specialized cargoes, and high-risk movements. The O. S. & D. man should also possess a knowledge of claims handling, cargo claims prevention procedures, cargo security, packaging required by tariffs, recoopering practices, customer service, tracing, and related activities. He should be able to detect and correct flaws in handling and checking procedures, security measuers and identification of problems relating to cargo claims prevention.

(c) The O S. & D. clerk, who may be the terminal's Claims Prevention Manager, should be knowledgeable enough to judge when security has been breached and advise management, who in turn should call in law enforcement personnel.

(d) When O. S. & D. clerks should take daily inventory of freight docks to detect over freight, make note of all over shipments, mark date of discovery, recooper any damaged shipments, segregate damaged shipments likely to damage other lading, and providing security for possible high-value cargo. The O. S. & D. clerk should accept and handle all calls from customers and other terminals relating to tracers and O. S. & D.'s.

(e) A centralized reporting procedure for O. S. & D.'s should be established for the central office to receive reports of all discrepancies from all locations, both verbal and written. This will enable that office, along with terminal help, to match up shortages, clear other discrepancies, and provide for disposition of O. S. & D. freight.

(f) The central office should have final authority in advising terminals on disposition of shipments involved in discrepancies and possible claims. This insures that all overages are promptly forwarded to proper destination with bills to cover until they can be matched up with proper billing at destination. Shortages should be given preferred attention, since they represent the single greatest dollar loss to a carrier.

(g) The central office should establish daily reports to account statistically for O. S. & D. activity and provide management with information to reflect error experience each day. High O. S. & D. activity is a sign of operational problems and a forerunner to severity in cargo loss claims.

(h) Daily written records of all events relating to O. S. & D.'s must be maintained and be part of the carrier's files and available for inspection by the claims department as needed.

(i) The central office should maintain a cross-reference file of O. S. & D.'s that is continually updated for accurate reference. It should be posted and purged daily. It is a source of reference for terminals seeking information on outstanding O. S. & D. items, for tracer information, and other O. S. & D. information. It also serves as the source for daily trends.

(j) The central office should compile discrepancy data on shippers, such as failure to mark shipments properly, and the use of poor quality containers. Such discrepancies should be called to the shipper's attention for correction.

(k) A daily conference call among terminals on the communications network should be established, preferably at an hour when telephone traffic is light and most of the inbound traffic is out for delivery. This provides the best opportunity to have a clear picture of the day's discrepancies. This call should be monitored by the central office since it provides information to and about all terminals.

(l) When teletype is used in lieu of telephone, messages should be short and meaningful, delivered on receipt to the O. S. & D. clerk and other addresses, and acted upon promptly.

Sec. 85–4.29 *Training.* (a) Training sessions should be held at each terminal location for all personnel in relation to their participation in the loss reporting procedures. Office, dock, and driving empoyees as well as management should participate in order to be acquainted fully with the carrier's practices involving O. S. & D.'s and reporting procedures.

(b) Personnel trained in the Loss Reporting System must of necessity be knowledgeable of the carriers' physical operations, routings, points served and terminal locations, as well as the care and handling of specialized cargo, hazardous materials, and high-risk cargo.

Sec. 85–4.31 *Review and Analysis.* (a) The Loss Reporting System's explicit purpose is loss prevention through intensified management of freight handling activities. Information developed in the Loss Reporting System will assist management in identifying problem areas within the system, and prompt corrective action.

(b) Periodic reports should indicate trends, problem areas, problem freight, problem customers, and problem employees and proposed corrective action. They will identify theft-prone areas and commodities.

(c) The report should advise management of the relationship of O. S. & D.'s to cargo claims filed, O. S. & D.'s to shortages never recovered, and O. S. & D.'s to claims never filed, billing errors, checker errors, and causes previously unknown or ignored.

(d) The report will also furnish data on other matters such as:

(1) Frequency of billing errors;

(2) Errors on SL&C trailers at shipper's dock, where drivers signing for loads do not count the freight; and

(3) Packaging problems on SL&C.

(e) The report should also:

(1) Identify geographic areas of loss such as large distribution centers, high-value cargo shippers and receivers, and dangerous and hazardous material shipment problems;

(2) Provide data on frequency of shipments picked up that lack proper or complete address which prevent delivery or seriously delay shipment and cost carrier time and money in determining the correct identification; and

(3) Identify shipments picked up lacking any markings which must be delayed until someone with proper authority opens cartons and checks for identification in the form of packing slips, invoices, or advertising.

(f) The report can provide data on shippers who should unitize their small carton shipments. Small containers are easily lost, stolen, or damaged when shipped loose. These multiple small pieces are costly to the carrier in extra labor as well as claims exposure. Unitizing can reduce carrier's handling cost and protect contents of shipment from loss and damage.

(g) A periodic review of the Loss Reporting System and its results should be done by management to determine:

(1) Its effectiveness, and

(2) Methods for improvement.

[FR Doc.76–27789 Filed 9–22–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 89, 91, 93]

[Docket No. 20909; FCC 76–863]

BOSTON URBANIZED AREA ET AL.

Reallocation of Land Mobile Channels in 470–512 MHz Band

Adopted: September 14, 1976.

Released: September 22, 1976.

In the matter of amendment of Parts 89, 91, and 93 of the rules to reallocate land mobile channels in the 470–512 MHz band in the Boston, Chicago, Cleveland, Detroit, Los Angeles, New York, Philadelphia, Pittsburgh, San Francisco, and Washington, D.C. urbanized areas, Docket No. 20909.

1. In June 1971,[1] we amended our rules to reflect the suballocation of the UHF channels in the 470–512 MHz band which had been made available for use in the land mobile radio services.[2] In taking this action, we modified our assignment and licensing practices to add greater "flexibility" to them; and in doing this we departed from the more traditional "block" allocation approach to frequency management (generally followed to that time) and made the spectrum available in "pools" or "groups" for use by one or more classes of eligible persons.[3]

2. To illustrate, we allocated a number of frequency pairs (68 pairs) to the "Public Safety Pool" and made them available to eligibles in the Fire, Forestry-Conservation, Local Government, Highway Maintenance, and Police Radio Services. Additional channel pairs were allocated to the "Land Transportation Pool" (28 pairs), and these frequencies were made available for assignment to eligibles in the Automobile Emergency, Motor Carrier, and Railroad Radio Services. In this way, i.e., by broadening the basis for access to the "pooled" frequencies, we placed ourselves in a position to be able to respond more readily to individual needs and requirements of the separate classes of eligibles as they developed and matured in each of the several urbanized areas in which 470–512 MHz frequencies had been allocated.[4]

3. This approach ("pooling" of the available channels at 470–512 MHz) worked reasonably well; however, over time, experience showed that an even higher degree of "flexibility" in selecting and licensing frequencies in this band was desirable. This was substantiated by the results attained in those actions in which we went beyond the "service" pool concept and made frequencies available in a "single" pool and licensed their use more in terms of the requirements of individuals rather than those of groups of users taken collectively. This was done first in making UHF spectrum available

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[1] Second Report and Order, Docket No. 18261, Land Mobile-UHF TV Channel Sharing, 30 FCC 2d 221 (1971).

[2] The basic allocation has been made in May 1970. First Report and Order, Docket No. 18261, Land Mobile Use of TV Channels 14 through 20, 23 FCC 2d 325 (1970).

[3] We created seven "service" pools and two "reserve" pools. These were: Reserve Pool A and Reserve Pool B and the Public Safety Pool (all Part 89 services except the State Guard and Special Emergency Radio Services); the Utility Pool (Power and Telephone Maintenance Radio Services); Special Industrial Pool (Special Industrial Radio Service); the Business Pool (the Business Radio Service); Taxicab Pool (Taxicab Radio Service); Land Transportation Pool (all Part 93 services except the Taxicab Service); and the Petroleum-Manufacturers Pool (Petroleum, Manufacturers, and Forest Products Radio Services).

[4] At the time, ten urbanized areas were involved: Boston, Chicago, Cleveland, Detroit, Los Angeles, New York, Philadelphia, Pittsburgh, San Francisco and Washington, D.C. Later, UHF frequencies in the 470–512 MHz band were also allocated for use in the land mobile services in Dallas/Fort Worth and Houston, Texas, and Miami, Florida. See Fifth Report and Order, Docket No. 18261, Land Mobile/UHF–TV Sharing Plan, 48 FCC 2d 360 (1974). Modification of the assignment plan in effect in those areas is not contemplated, here.

[5] Fifth Report and Order, Docket No. 18261, supra, fn. 4, and Report and Order, Docket No. 20109, Land Mobile Channels—470–512 MHz, 49 FCC 2d 1300 (1974). In Dallas/Fort Worth-Houston-Miami, a single UHF (6 MHz) channel was allocated (120, 25-kHz channel pairs). In the private services, these frequencies were made available in a "single" pool to be shared by person eligible in the seven "service" pools, previously defined. The plan, in substance, called for the licensing of eligibles in the Petroleum-Manufacturers Pool from the low end of the pool; licensing of Taxicab eligibles from the high end; and the licensing of the other five "groups" from intermediate points in the "single" pool. Where frequencies made available in this way were exhausted, provision was made for the staff to establish new "starting points" for assigning frequencies, so that urgent needs of eligible person could be responded to without need for further rule making. See Fifth Report and Order, Docket No. 18261, cited supra this fn., at p. 364 and Appendix B. In Docket No. 20109, the revised plan (for New York) called for the reallocation of 14 channel pairs from the "reserve" pool and four channel pairs from the Petroleum-Manufacturers Pool, and their assignment in the Business Pool. In Los Angeles, this revised plan called for reallocation of 12 frequency pairs allocated in "Reserve Pool B" and 8 channels in the Taxicab Pool, making these twenty pairs available in the Business Pool. Further, it called for reallocation of 8 channels from the Petroleum-Manufacturers Pool to the Taxicab Pool. This proposal was ultimately modified in certain respects. Thus, in New York instead of reallocating 14 channels from the "reserve" pool to the Business Pool, 6 of these were reallocated for use in the Taxicab Pool. Significantly, in Los Angeles it was decided to reallocate the frequencies in "Reserve Pool A" (Channels 14 and 20—a total of 12 frequency pairs) to a new "General Access Pool" and to make these channels available along the lines followed in the Dallas/Fort Worth-Houston-Miami, but with some differences. In Los Angeles, under the new plan, Public Safety eligibles were to be accommodated from the low end of the "General Access Pool" would not be available to an applicant until all channels allocated for use in the service in which that applicant was eligible were loaded in accordance with applicable channel occupancy standards. See Report and Order, Docket No. 20109, cited supra this fn., at p. 1301 and the Appendix to that decision.

in Dallas/Fort Worth, Houston, and Maimi and later in reallocating certain channels in the 470–512 MHz band in the New York and Los Angeles urbanized areas.[5]

4. Under the proposed plan, following closely the approach used in Los Angeles, all unassigned frequencies in the 470–512 MHz range would be reallocated to a "General Access Pool." Channels in this pool would be assigned sequentially, beginning with the licensing of channel pairs at the low end of the band to eligibles in the Public Safety Services and licensing pairs at the high end to eligibles in the Industrial and Land Transportation Radio Services. In this way, assignments at the lower and upper ends of the band would converge towards the center of the "General Access Pool" as facilities were authorized in the Public Safety Services, on the one hand, and on the other, in the Industrial and Land Transportation Services.[6]

5. More specifically, under the new plan, an applicant in the Public Safety Services would apply for the "first" channel available in the "General Access Pool" at the low end of the band. When that channel was licensed and substantially loaded, a second channel would be made available from the "General Access Pool" to other Public Safety eligibles. Persons eligible in the Industrial and Land Transportation Radio Services would be assigned frequencies from the high end of the band, with the "General Access Pool." Further assignments from this pool would be made when the channel pair was substantially loaded in accordance with applicable loading criteria. This process would be followed until the frequencies available in the "General Access Pool" were exhausted and there were no more to assign.

6. We have reviewed the existing frequency assignments in the 470–512 MHz band in the urbanized areas involved in this proceeding and it appears that a significant number of frequency pairs can be made available in the "General Access Pool." A summary of the results of this study is in Appendix A.

7. It should also be understood that only unassigned or unused frequencies would be reallocated to the "General Access Pool." Thus, if a 470–512 MHz pair is currently licensed in a particular urbanized area, that channel would not be reallocated to the "General Access Pool." Further, if that channel were not loaded to the required level of occupancy, it would be employed first in making assignment in that area. For example, if a channel pair were licensed to a user in the Business Radio Service in Los Angeles, and if the pair were not loaded, it would be assigned to an applicant in the Business Service. In that case, the new applicant would not be licensed from the "General Access Pool," since a frequency pair was "available," i.e., not loaded, in the area in which he proposed to operate. Additionally, where a channel had been previously assigned from one of the "service" pools and where, after the prescribed period of time, it was not being used (such as, where the facility was never constructed), that channel would also be made available in the "General Access Pool." Finally, we would mention that we would expect existing coordinating committees to play a significant role in recommending unsaturated frequencies to applicants from their own service pool and in providing information to assist applicants in making the required showing as to channel use or occupancy in his service.

8. In addition to the described modifications in our 470–512 MHz assignment plan, in the Chicago Region we propose to make Channel 15 frequencies available for paging operations in addition to low-power mobile use now permitted. In that area, the Chicago urbanized area, these frequencies cannot be employed for normal two-way voice communications, except in a very restricted area. This is due to limitations imposed in according protection to UHF–TV stations in the vicinity. However, tests have shown that the Channel 15 frequencies could be employed effectively for the purposes mentioned; and that operations of these kinds could be authorized consistent with protection requirements for UHF television. Accordingly, the instant proposal looks toward the adoption of a policy that would permit the assignment of Channel 15 frequencies in the Chicago area for such paging and low-power operations.

9. Authority for adoption of the amendments proposed herein is contained in sections 4(i) and 303(c), (h), and (r) of the Communications Act of 1934, as amended.

10. In rule making proceedings involving Parts 89, 91, 93, and 94 of our rules, we normally allow sixty days for filing comments and thirty days for replies. This is generally because of the nationwide interest in those proceedings. Here, however, the range of interest is more limited and there is a need for expedited action. Accordingly, the filing periods will be limited to thirty days and to fifteen days for comments and for replies, respectively, and extensions will be granted only for compelling reasons. Therefore, pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before October 28, 1976, and reply comments on or before November 12, 1976. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it in addition to the specific comments invited by this Notice.

11. In accordance with the provisions of § 1.419 of the Commission's Rules, an original and 11 copies of all statements, briefs or comments shall be furnished to the Commission. Responses will be available for public inspection during business hours in the Commission's Public Reference Room in its headquarters at 1919 M Street, NW., Washington, D.C. 20554.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[6] For the Cleveland and Detroit urbanized areas, where no assignments have been made and border problems remain to be worked out with Canada, we would generally follow the plan used in the Dallas/Fort Worth-Houston-Miami urbanized areas. See the description of this plan at fn. 5, supra.

Appendix A

Present allocation (service)	Number of channels allocated	Number of channels used	Number of channels available for general access
BOSTON, CHANNEL 14			
Public safety	34	34	0
Reserve pool A	6	0	6
Power and telephone maintenance	5	4	1
Special industrial	9	2	7
Reserve pool B	6	0	6
Business	22	6	16
Taxicab	4	4	0
RR/MC/AE	14	3	11
Pet./F.P./Mfr.	8	0	8
Total	108	53	55
BOSTON, CHANNEL 16			
Public safety	34	34	0
Reserve pool A	6	0	6
Power and telephone maintenance	5	0	5
Special industrial	9	1	8
Reserve pool B	6	0	6
Business	22	21	1
Taxicab	4	0	4
RR/MC/AE	14	0	14
Pet./F.P./Mfr.	8	0	8
Total	108	56	52
CHICAGO, CHANNEL 14			
Public safety	34	34	0
Reserve pool A	6	0	6
Power and telephone maintenance	5	0	5
Special industrial	9	9	0
Reserve pool B	6	0	6
Business	22	22	0
Taxicab	4	0	4
RR/MC/AE	14	14	0
Pet./F.P./Mfr.	8	5	3
Total	108	84	24

Present allocation (service)	Number of channels allocated	Number of channels used	Number of channels available for general access
LOS ANGELES, CHANNEL 14			
Public safety	34	34	0
General access pool	6	6	0
Power and telephone maintenance	5	1	4
Special industrial	9	9	0
Business	32	32	0
Taxicab	4	0	4
RR/MC/AE	14	14	0
Pet./F.P./Mfr	4	1	3
Total	108	97	11
LOS ANGELES, CHANNEL 20			
Public safety	34	34	0
General access pool	6	6	0
Power and telephone maintenance	5	1	4
Special industrial	9	9	0
Business	32	32	0
Taxicab	4	0	4
RR/MC/AE	14	11	3
Pet./F.P./Mfr	4	1	3
Total	108	94	14
NEW YORK, CHANNEL 14			
Public safety	45	45	0
Reserve pool A	0	0	0
Power and telephone maintenance	2	2	0
Special industrial	9	9	0
Reserve pool B	0	0	0
Business	34	34	0
Taxicab	9	7	2
RR/MC/AE	7	7	0
Pet./F.P./Mfr	2	0	2
Total	108	104	4
NEW YORK, CHANNEL 15			
Public safety	45	45	0
Power and telephone maintenance	2	2	0
Special industrial	9	9	0
Business	34	34	0
Taxicab	9	7	2
RR/MC/AE	7	7	0
Pet./F.P./Mfr	2	0	2
Total	108	104	4
PHILADELPHIA, CHANNEL 19			
Public safety	34	15	19
Reserve pool A	6	0	6
Power and telephone maintenance	5	0	5
Special industrial	9	3	6
Reserve pool B	6	0	6
Business	22	22	0
Taxicab	4	0	4
RR/MC/AE	14	14	0
Pet./F.P./Mfr	8	0	8
Total	108	54	54
PHILADELPHIA, CHANNEL 20			
Public safety	34	0	34
Reserve pool A	6	0	6
Power and telephone maintenance	5	0	5
Special industrial	9	0	9
Reserve pool B	6	0	6
Business	22	1	21
Taxicab	4	0	4
RR/MC/AE	14	0	14
Pet./F.P./Mfr	8	0	8
Total	108	1	107
PITTSBURGH, CHANNEL 14			
Public safety	34	0	34
Reserve pool A	6	0	6
Power and telephone maintenance	5	0	5
Special industrial	9	0	9
Reserve pool B	6	0	6
Business	22	1	21
Taxicab	4	0	4
RR/MC/AE	14	0	14
Pet./F.P./Mfr	8	0	8
Total	108	1	107
PITTSBURGH, CHANNEL 18			
Public safety	34	0	34
Reserve pool A	6	0	6
Power and telephone maintenance	5	0	5
Special industrial	9	0	9
Reserve pool	6	0	6
Business	22	0	22
Taxicab	4	0	4
RR/MC/AE	14	0	14
Pet./F.P./Mfr	8	0	8
Total	108	0	108

Present allocation (service)	Number of channels allocated	Number of channels used	Number of channels available for general access
SAN FRANCISCO, CHANNEL 16			
Public safety	34	19	15
Reserv pool A	6	0	6
Power and telephone maintenance	5	0	5
Special industrial	9	5	4
Reserve pool B	6	0	6
Business	22	22	0
Taxicab	4	0	4
RR/MC/AE	14	14	0
Pet./F.P./Mfr	8	0	8
Total	108	60	48
SAN FRANCISCO, CHANNEL 17			
Public safety	34	20	14
Reserve pool A	6	0	6
Power and telephone maintenance	5	0	5
Special industrial	9	9	0
Reserve pool B	6	0	6
Business	22	22	0
Taxicab	4	0	4
RR/MC/AE	14	7	7
Pet./F.P./mfr	8	4	4
Total	108	62	42
WASHINGTON, CHANNEL 17			
Public safety	34	0	34
Reserve pool A	6	0	6
Power and telephone maintenance	5	0	5
Special industrial	9	0	9
Reserve pool B	6	0	6
Business	22	1	21
Taxicab	4	0	4
RR/MC/AE	14	0	14
Pet./F.P./Mfr	8	0	8
Total	108	1	107
WASHINGTON, CHANNEL 18			
Reserve pool C	9	0	9
Public safety	45	45	0
Reserve pool A	6	0	6
Power and telephone maintenance	2	0	2
Special industrial	4	3	1
Reserve pool B	6	0	6
Business	22	21	1
Taxicab	3	0	3
RR/MC/AE	7	7	0
Pet./F.P./Mfr	4	0	4
Total	108	76	32

[FR Doc.76-27756 Filed 9-22-76;8:45 am]

LEGAL SERVICES CORPORATION

[45 CFR Part 1617]

CLASS ACTIONS

Proposed Rulemaking

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l* ("the Act"). Section 1006(d)(5) of the Act, 42 U.S.C. 2996e(d)(5), requires class action litigation undertaken by a recipient to be approved by the project director in accordance with policies established by the governing board. Section 1007(a)(3), 42 U.S.C. 2996f(a)(3), requires the Corporation to insure that legal assistance is rendered in the most economical and effective manner, and section 1007(a)(1), 42 U.S.C. 2996f(a)(1), requires the Corporation to protect against impairing the integrity of the adversary process.

Pursuant to section 1008(e) of the Act, the Corporation hereby affords notice and publishes for comment the following proposed regulations concerning class actions. Public comment will be received by the Corporation at its headquarters office, Suite 700, 733 15th Street, NW., Washington, D.C. 20005 on or before October 26, 1976. Comments must be in writing and may be accompanied by a memorandum or brief in support thereof. Comments received may be seen at the above offices during business hours Monday through Friday.

Final regulations will be issued by the Corporation after review and consideration of public comments received pursuant to this notice.

COMMENT

Section 1006(d)(5) of the Act requires class action litigation undertaken by a recipient to be approved by the project director in accordance with policies established by the governing board. The legislative history of the section makes it clear that Congress did not intend to discourage use of class actions, but did want to insure that class action litigation would be undertaken according to standards established by persons accountable for the overall performance of the legal services program.

Neither the Act nor relevant American Bar Association Ethics Opinions permits a governing body to review class action litigation on a case-by-case basis. What is contemplated is the establishment by a governing body of broad policies that are consistent with its resource allocation priorities, and with the need to protect the rights of an individual client and similarly situated clients. The class action policy adopted by a governing body should not interfere with an attorney's independent judgment or duty to a client. See sections 1006(a)(3); 1007(a)(1); ABA Committee on Ethics and Professional Responsibility, Formal Opinion 334.

Because a class action may be a useful way of avoiding duplicative and repetitive actions, the mandate of section 1007(a)(3) that legal assistance be rendered in "the most economical and effective" manner, as well as the prohibition in section 1007(a)(1) against impairing the integrity of the adversary process, preclude a recipient from adopting policies that would prevent class actions in appropriate cases.

Part 1617 is added in proposed form as follows:

PART 1617—CLASS ACTIONS

Sec.
1617.1 Purpose.
1617.2 Definition.
1617.3 Approval Required.
1617.4 Standards for Approval.

AUTHORITY: Secs. 1006(d)(5), 1007(a)(1), 1007(a)(3), 1008 (e) (42 U.S.C. 2996e(d)(5), 2996f(a)(1), 2996f(a)(3), 2996g(e)).

§ 1617.1 Purpose.

This part is intended to promote responsible, efficient, and effective use of Corporation resources. It does not apply to any case or matter in which assistance is not being rendered with funds provided under the Act.

§ 1617.2 Definition.

"Class action" means a class suit, class action, appeal, or amicus curiae class action, as defined by statute or the rules of civil procedure of the court in which an action is filed.

§ 1617.3 Approval required.

No class action may be undertaken by a staff attorney without the express approval of the director of the recipient, acting in accordance with policies established by the governing board.

§ 1617.4 Standards for approval.

The governing body of a recipient shall adopt policies to guide the director of the recipient in determining whether to approve class action litigation. The policies adopted

(a) Shall not prohibit class action litigation when appropriate to provide effective representation to a client or a group of similarly situated clients;

(b) Shall not require case-by-case approval of class action litigation by the governing body;

(c) Shall give appropriate consideration to priorities in resource allocation adopted by the governing body, or required by the Act or Corporation regulations; and

(d) Shall not interfere with the professional responsibilities of an attorney to a client.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-27860 Filed 9-22-76;8:45 am]

[45 CFR Part 1618]

ENFORCEMENT PROCEDURES

Proposed Rulemaking

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l* ("the Act"). Sections of the Act, including sections 1006(b)(1), 1006(b)(5), and 1007(d), 42 U.S.C. 2996e(b)(1), 29996e(b)(5), 2996f(d), provide that the Corporation shall have the authority to enforce, and to monitor and evaluate programs to insure, compliance with the Act and Corporation rules, regulations, and guidelines. Section 1006(b)(2), 42 U.S.C. 2996e(b)(2), requires recipients to insure compliance by their employees with the Act and Corporation rules, regulations, and guidelines.

Pursuant to section 1008(e) of the Act, the Corporation hereby affords notice and publishes for comment the following proposed regulations concerning enforcement procedures. Public comment will be received by the Corporation at its headquarters offices, Suite 700, 733 15th Street, NW., Washington, D.C. 20005 on or before October 26, 1976. Comments must be in writing and may be accompanied by a memorandum or brief in support thereof. Comments received may be seen at the above offices during business hours Monday through Friday.

Final regulations will be issued by the Corporation after review and consideration of public comments received pursuant to this notice.

COMMENT

Congress conferred upon the Corporation the dual responsibility of insuring compliance by recipients and their employees with the provisions of the Act and Corporation rules, regulations, and guidelines, and of insuring "the protection of the integrity of the adversary process from any impairment in furnishing legal assistance" to eligible clients. (Sections 1006(b)(1) and 1007(a)(1)). The enforcement procedure established by this Part attempts to satisfy both these goals.

The Corporation's authority to enforce the Act is found in sections 1006(b)(1) and 1007(d). The Act specifically mentions only termination of financial support to recipients as a means of general enforcement, but such a severe remedy probably would be unwarranted in most instances. It was necessary, therefore, to provide other methods of enforcement. Cf. section 1006(b)(5), that does contemplate other remedies for violations of its provisions. The Congressional intention that the Corporation should have authority to create other remedies is specifically stated in the Conference Report:

> The conferees intend that remedial measures short of termination be utilized prior to termination. S. Conf. Rep. 93-845, 93rd Cong., 2nd sess., 21 (1974).

To allow maximum latitude for informal resolution of violations, this Part does not specify what kind of remedial action, short of suspension or termination, should be taken when the Corporation finds a violation of the Act. It is anticipated that some initial violations may be due to uncertainty about the proper interpretation of the Act. In such instances, it should be sufficient to notify the recipient that its interpretation of the Act is erroneous. In other cases, the Corporation may instruct the recipient to remedy the matter according to its own procedures. It is expected that the Corporation will take formal action to remedy a violation only after other means have failed.

The procedure established by this Part is consistent with the Congressional intention that a recipient should have the initial responsibility for insuring that its employees comply with the Act. Section 1006(b)(2).

PRIMARY JURISDICTION

To insure uniform and consistent interpretation and application of the Act, every alleged violation should be dealt with in the manner prescribed by this part. Use of this procedure will also protect the integrity of the adversary process by insuring that questions of compliance with the Act will not become ancillary issues in cases undertaken by attorneys employed by recipients. The most common situation in which a question of compliance arises is when an opposing party in a lawsuit challenges a client's eligibility for representation by a legal services attorney. Several courts confronted with that issue have held that it is not a proper one for judicial determination. *Ingram* v. *Justice Court*, 69 Cal. 2d 832, 447 P. 2d 650 (1968); *Budget Finance Plan, Inc.* v. *Staley*, Civil No. GS 19245-65 (D.C. Ct. Gen. Sess., June 9, 1966); *Florida ex rel T.J.M.* v. *Carlton*, No. 75-245 (Fla. Dist. Ct. App., June, 1975) 9 Clearinghouse Rev. 209 (July, 1975); *Brednenner* v. *Brednenner*, (Penn. C.P. Luzerne Co., June 10, 1975) 9 Clearinghouse Rev. 277 (August, 1975).

In both *Carlton* and *Brednenner*, the courts specifically recognized the issue as being one for administrative resolution. In *Carlton*, the Court said:

> No authorization, either state or federal, permits judicial inquiry into a client's eligibility for representation in a Florida Court by an attorney who is a member of the Florida Bar in good standing who has been designated by the client. Where the federal government makes legal services available under congressional authority, eligibility for rendering and receiving such legal services is a matter [to be resolved] by the federal agencies which make such services available. Slip Opinion at 2-3.

The approach taken by these courts is consistent with the one adopted here, which assumes that the Corporation has primary jurisdiction to enforce compliance with the Act. The primary jurisdiction doctrine requires a party to exhaust an available administrative procedure before seeking judicial resolution of a dispute subject to an agency's jurisdiction. The rationale for the doctrine supports its application to questions of compliance with the Legal Services Corporation Act. As explained by Professor Kenneth Davis, the doctrine is based on

> * * * recognition of the need for orderly and sensible coordination of the work of agencies and of courts. Whether the agency happens to be expert or not, a court should not act upon subject matter that is peculiarly within the agency's specialized field without taking into account what the agency has to offer, for otherwise parties who are subject to the agency's continuous regulation may become the victims of uncoordinated and conflicting requirements. 3 Davis Administrative Law § 1901, at 5 (Footnote omitted).

Where appropriate, the primary jurisdiction doctrine applies even in the absence of a specific statutory provision requiring it, as shown by the decision in *"Andrews* v. *Louisville & Nashville R.R. Co.,"* 406 U.S. 320 (1972). Commenting on *Andrews*, Professor Davis said:

> * * * perhaps the case stands for the broad proposition that establishment of federal administrative machinery to take care of a class of controversies indicates legislative intent to require prior resort to that machinery, even through the legislative body said nothing about such prior resort. Davis Administrative Law, 1976 Supplement, § 19.03 at 438.

The legislative history of the Legal Services Corporation Act supports the view that Congress intended the Corporation to have primary jurisdiction to enforce compliance with the Act. The original legal services bill, S. 1815, 93rd Cong. 1st Sess. (May 15, 1973) and H.R. 7824, *Id.*, contained a provision that would have given private citizens the right to seek enforcement of the Act in federal court. The provision was deleted, and in the Senate debates it was specifically noted by Senator Nelson that "Any violation of the bill's restrictions [is] to be enforced by the Corporation." 120 Cong. 12923 (Daily Ed., July 18, 1974).

Support for application of the primary jurisdiction doctrine is found in the provisions of the Act itself. Section 1006(b)(1) gives the Corporation the authority, and section 1007(d) gives it the obligation to enforce the Act. Moreover, the Act's restrictions are cast in terms that refer to the relation between the Corporation and a recipient: Section 1007(a) requires the Corporation to "insure" that certain restrictions are observed, and section 1007(b) prohibits certain use of "funds made available by the Corporation." Both provisions support the view that an alleged violation of the Act is, at least in the first instance, a matter to be resolved by the Corporation.

Part 1618 is added in proposed form as follows:

PART 1618—ENFORCEMENT PROCEDURES

Sec.

1618.1 Purpose.
1618.2 Definition.
1618.3 Complaints.
1618.4 Duties of Recipients.
1618.5 Duties of the Corporation.

AUTHORITY: Sec. 1006(b)(1), 1006(b)(2), 1006(b)(5), 1007(d), 1008(e) (42 U.S.C. 2996

e(b)(1), 2996(e)(b)(2), 2996e (b)(5), 2996f (d), 2996g(e)).

§ 1618.1 Purpose.

In order to insure uniform and consistent interpretation and application of the Act, and to prevent a question of whether the Act has been violated from becoming an ancillary issue in any case undertaken by a recipient, this part establishes a systematic procedure for enforcing compliance with the Act.

§ 1618.2 Definition.

As used in this part, "Act" means the Legal Services Corporation Act or the rules and regulations issued by the Corporation.

§ 1618.3 Complaints.

A complaint of a violation of the Act by a recipient or an employee may be made to the recipient, the State Advisory Council, or the Corporation.

§ 1618.4 Duties of recipients.

A recipient shall (a) Advise its employees of their responsibilities under the Act; and

(b) Establish procedures, consistent with the notice and hearing requirements of section 1011 of the Act, for determining whether an employee has violated a prohibition of the Act; and shall establish a policy for determining the appropriate sanction to be imposed for a violation, including

(1) Administrative reprimand if a violation is found to be minor and unintentional, or otherwise affected by mitigating circumstances;

(2) Suspension and termination of employment; and

(3) Other sanctions appropriate for enforcement of the Act; but

(c) Before suspending or terminating the employment of any person for violating a prohibition of the Act, a recipient shall consult the Corporation to insure that its interpretation of the Act is consistent with Corporation policy.

§ 1618.5 Duties of the Corporation.

(a) Whenever there is reason to believe that a recipient or an employee may have violated the Act, or failed to comply with a term of its Corporation grant or contract, the Corporation shall investigate the matter promptly and attempt to resolve it through informal consultation with the recipient.

(b) Whenever there is substantial reason to believe that a recipient has persistently or intentionally violated the Act, or, after notice, has failed to take appropriate remedial or disciplinary action to insure compliance by its employees with the Act, and attempts at informal resolution have been unsuccessful, the Corporation may proceed to suspend or terminate financial support of the recipient pursuant to the procedures set forth in Part 1612 of this chapter, or may take other action to enforce compliance with the Act.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-27861 Filed 9-22-76;8:45 am]

[45 CFR Part 1619]

PUBLIC DISCLOSURE OF RECIPIENT POLICIES

Proposed Rulemaking

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2966-2996l ("the Act"). Section 1005(g) of the Act, 42 U.S.C. 2996d(g), provides that the Corporation shall be subject to the provisions of the Freedom of Information Act, 5 U.S.C. 552.

Pursuant to section 1008(e) of the Act, the Corporation hereby affords notice and publishes for comment the following proposed regulations concerning public disclosure of recipient policies. Public comment will be received by the Corporation at its headquarters offices, Suite 700, 733 15th Street, NW., Washington, D.C. 20005 on or before October 26, 1976. Comments must be in writing and may be accompanied by a memorandum or brief in support thereof. Comments received may be seen at the above offices during business hours Monday through Friday.

Final regulations will be issued by the Corporation after review and consideration of public comments received pursuant to this notice.

COMMENT

The Act does not apply the Freedom of Information Act to recipients, but there are sound reasons for requiring a recipient to make Corporation regulations, and many of its own records available to the public. The Congressional purpose in applying the FOIA to the Corporation would be furthered by imposing a public-disclosure requirement on recipients, and the requirement is consistent with § 1607.4 of the regulations issued by the Corporation, which requires all meetings of the governing body of a recipient to be open to the public.

The draft regulation presented here is adopted from Part 1602, governing public disclosure of Corporation records, with appropriate changes to protect confidential information and to avoid unnecessary interference with legal assistance activities.

Part 1619 is added in proposed form as follows:

PART 1619—PUBLIC DISCLOSURE OF RECIPIENT POLICIES

Sec.
1619.1 Purpose.
1619.2 Definitions.
1619.3 Procedure.
1619.4 Exemptions.
1619.5 Denials.
1619.6 Appeals of Denials.

AUTHORITY: Secs. 1005(g), 1008(e) (42 U.S.C. 2996d(g), 2996g(e)).

§ 1619.1 Purpose.

This part is designed to insure that the public will have access to records of a recipient to the fullest extent consistent with operating efficiency and the protection of confidential or privileged information.

§ 1619.2 Definition.

"Records" means books, papers, or other documentary materials, regardless of physical form or characteristics, made or received by a recipient in connection with the transaction of its business and preserved by the recipient as evidence of the organization, functions, policies, decisions, procedures, rules, regulations, guidelines, operations, or other activities of the recipient or the Corporation, or because of the informational value of data in them. The term does not include books, magazines, or other materials acquired solely for library purposes.

§ 1619.3 Procedure.

(a) Every recipent shall designate an employee to act as Records Officer, with the responsibility for responding to requests to inspect recipient records.

(b) Any member of the public who wishes to inspect or copy records regularly maintained by a recipient may secure access to them at the office of the recipient during business hours. Advance notice or appointment may be required when it would be difficult for a recipient to produce the records requested on short notice.

(c) A request shall identify a record with sufficient specificity to enable the recipient to locate it with a reasonable amount of effort, and without unduly burdening staff or materially interfering with legal assistance activities. If it is determined that a request does not adequately describe the record sought, the response denying the request on that ground shall state how the request failed to meet the requirements of this paragraph, and shall extend to the requesting party an opportunity to confer with recipient personnel in order to attempt to reformulate the request in an acceptable manner.

(d) A recipient is not required to create a record to satisfy a request for information. When the information requested exists in the form of several records at several locations, the requesting party should be referred to those sources only if gathering the information would unduly burden or materially interfere with operations of the recipient.

(e) The Records Officer shall make an initial determination whether to comply with a request for records, and shall notify the requesting party of the determination within ten working days after receipt of the request. In unusual circumstances, the time limit may be extended for no more than an additional ten working days. As used herein, "unusual circumstances" includes

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office to which the request was made;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are included in a single request; or

(3) The need for consultation with another entity having a substantial in-

terest in the determination of the request.

(f) If no determination has been made at the end of the ten-day period, or the last extension thereof, the requesting party may deem the request denied, and appeal, pursuant to § 1619.6. When no determination can be made within the applicable time limit, the Records Officer shall nevertheless continue to process the request, and upon expiration of the time limit shall inform the requesting party of the reason for the delay, of the date on which a determination may be expected to be made, and of the right to treat the delay as a denial and to appeal to the Director of the recipient pursuant to § 1619.6, or to forego appeal until a determination is made.

(g) After it has been determined that a request will be granted, the recipient shall provide a substantive response promptly.

§ 1619.4 Exemptions.

(a) Nothing in this part shall require disclosure of

(1) Any information furnished to a recipient by a client;

(2) The work product of an attorney or paralegal;

(3) Any material used by a recipient in providing representation to clients;

(4) Any matter that is related solely to the internal personnel rules and practices of the recipient; or

(5) Personnel, medical, or similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(b) If one or more of the above exemptions applies, any reasonably segregable portion of a record shall be provided to the requesting party after deletion of the portions that are exempt. In appropriate circumstances, subject to the discretion of the recipient, a requesting party may be provided with

(1) A summary of information in the exempt portion of a record, or

(2) An oral description of the exempt portion of a record.

§ 1619.5 Denials.

Whenever a recipient denies a request for a record or deletes part of a record, the requesting party shall be provided with a written statement including

(a) A reference to the applicable exemption or exemptions in § 1619.3 upon which the denial or deletion is based;

(b) An explanation of how the exemption applies to the requested records;

(c) A statement explaining why it is deemed unreasonable to provide segregable portions of the record after deleting the exempt portions;

(d) The name and title of the person or persons responsible for denying the request; and

(e) An explanation of the right to appeal the denial or deletion and of the procedure for submitting an appeal.

§ 1619.6 Appeals of denials.

(a) Any person whose request to inspect a record has been denied in whole or in part may appeal to the Director of the recipient by written request made within thirty days after denial. An appeal should identify the requested record and the employee who issued the denial, and state the date on which the denial was issued.

(b) No personal appearance, oral argument, or hearing will ordinarily be permitted on appeal of a denial, but upon request and a showing of special circumstances, an informal conference may be arranged with the Director or the Director's designee.

(c) The decision of the Director shall be in writing and, if the denial is upheld in whole on in part, shall state the reasons for denial. The decision shall be dispatched to the requesting party within twenty working days after receipt of the appeal, unless an additional period is justified pursuant to § 1619.3(e).

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-27862 Filed 9-22-76;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 704]

CORPORATE CENTRAL FEDERAL CREDIT UNIONS

Proposed Rulemaking

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, and section 209, 84 Stat. 1014, 12 U.S.C. 1789, proposes to establish a regulation on corporate central Federal credit unions, such regulation to be designated as Part 704 (12 CFR Part 704).

The proposed regulation recognizes that a central Federal credit union that is operated for the primary purpose of serving corporate accounts should be classified as a corporate central Federal credit union (CCFCU), as that term is defined in the regulation, and that the reserving requirements for a CCFCU should be modified to more accurately reflect the lower risk involved in granting loans to corporate accounts, i.e., loans to credit unions. The proposed regulation would establish a reserving requirement for a CCFCU which would differ from that delineated in § 702.2 (12 CFR 702.2) by clarifying risk assets as defined in § 700.1 (12 CFR 700.1), and by creating a "corporate central reserve" (CCR). A CCFCU will be required to transfer to the regular reserve amounts as set forth in § 702.2 (12 CFR 702.2), except that in computing the amount that must be maintained in the regular reserve pursuant to § 702.2 (12 CFR 702.2), loans made to credit unions by a CCFCU under authority of section 107 (5) and 107(8)(A) of the Act (12 U.S.C. 1757(5) and (8)(A)) will now be classified in the same category as loans presently made to other credit unions under authority of 107(8)(C) of the Act (12 U.S.C. 1757(8)(C)), that is, as nonrisk assets. To cover any potential loss on loans to corporate accounts, a CCFCU would be required to establish and maintain a CCR as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the Administrator, National Credit Union Administration, 2025 M Street, NW, Washington, DC 20456. Comments received prior to November 16, 1976, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for public inspection during normal business hours at the foregoing address.

C. AUSTIN MONTGOMERY,
Acting Administrator.

SEPTEMBER 15, 1976.

Sec.
704.0 Scope.
704.1 Definitions.
704.2 Corporate Central Reserve.

AUTHORITY: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).

§ 704.0 Scope.

Part 702 of this chapter sets forth the reserving requirements for Federal credit unions. As concerns corporate central Federal credit unions, this part modifies the existing regular reserve structure by eliminating from outstanding loans and risk assets, when computing the amount that must be maintained in the regular reserve, loans to member credit unions (loans to other credit unions are presently excepted from risk assets by § 700.1(j)(4)), and by creating a corporate central reserve.

§ 704.1 Definitions.

(a) "Corporate central Federal credit union" means a Federal credit union operated for the primary purpose of serving corporate accounts. A Federal credit union will be deemed to be a corporate central Federal credit union when its total dollar amount of outstanding corporate loans plus corporate shareholdings is equal to or in excess of 75 per centum of its total outstanding loans plus shareholdings.

(b) Risk assets of a corporate central Federal credit union shall be as defined in § 700.1 of this chapter, except, however, loans made under authority of section 107(5) and 107(8)(A) of the Act by a CCFCU to credit unions shall not be considered risk assets.

§ 704.2 Corporate Central Reserve.

(a) In addition to the Regular Reserve required by § 702.2 of this chapter, a corporate central Federal credit union shall establish and maintain a Corporate Central Reserve as described in this section.

(b) Immediately before the payment of each dividend, the treasurer shall determine the gross earnings, as defined in § 702.2 of this chapter, of the corporate central Federal credit union. From this amount there shall be transferred to a reserve to be known as the Corporate Central Reserve, as of the end of each dividend period, 2 per centum of gross earnings until the Corporate Central Reserve shall equal 1½ per

centum of the corporate central Federal credit union's total assets.

(c) Whenever the Corporate Central Reserve falls below 1½ per centum of total assets it shall be replenished by regular transfers of 2 per centum of gross earnings or by contributions in such amounts as may be needed to maintain the Corporate Central Reserve at 1½ per centum of total assets, whichever is less.

(d) Charges may be made against the Corporate Central Reserve to the same extent and in the same manner as those permitted to be made against the Regular Reserve pursuant to § 702.2 of this chapter. No other charges shall be made against the Corporate Central Reserve except as may be authorized in writing by the Administrator or his designee.

[FR Doc.76-27843 Filed 9-22-76;8:45 am]

NATIONAL STUDY COMMISSION ON RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS

[5 CFR Part 2505]

PRIVACY ACT

Changes in Records; Fees

Pursuant to the Privacy Act, 5 U.S.C. 552a, the National Study Commission on Records and Documents of Federal Officials published proposed regulations for implementation of the Privacy Act in the FEDERAL REGISTER, August 30, 1976 (41 FR 36514). Pursuant to suggestions from the Office of Management and Budget, the Commission hereby offers proposed revisions of §§ 2505.7 and 2505.11 for public comment. Any interested person may submit comments on the proposed revisions on or before October 26, 1976. Such comments should be addressed to the General Counsel, National Study Commission on Records and Documents of Federal Officials, Department of Justice, Room 1127, Washington, D.C. 20530.

Signed this 14th day of September, 1976.

HERBERT BROWNELL,
Chairman.

1. It is proposed to revise proposed §2505.7 to read as follows:

§ 2505.7 Request for correction or amendment of the record.

An individual should submit a request in writing to the General Counsel to the Commission stating the individual's desire to correct or to amend his record as well as the specific nature and content of the requested change. This request is to be made in accordance with the provisions of § 2505.4.

2. It is proposed to revise proposed § 2505.11 to read as follows:

§ 2505.11 Fees.

(a) Where applicable, fees for copying records shall be charged in accordance with the schedule set forth in this section. Fees may only be charged where an individual has requested that a copy be made of a record to which he is granted access. No fee may be charged for making a search of a Privacy Act Record System whether the search is manual, mechanical, or electronic.

(b) The fee schedule is as follows:

(1) Copying of records suceptible to photocopying—$.10 per page.

(2) Copying of records not susceptible to photocopying, e.g., punch cards or magnetic tapes—at actual cost to be determined on a case-by-case basis.

(3) No charge will be made if the total amount of copying for an individual does not exceed $25.

[FR Doc.76-27790 Filed 9-22-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-6/99]

SHIPPING COORDINATING COMMITTEE

Meeting

The Shipping Coordinating Committee will hold an open meeting at 10:00 a.m. on Tuesday, October 19, 1976, in Room 7200 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The Secretary-General of the Intergovernmental Maritime Consultative Organization (IMCO) has approved the convening of an international conference in London on November 1–19, to consider an International Conference on Limitation of Liability for Maritime Claims.

The purpose of the meeting is to solicit the views of all interested members of the Committee and from the general public regarding the forthcoming conference.

To the extent possible, drafts of position papers for use at the Conference will be prepared prior to the meeting. Persons wishing to receive such papers in advance of the meeting should contact Mr. John Crook of the Office of the Legal Adviser, Department of State. He may be reached by telephone on (area code 202) 632–1571.

CARL TAYLOR, Jr.,
Acting Director,
Office of Maritime Affairs.

SEPTEMBER 14, 1976.

[FR Doc.76-27845 Filed 9-22-76;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

MELAMINE IN CRYSTAL FORM FROM JAPAN

Determination of Sales at Less Than Fair Value

Information was received on November 14, 1975, from counsel acting on behalf of Melamine Chemicals, alleging that melamine in crystal form from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the U.S. Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER on December 19, 1975 (40 FR 58869–70).

A "Withholding of Appraisement Notice" was published in the FEDERAL REGISTER of June 18, 1976 (41 FR 24732).

DETERMINATION OF SALES AT LESS THAN FAIR VALUE

I hereby determine that, for the reasons stated below, melamine in crystal form from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

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

SCOPE OF THE INVESTIGATION

It appears that all, or virtually all, imports of the subject merchandise from Japan were manufactured by Nissan Chemical Industries, Ltd., Tokyo, Japan. Therefore, the investigation was limited to this manufacturer.

B. BASIS OF COMPARISON

For the purpose of considering whether the merchandise in question is being, or is likely to be sold at less than fair value within the meaning of the Act, the proper basis of comparison is between purchase price and the home market price of such merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used for the export sales which were made to unrelated Japanese trading companies for resale to the United States. Home market price, as defined in § 153.2, Customs Regulations (19 CFR 153.2), was used since such merchandise was sold in the home market in sufficient quantities to provide a bisis of comparison for fair value purposes.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning imports and home market sales of melamine in crystal form from Japan during the 6-month period July 1, through December 31, 1975.

C. PURCHASE PRICE

For the purposes of this determination of sales at less than fair value, adjustments have been made on the following bases. In the import transactions, all merchandise was purchased or agreed to be purchased, prior to the time of exportation, by the persons by whom or for whose account it was imported, within the meaning of the Act. The purchase price has been calculated on the basis of the f.o.b. price to trading companies with deductions for inland freight, shipping charges, and palletization, as appropriate.

D. HOME MARKET PRICE

For the purposes of this determination of sales at less than fair value, adjustments have been made on the following bases. The home market price has been calculated on the basis of the packed, delivered price to distributors. Adjustments have been made for transportation, rebates, warehousing at customers' request, transportation of reusable containers, and for differences in interest and in packing expenses, as appropriate, in accordance with § 153.10, Customs Regulations (19 CFR 153.10).

Adjustments for interest expenses and packing expenses relate to the difference in these costs between home market sales and sales for export to the United States.

Adjustments for differences in circumstances of sale in accordance with § 153.10, Customs Regulations (19 CFR 153.10) for rebates and for transportation of reusable containers were based on the actual costs incurred in home market sales and were directly related to the sales under consideration.

The adjustment for warehousing is related to costs incurred by Nissan Chemical for storing the melamine at the request of individual customers and were directly related to the sales under consideration.

Adjustments were claimed by Nissan Chemical for differences in circumstances of sale in accordance with § 153.10, Customs Regulations (19 CFR 153.10), for technical services, research and development, travel, entertainment, membership dues, and general selling expenses. Adjustments for these expenses have been disallowed.

Adjustments to the home market price, in purchase price situations, are allowed only for circumstances of sale which bear a direct relationship to the sales under consideration. Accordingly, general selling expenses and research and development costs are not an allowable adjustment, since these expenses must be borne regardless of whether particular sales are made.

The adjustments for technical services, travel, entertainment and membership dues have not been allowed since they have not been demonstrated to have been directly related to the sales under consideration.

E. RESULT OF FAIR VALUE COMPARISONS

Using the above criteria, the purchase price was found to be lower than the home market price of such merchandise. Comparisons were made on virtually all of the melamine in crystal form from Japan sold to the United States by the manufacturer during the period of investigation. Margins were found ranging from 50 percent to 70 percent on 100 percent of the sales compared. The weighted average margin was 60 percent.

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(d) of the Act (19 U.S.C. 160(d)).

JERRY THOMAS,
Under Secretary of the Treasury.

SEPTEMBER 17, 1976.

[FR Doc.76-27793 Filed 9-22-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

BOARD OF ADVISORS TO THE PRESIDENT, NAVAL WAR COLLEGE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C.

App. I), notice is hereby given that the Board of Advisors to the President, Naval War College will meet on October 16, 1976, at the facilities of the Naval War College, Newport, Rhode Island. The meeting will commence at 9 a.m. and will terminate at 12 noon. The purpose of the meeting is to examine educational, doctrinal, and research policies and programs.

Dated: September 16, 1976.

JOHN S. JENKINS,
Captain, JAGC, U.S. Navy, Assistant Judge Advocate General (Civil Law).

[FR Doc.76-27912 Filed 9-22-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

CHEMEHUEVI INDIAN RESERVATION, CALIFORNIA

Ordinance Restricting the Sale and Purchase of Alcoholic Beverages to Certain Geographical Areas

SEPTEMBER 15, 1976.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Pub. L. 277, 83rd Congress, 1st Session (67 Stat. 586), I certify that the following Ordinance relating to the application of the Federal Indian Liquor Laws on the Chemehuevi Indian Reservation, California, was adopted May 29, 1976, by the Chemehuevi Indian Tribal Council which has jurisdiction over the area of Indian country included in the Ordinance, reading as follows:

Whereas, Title 18, Section 1161 of the United States Code provides that certain laws prohibiting the sale and consumption of alcoholic beverages on Indian country are not applicable to an act or transaction which is in conformity both with the laws of the State of California and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior and published in the FEDERAL REGISTER; and

Whereas, the Chemehuevi Tribal Council has heretofore enacted Tribal Ordinance No. 7 with respect to the sale and consumption of alcoholic beverages on the Reservation, which ordinance was certified by the Secretary of the Interior and published in Volume 37, No. 217 of the FEDERAL REGISTER on November 9, 1972; and

Whereas, the Chemehuevi Tribal Council wishes to amend such ordinance;

Therefore, be it enacted, the possession and consumption of alcoholic beverages on the Chemehuevi Indian Reservation shall be lawful; *Provided*, That such possession and consumption is in conformity with the laws of the State of California. The purchase and sale of alcoholic beverages on the Chemehuevi Reservation shall be lawful only within that portion of the Reservation riparian to Lake Havasu designated by United States Secretary of the Interior Ickes on November 25, 1941, bounded on the north by a line parallel to and 200 feet south of the north boundary of Section 31, T5N, R25E, San Bernardino Meridian and bounded on the south by the east-west centerline of the SW-¼ of Section 31; *Provided*, That such purchase and sale is in conformity with the laws of the State of California.

Resolved further, that Tribal Ordinance No. 7 is hereby repealed; and

Resolved further, that the Chairman of the Tribe is hereby directed to submit the foregoing ordinance, or cause such ordinance to be submitted, to the Superintendent of the Colorado River Agency, Bureau of Indian Affairs, for submission to the Secretary of the Interior for certification and publication in the FEDERAL REGISTER.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-27921 Filed 9-22-76;8:45 am]

[Case No. 50233]

CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION

Plan for the Use and Distribution of Judgment Funds Awarded by United States Court of Claims

SEPTEMBER 15, 1976.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of December 15, 1971, 85 Stat. 627, in satisfaction of the award granted to the Confederated Salish and Kootenai Tribes by the U.S. Court of Claims in Case No. 50233, paragraphs 8 and 9. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated May 20, 1976, and was received (as recorded in the Congressional Record) by the House of Representatives on May 24, 1976, and by the Senate on May 25, 1976. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on August 25, 1976, as provided by Section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of December 15, 1971, 85 Stat. 627, in satisfaction of the award granted to the Confederated Salish and Kootenai Tribes in Case No. 50233, paragraphs 8 and 9, before the United States Court of Claims, including all interest accrued, less attorney fees and litigation expenses, shall be held and continued to be invested by the Secretary of the Interior, pursuant to 25 U.S.C. 162a, until such time as a further plan for the disposition of the funds becomes effective after review by the Congress.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-27920 Filed 9-22-76;8:45 am]

Bureau of Land Management

IDAHO

Filing of Plat of Survey

SEPTEMBER 14, 1976.

1. A plat of survey for the following described land, accepted April 30, 1976, will be officially filed in the Branch of Records, Boise, Idaho, effective at 10:00 a.m. on November 3, 1976:

BOISE MERIDIAN, IDAHO

T. 25 N., R. 20 E.,
Unsurveyed, Tract 39.
The area surveyed aggregates 12.32 acres.

2. All of the above described land is embraced in the Salmon National Forest under a proclamation dated November 5, 1906, as amended. Tract 39 is included in Forest Exchange application, Serial No. I-4025, and is segregated in accordance with 43 CFR 2202.5 from appropriation under the public land laws, including the mining laws. Tract 39 by this order is hereby opened to such forms of disposition as may by law be made of national forest land.

ROSE GASTELL,
Chief, Branch of Records, Boise, Idaho.

[FR Doc.76-27927 Filed 9-22-76;8:45 am]

NEVADA

Partial Termination of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 17, 1976.

Notice of Energy Research and Development Administrations (formerly Atomic Energy Commission) application, N-7957, for withdrawal and reservation of lands for exploration for geothermal potential was published as F.R. Doc. No. 74-2557, page 3977 of the issue for January 31, 1974; modified by notices published as F.R. Doc. 74-8298, page 13182, April 11, 1974 issue; F.R. Doc. 74-13557, page 20707, June 13, 1974 issue; F.R. Doc. 74-25323, page 38401, October 31, 1974 issue; F.R. Doc. 75-7304, page 12688, March 20, 1975 issue; F.R. Doc. 76-4073, page 6290, February 12, 1976 issue. The applicant agency has cancelled its application insofar as it affects the following described lands:

MOUNT DIABLO MERIDIAN, NEVADA

LEACH HOT SPRINGS

T. 32 N., R. 38 E.,
Sec. 14, All;
Sec. 23, All;
Sec. 24, All;
Sec. 25, All;
Sec. 36, N½N½.
T. 32 N., R. 39 E.,
Sec. 30, W½;
Sec. 31, NW¼.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b)(1), the above described lands will be relieved of the segregation effect of the application at 10:00 A.M. on October 22, 1976.

The following lands remain segregated by the above-cited application:

MOUNT DIABLO MERIDIAN, NEVADA

BUFFALO VALLEY

T. 30 N., R. 41 E.,
Sec. 34, NW¼.

Containing 160 acres.

LEACH HOT SPRINGS

T. 31 N., R. 38 E.,
Sec. 14, All;
T. 31 N., R. 39 E., (Partially surveyed)
Sec. 21, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 22, N½ W½SW¼, SE¼SW¼, SE¼;
Sec. 27, N½, W½SW¼, SE¼SW¼, SE¼;
Sec. 28, All;
Sec. 33, N½, SE¼;
Sec. 34, N½NE¼, SE¼NE¼, NW¼, S½.

Aggregating 4318 acres more or less.

LACEL BLAND,
Acting Chief,
Division of Technical Serivces.

[FR Doc.76-27926 Filed 9-22-76;8:45 am]

RIVERSIDE DISTRICT MULTIPLE USE ADVISORY BOARD AND AD HOC COMMITTEE ON PLANNING

Meeting

Pursuant to the requirements of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Riverside District Multiple Use Advisory Board will meet at 2 p.m., on October 22, 1976. Notice is also given that the ad hoc East Mojave Planning Committee will meet on October 21, 1976, at 7:30 p.m. and 8 a.m. on October 22, 1976. All meetings will be held at the Bureau of Land Management Riverside District Office at 1695 Spruce Street, Riverside, California.

The ad hoc Committee Meeting at 7:30 p.m. on October 21, 1976, is for the purpose of receiving individual resource activity objectives for the East Mojave Planning Unit and to obtain public comment on the objectives. Each public oral comment to the ad hoc Committee will be held to approximately five minutes or written statements can also be received at that time. Comments and statements will be restricted to the purpose of the meeting.

The ad hoc Committee will reconvene at 8 a.m. on October 22, 1976, for the purpose of formulating proposed resolutions from the activity objectives and public input from the October 21, 1976, meeting.

The full Riverside District Multiple Use Advisory Board will meet at 2 p.m. on October 22, 1976 to receive and act on the proposed resolutions of the ad hoc Committee. Public oral comment to the Board will be held to approximately five minutes each or written statements can also be received by the Advisory Board at that time and will be restricted to the purpose of the meeting. Other considerations by the Advisory Board following considerations of the Management Framework Planning for the East Mojave Planning Unit will be power line transmission corridors and implementation of existing Management Framework Plans in the Riverside District. Should it be necessary for the Advisory Board to continue the meeting in order to cover all organizations, it will reconvene at 8:00 a.m. on October 23, 1976.

The Federal representative at the meetings will be Riverside District Manager Gerald E. Hillier. Further information may be obtained by contacting the Public Information Officer or District Manager (714-787-1462). Minutes of the meeting will be made available for public inspection 30 days after the meeting at the Riverside District Office.

Dated: September 16, 1976.

KEMP CONN,
Acting District Manager.

[FR Doc.76-27922 Filed 9-22-76;8:45 am]

VERNAL DISTRICT MULTIPLE USE ADVISORY BOARD, UTAH

Meeting

Notice is hereby given that the Vernal District Multiple Use Advisory Board of the Bureau of Land Management, U.S. Department of the Interior, will meet in the Vernal District Office of the Bureau of Land Management, 91 West Main Street, Vernal, Utah, at 9 a.m. on Tuesday morning, November 9, 1976.

The meeting will be devoted to briefing the board on several projects and receiving recommendations and comments from them on the projects. Topics to be considered will include: proposed antelope transplant on East Bench, proposed recreation developments at Pelican Lake and Brough Reservoir, progress on the in-situ oil shale program, proposed wild horse management plan, proposed White River Dam, progress on Pariette Marsh Waterfowl Management Area, progress on the grazing allotment management plan program, and a proposed Management Plan for phosphate in the Vernal area.

The meeting will be open to the public. Interested persons may make brief oral statements or file written statements. Such statements should be limited to adjenda items with the exception of suggestions of topics for future consideration. Statements should be presented to the official listed below at least one day prior to the meeting.

A summary report of the meeting will be available to the public about January 1, 1977 in the BLM Vernal District Office. Copies may be obtained at cost from the Vernal District Office.

Further information concerning this meeting may be obtained from Lloyd H. Ferguson, District Manager, Bureau of Land Management, PO Box F, Vernal, Utah 84078, Telephone number: 801-789-1362.

LLOYD H. FERGUSON,
District Manager.

[FR Doc.76-27923 Filed 9-22-76;8:45 am]

[Wyoming 56441]

WYOMING

Application

SEPTEMBER 17, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Continental Pipe Line Company of Houston, Texas filed an application for a right-of-way to construct a six inch pipeline for the purpose of transporting crude oil across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 36 N., R. 69 W.
secs. 19, 20.

The pipeline will transport crude oil from the Rainbow-Werner A-2 lease battery into an existing pipeline in Converse County.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 2834, Casper, Wyoming 82601.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-27924 Filed 9-22-76;8:45 am]

[Wyoming 56480]

WYOMING

Application

SEPTEMBER 15, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct four 4-inch and three 6-inch pipelines for the purpose of transporting natural gas across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 13 N., R. 100 W.
Sec. 19, SW¼SW¼.
T. 12 N., R. 101 W.
Sec. 2, NE¼NW¼, S½NW¼, and W½ SW¼;
Sec. 3, SE¼SE¼;
Sec. 10, N½NE¼, SW¼NE¼, E½SW¼, SW¼SW¼, and NW¼SE¼;
Sec. 15, NW¼NW¼;
Sec. 16, NE¼NE¼;
T. 13 N., R. 101 W.
Sec. 25, E½NE¼, E½SW¼, SW¼SW¼, and N½SE¼;
Sec. 35, SE¼NE¼, S½S½, NE¼SE¼, and E¼SE¼.

The pipelines will transport natural gas from three Canyon Creek Unit Wells, Government Hill #1 Well and Sundunauf Government #1 Well to the existing Gathering System in Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Highway 187 North, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-27925 Filed 9-22-76;8:45 am]

Bureau of Mines

ADVISORY COMMITTEE ON COAL MINE SAFETY RESEARCH

Meeting

Notice is hereby given in accordance with Public Law 92-463 that the fourth meeting of the Advisory Committee on Coal Mine Safety Research will be held on October 7, 1976, commencing at 8:30 a.m. at the National Mine Health and Safety Academy, Beckley, West Virginia.

The Committee was established to consult with and make recommendations to the Secretary of the Interior on matters involving or relating to coal mine safety research.

The purpose of the meeting is to (1) determine the effect of the Federal Coal Mine Health and Safety Act of 1969 on productivity and safety, (2) investigate education and training techniques, (3) determine the research and development needs of the coal mining industry as expressed by various segments of the industry through meetings held throughout the country, and (4) to plan and initiate the preparation of the committee's annual report. The agenda is set forth below. The meeting is open to the public. Space will be provided for approximately 25 persons other than committee members.

Further information concerning this meeting may be obtained from Rolland R. Reid, Deputy Assistant Secretary—Minerals, Department of the Interior, 18th and C. Streets, NW, Washington, D.C. 20240, telephone: (202) 343-4881. Transcripts of the meeting will be available for public inspection three weeks after the meeting upon written request addressed to the official above.

Dated: September 20, 1976.

THOMAS V. FALKIE,
Director, Bureau of Mines.

AGENDA

ADVISORY COMMITTEE ON COAL MINE SAFETY RESEARCH, NATIONAL MINE HEALTH AND SAFETY ACADEMY, BECKLEY, WEST VIRGINIA, OCTOBER 7, 1976

8:30 a.m.	Presentation—Has the enforcement of regulations under the Federal Coal Mine Health and Safety Act of 1969 created a loss in productivity and has this had an effect on safety? Mr. Ralph C. Beerbower.
9:30 a.m.	Discussion of Approaches to Education and Training — Bureau of Mines.
10:15 a.m.	Break.
10:30 a.m.	Report from subcommittee on fiscal year 1979 budget and discussion of findings — Dr. John V. Grimaldi.
11:45 a.m.	Lunch.
1:00 p.m.	Research and Development Needs to Advance Mining Technology—Dr. James Scott.
2:15 p.m.	Development of Bureau of Mines Tactical Plan and Budget Strategy for F.Y. '79—Michael J. Kaas.
3:30 p.m.	Break.
3:45 p.m.	Discussion and planning for annual report.
5:00 p.m.	Adjourn.

[FR Doc.76-27962 Filed 9-22-76;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMITS

Notice of Official Action

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications received under section 10 of the Endangered Species Act of 1973, 16 U.S.C. 1539. Each permit was issued only after it was determined that it was applied for in good faith; that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973.

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER MAY 20, 1976 (41 FR 20724-25)

Applicant: Mr. Charles Sivelle, 41 Westcliff Drive, Dix Hills, New York 11746.

Official Action: Issued permit August 2, 1976 (*PRT 2-155*): Authorized to export one (1) male, and (2) female WHITE-EARED PHEASANTS (*Crossoptilon crossoptilon*), from New York to Canada, for the purpose of propagation.

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER FEBRUARY 25, 1976 (41 FR 8198)

Applicant: Mrs. David E. Sanderlin, Box 44, Shawboro, North Carolina 27973.

Official Action: Issued permit August 10, 1976: Authorized to receive interstate, in the course of a commercial activity, as specified in Block 10 (from Pennsylvania to North Carolina), one (1) male, and two (2) female BROWN-EARED PHEASANTS (*Crossoptilon mantchuricum*), for the purpose of propagation, from the following source, Mr. Clayton Burkey, R.D. 1, Box 11, Loretto, Pennsylvania.

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER MAY 24, 1976 (41 FR No. 101)

Applicant: Director, Arizona Game and Fish Department, 2222 West Greenway Road, Phoenix, Arizona 85023. Robert A. Jantzen, Director.

Official Action: Issued permit August 11, 1976: Authorized to conduct activities, as specified in Block 10 (Gila River Basin in Arizona and New Mexico, and the Yaqui River Basin of Arizona), with GILA TOPMINNOWS (*Poeciliopsis occidentalis*), for the purposes of scientific research and propagation.

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER MAY 28, 1976 (41 FR 21815)

Applicant: Mrs. Ila Loetscher and Mr. Earl W. Lippoldt, South Padre Island, Texas 78578.

Official Action: Issued permit August 12, 1976: May conduct activities with ATLANTIC RIDLEY TURTLES (*Lepidochelys kempi*), HAWKSBILL TURTLES (*Eretmochelys imbricata*), LEATHERBACK TURTLES (*Dermochelys coriacea*), as specified in Block 10 (at South Padre Island, Texas), for the purpose of enhancement of survival.

NOTICE OF RECEIPT OF APPLICATION FOR AMENDMENT TO ENDANGERED SPECIES PERMIT PUBLISHED IN FEDERAL REGISTER DECEMBER 16, 1975 (40 FR 58324-25)

Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 1748, 601 East 12th Street, Kansas City, Missouri 64106, Mr. Tom A. Saunders.

Official Action: Issued permit November 11, 1974 (PRT 8-31). The permit and Amendments Nos. 1, 2, and 3 are SUPERSEDED by Amendment No. 4—issued July 22, 1976, and expiring December 31, 1977, as follows:

"Authorized to conduct the following activities, with INDIANA BATS (*Myotis sodalis*), as specified in Block 10 (in entire State of Missouri), for the purpose of scientific research.

1. May investigate Indiana bat habitat at close range including caves, trees, buildings and other suitable places. Observers must keep disturbance at a minimum.

2. May capture, examine, mark and tag Indiana bats. All individuals are to be released immediately after permitted activities, in the same area from which taken."

NOTICE OF RECEIPT OF APPLICATION FOR AMENDMENT TO ENDANGERED SPECIES PERMIT PUBLISHED IN FEDERAL REGISTER JUNE 10, 1976 (41 FR 23440-41)

Applicant: Alaska Area Director, U.S. Fish and Wildlife Service, 813 D Street, Anchorage, Alaska 99501, Mr. Gordon W. Watson.

Official Action: Issued permit March 18, 1975 (PRT 8-100), for scientific research activities with ALEUTIAN CANADA GEESE.

Amendment No. 1 was issued August 11, 1976, as follows: "Authorized to conduct the following activities with ALEUTIAN CANADA GEESE (*Branta canadensis leucopareia*), as specified in Block 10 (study area—entire State of Alaska. Importation from Canada and Mexico at any U.S. Customs port of entry specified in 50 CFR 14.12), for the purpose of scientific research:

1. May trap, hold temporarily, band, mark, radio tag, and salvage as authorized by a valid Federal Bird Marking and Salvage permit, weigh, measure, extract blood samples and feathers, observe at close range, and relocate within Alaska, Aleutian Canada geese.

2. May receive from the Patuxent Wildlife Research Center captive-reared Aleutian Canada geese. These birds are to be released to the wild after they have been banded, and/or marked, and/or radio tagged, as authorized by a valid Federal Bird Marking and Salvage permit."

Each permit is available for public inspection during normal business hours at the U.S. Fish and Wildlife Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Dated: September 20, 1976.

BERTRAM S. FALBAUM,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-27956 Filed 9-22-76;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Carnegie Museum of Natural History, Pittsburgh, Pennsylvania 15213; Dr. Mary Heimerdinger Clench, Associate Curator of Birds; Dr. Craig C. Black, Director.

OMB NO. 42-R1570

DEPARTMENT OF .... INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate one) [ ] IMPORT OR EXPORT LICENSE [X] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To import and later export a specimen of Atrichornis clamosus, Noisy Scrub-bird (endangered species) from Australia, as a loan for scientific study, from Division of Wildlife Research, Commonwealth Scientifi and Industrial Organization; specimen to be returned to Western Australian Museum. The specimen, an adult fluid-preserved, will be studied by several American avian anatomists See attached explanation.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Dr. Mary Heimerdinger Clench
Associate Curator of Birds
Carnegie Museum of Natural History
Pittsburgh, Pennsylvania 15213
412-622-3255

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
[ ] MR. [X] MRS. [ ] MISS [ ] MS.
HEIGHT: 5'10" WEIGHT: 170
DATE OF BIRTH: 18 January 1932
COLOR HAIR: auburn COLOR EYES: brown
PHONE NUMBER WHERE EMPLOYED: 412-622-3255
SOCIAL SECURITY NUMBER: 056-28-5859
OCCUPATION: Associate Curator of Birds
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
Carnegie Museum of Natural History

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OF KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Dr. Craig C. Black, Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
4400 Forbes Avenue, Pittsburgh, Pa. (Carnegie Museum of Natural History)
also: University of Pittsburgh; American Museum of Natural History, and/or Columbia University, New York City.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [X] YES [ ] NO
(If yes, list license or permit number(s))
Scientific Collecting Permit 5(11) SC-15
Bird Marking & Salvage Permit 6970 (banding)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [X] YES [ ] NO
(If yes, list jurisdictions and type of documents)
2 permits to collect, 1 permit to export from various Western Australia agencies; copies attached.

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
not applicable

10. DESIRED EFFECTIVE DATE: 1 September 1976

11. DURATION NEEDED: 6 months

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Mary Heimerdinger Clench
DATE: 27 July 1976

3-200
16-741
GPO 835-042

Attachment: information required under 50 CFR 17.22.

1. 1 specimen of *Atrichornis clamosus*, Noisy Scrub-bird, dead and preserved in fluid. The specimen will probably be an adult female, but has not yet been collected in Australia. Permit required to import into U.S. as a loan from Australia, then later to export as return of loan to Australia. Specimen will be sent to M. H. Clench at Carnegie Museum of Natural History for study. At Carnegie Museum it will also be studied by Dr. Robert J. Raikow (Asst. Prof., U. Pittsburgh, an expert on appendicular musculature) and possibly also by Dr. Peter L. Ames (of Chicago, Ill., who will come to Pittsburgh to study the specimen's syrinx.) The specimen will then be hand-carried to New York City, for study by Dr. Walter Bock (Curator, American Museum of Natural History and Professor of Biology, Columbia University) and possibly also by other avian anatomists. From there (or from Pittsburgh, if necessary) it will be returned to Australia. Under conditions specified by the Australian collecting permit, the results of this cooperative study will be published together, within a year of the loan. The plan of study, and the research scientists (Clench, Raikow, Ames, and Bock) have been approved by the Australian authorities and were the basis of issuing the Australian collecting permit.

2. The specimen is still in the wild, will be collected by Dr. Graeme Smith, the leading expert on the Noisy Scrub-bird. As a Research Ornithologist for the C.S.I.R.O., he has been studying the species in the wild for the past several years.

3. The cooperative study will be concerned with the anatomy of *Atrichornis clamosus:* pterylosis (feather tracts), appendicular myology, syrinx, cheek and tongue musculature, hyoid and other skeletal features. It must, of necessity, be conducted on a dead, preserved specimen. The object of the study will be to determine the taxonomic position of *Atrichornis*, and its relationships with other songbirds. This knowledge is necessary to the Australians, to help in formulating a management program in Australia for the long-term survival of the species. (See attached letters from Australian authorities.) The taxonomic position of *Atrichornis* has never been determined because of a lack of anatomical material for study. A single anatomical specimen exists (in the British Museum) but it was collected and poorly preserved almost 100 years ago. Clench has studied this specimen (borrowed from the British Museum in 1966) but it is in such extremely poor condition as to be virtually useless to anatomists. The Australian authorities decided, therefore, to allow the collection of a single specimen to be preserved for cooperative anatomical study.

5. The specimen (with all permits and other documents available for inspection) will be first housed at Carnegie Museum of Natural History, 4400 Forbes Ave., Pittsburgh, and later at Dr. Walter Bock's laboratories at the American Museum of Natural History, Central Park West at 79th St., New York or at the Dept. of Biology, Columbia University, Morningside Heights, New York City. When the transfer is made from Pittsburgh to New York, U.S. Customs will be notified, as per regulations.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-315-07; please refer to this number when submitting comments. All relevant comments received on or before October 26, 1976, will be considered.

Dated: September 20, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-27958 Filed 9-22-76;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to

have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: Peabody Museum of Natural History, Yale University, New Haven, Connecticut 06520. Charles G. Sibley, Professor of Ornithology.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
[X] IMPORT OR EXPORT LICENSE [ ] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To import a blood sample from which the DNA will be extracted and compared with other species for taxonomic research. The Australian species is Atrichornis clamosus which is on the official "Endangered List". My assistance in this project was requested by CSIRO officials in Australia.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Charles G. Sibley
Peabody Museum of Natural History
Yale University, New Haven,
Conn. 06520

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
[X] MR. [ ] MRS. [ ] MISS [ ] MS.
HEIGHT: 6'0 WEIGHT: 185
DATE OF BIRTH: Aug. 7, 1917
COLOR HAIR: Graying COLOR EYES: Brown
PHONE NUMBER WHERE EMPLOYED: 203/436-8548
SOCIAL SECURITY NUMBER: 097-32-7408
OCCUPATION: Professor of Ornithology
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
Peabody Museum of Natural History, Yale University, New Haven, Conn. 06520

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Same as above. The "activity" in the U.S. will involve only laboratory research.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [X] YES [ ] NO
(If yes, list license or permit numbers)
Migratory Bird Permit 5-SC-640

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [X] YES [ ] NO
(If yes, list jurisdictions and type of documents)
See attached copies and letter.

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: ASAP

11. DURATION NEEDED: One Year

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Charles G. Sibley
DATE: August 16, 1976

3-200 (8/74)

PEABODY MUSEUM OF NATURAL HISTORY,
Division of Ornithology, August 16, 1976.

SPECIAL AGENT IN CHARGE,
U.S. Fish and Wildlife Service,
Division of Law Enforcement,
P.O. Box 34,
Boston, Mass. 02101.

DEAR SIR: I enclose herewith a Form 3-200 and accompanying documents pertaining to an application for an import permit to cover the importation of a blood (and possibly other soft tissues) sample from a Noisy Scrub-bird (*Atrichornis clamosus*) from Australia.

As the enclosed documents will indicate, my assistance and cooperation in a joint research program were requested by officials of the CSIRO Wildlife Research Division in Australia. Dr. Graeme Smith is the official of the CSIRO who is acting as coordinator.

The CSIRO group studying the species wishes to have the benefit of my comparative study of the DNA of the species in question and I have agreed to process the material. They are planning to collect the material sometime between August and October, 1976. And they will do so, whether or not we participate in the study. In other words, this collection is not being done at my request but as part of the program of the CSIRO pertaining to the species.

I was first invited to participate in this program in July of 1974 when I met Dr. Smith in Perth, Australia. Dr. Smith has obtained the various permits required in Australia and, as indicated by the enclosures, now requires a U.S. Import Permit since the species is on the Endangered List.

I also have the U.S.D.A. importation permit to cover the aspects of interest to that agency. The material will be preserved chemically in a vial, as for similar blood specimens from non-endangered specimens.

Sincerely yours,

CHARLES G. SIBLEY,
Professor of Ornithology.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2–354—07– ; please refer to this number when submitting comments. All relevant comments received on or before October 26, 1976 will be considered.

Dated: September 20, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76–27959 Filed 9–22–76;8:45 am]

MARINE MAMMALS AND ENDANGERED SPECIES

Issuance of Permit

On May 10, 1976, a notice was published in the FEDERAL REGISTER (41 FR 19138–43), that an application had been filed with the Fish and Wildlife Service by the Aquatic Institute for Research, Inc., (Mr. M. H. Sherin, President), Post Office Box 917, Cape Coral, Florida, for a permit to capture Florida Manatees (*Trichechus manatus*), for the purpose of scientific research.

Notice is hereby given that on September 8, 1976, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Endangered Species Act of 1973 (16 U.S.C. 1539), the Fish and Wildlife Service issued a permit (PRT 2–87) to the Aquatic Institute for Research, Inc., subject to certain conditions set forth therein.

The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Dated: September 20, 1976.

BERTRAM S. FALBAUM,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76–27957 Filed 9–22–76;8:45 am]

National Park Service

WILLIAM HOWARD TAFT NATIONAL HISTORIC SITE, OHIO

Environmental Assessment, Master Plan; Negative Declaration

After conducting a review of the environmental assessment for the master plan of the William Howard Taft National Historic Site, Ohio, the National Park Service has decided not to prepare an environmental impact statement.

The environmental assessment examines the effects of five alternative courses of action which address preservation and interpretation of the William Howard Taft birthplace, problems of visitor access and parking and the provision of appropriate administrative and maintenance support facilities. The effects of taking no action are considered.

The environmental assessment and the environmental review are on file and will be available upon request for inspection at the Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102, and at William Howard Taft National Historic Site, P.O. Box 19072, Cincinnati, Ohio 45219. Anyone wishing to comment on these documents should put them in writing and send the comments to the Regional Director at the Omaha address on or before October 26, 1976.

The National Park Service intends to proceed with implementation of the plan at the end of the thirty (30) day period.

Dated: August 3, 1976.

MERRILL D. BEAL,
Regional Director,
Midwest Region.

[FR Doc.76-27896 Filed 9-22-76;8:45 am]

Office of the Secretary

CHARLES A. CAMPBELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 10, 1976.

Dated: July 23, 1976.

CHARLES A. CAMPBELL.

[FR Doc.76-27833 Filed 9-22-76;8:45 am]

HARRY H. MOCHON, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Delete—Thiokol.
Add—Metromedia and Redman Industries.
(3) No change.
(4) No change.

This statement is made as of July 22, 1976.

Dated: July 22, 1976.

HARRY H. MOCHAN, JR.

[FR Doc.76-27838 Filed 9-22-76;8:45 am]

JACK W. KEPNER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 14, 1976.

Dated: September 2, 1976.

JACK W. KEPNER.

[FR Doc.76-27841 Filed 9-22-76;8:45 am]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 23, 1976.

Dated: August 3, 1976.

LEROY J. SCHULTZ.

[FR Doc.76-27842 Filed 9-22-76;8:45 am]

PAUL R. HEIM

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No. change.
(3) No change.
(4) No change.

This statement is made as of August 14, 1976.

Dated: September 3, 1976.

PAUL R. HEIM.

[FR Doc.76-27834 Filed 9-22-76;8:45 am]

OWEN A. LENTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Delete Aluminum Co. of America.
(3) No change.
(4) No change.

This statement is made as of August 23, 1976.

Dated: August 13, 1976.

OWEN A. LENTZ.

[FR Doc.76-27839 Filed 9-22-76;8:45 am]

ROBERT E. KERGER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 29, 1976.

Dated: July 29, 1976.

ROBERT E. KERGER.

[FR Doc.76-27836 Filed 9-22-76;8:45 am]

ROBERT L. HUFMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 9, 1976.

Dated: July 22, 1976.

ROBERT L. HUFMAN.

[FR Doc.76-27835 Filed 9-22-76;8:45 am]

ROBERT R. McLAGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.

(4) No change.

This statement is made as of August 13, 1976.

Dated: August 3, 1976.

ROBERT R. MCLAGAN.

[FR Doc.76-27837 Filed 9-22-76;8:45 am]

WILLIAM K. PENCE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 23, 1976.

Dated: August 10, 1976.

WILLIAM K. PENCE.

[FR Doc.76-27840 Filed 9-22-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

COMMODITY CREDIT CORPORATION ADVISORY BOARD

Public Meeting

Pursuant to Public Law 92-463 notice is hereby given that the Commodity Credit Corporation Advisory Board will meet at 8:30 a.m. on Wednesday, October 6, 1976 and Thursday, October 7, 1976, in Room 2-W of the Administration Building of the U.S. Department of Agriculture, Washington, D.C.

The purpose of this regularly scheduled quarterly meeting of the Advisory Board is to advise the Secretary of Agriculture relative to surveys of the general policies of the Commodity Credit Corporation, including Corporation policies in connection with the purchase, storage and sale of commodities, and the operations of lending and price support programs.

The meeting will be open to the public. Any member of the public may file a written statement with the Board before or within one week following the meeting.

The names of the members of the Advisory Board, Agenda, Summary of the Meeting and other information pertaining to the meeting may be obtained from Mr. Frank G. McKnight, Secretary, Commodity Credit Corporation, Room 218-W. Administration Building, U.S. Department of Agriculture, Washington, D.C.

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

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

[FR Doc.76-27944 Filed 9-22-76;8:45 am]

Forest Service

BURLINGTON NORTHERN SPECIAL USE PERMIT (ROAD) BUCK CREEK AND YELLOW MULES

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 Buck Creek-Yellow Mule Road, Forest Service Report Number USDA-FS-R1 (11)-DES-Adm-76-24.

The environmental statement concerns a proposed special use permit (class D) for road construction and use across approximately 3.4 miles or 27.1 acres of National Forest land in Gallatin and Madison Counties, Montana, for purposes of gaining access to private lands.

This draft environmental statement was transmitted to CEQ on September 16, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service, South Agricultural Bldg., Room 3230, 12th Street and Independence Ave., SW., Washington, D.C. 20250.

USDA Forest Service, Northern Region, Federal Building, Missoula, Mont. 59807.

USDA Forest Service, Gallatin National Forest, Federal Building, Bozeman, Mont. 59715.

USDA Forest Service, Gallatin Ranger District, Squaw Creek Ranger Station, Gallatin Gateway, Mont. 59730.

A limited number of single copies are available upon request to the Forest Supervisor, Gallatin National Forest, P.O. Box 130, Bozeman, Mont. 59715.

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 Lewis E. Hawkes, Gallatin National Forest, P.O. Box 130, Bozeman, MT 59715. Comments must be received by November 16, 1976, in order to be considered in the preparation of the final environmental statement.

L. M. WHITFIELD,
Acting Regional Forester, Northern Region, Forest Service.

SEPTEMBER 16, 1976.

[FR Doc.76-27910 Filed 9-22-76;8:45 am]

NORTH IRISH CREEK TIMBER SALE

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 of the North Irish Creek Timber Sale, USDA-FS-R10-DES (Adm) 76-04.

The environmental statement concerns a proposed timber sale involving the harvesting of approximately 50 million board feet of timber on Kupreanof Island near Kake, Alaska.

This draft environmental statement was transmitted to CEQ on September 14, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agricultural Building, Room 3231, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.

USDA, Forest Service, Alaska Region, Federal Office Building, Juneau, Alaska 99802.

Forest Supervisor, Chatham Area, Tongass National Forest, Federal Building, Sitka, Alaska 99835.

Forest Supervisor, Stikine Area, Tongass National Forest, Federal Building, Petersburg, Alaska 99833.

Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Room 313, Ketchikan, Alaska 99901.

A limited number of single copies are available upon request to Forest Supervisor, Stikine Area, Tongass National Forest, P.O. Box 309, Petersburg, Alaska 99833.

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 adressed to E. Allen Crozer, Forest Supervisor, Stikine Area, Tongass National Forest, P.O. Box 309, Petersburg, Alaska 99833. Comments must be received by November 14, 1976 in order to be considered in the preparation of the final environmental statement.

Dated: September 14, 1976.

JOHN A. SANDOR,
Regional Forester, Alaska Region.

[FR Doc.76-27827 Filed 9-22-76;8:45 am]

WILLOW SPRINGS UNIT PLAN MARK TWAIN NATIONAL FOREST

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 on the Willow Springs Unit Plan for the Mark Twain National Forest, USDA–FS–R9–DES–(ADM)–76–06.

The environmental statement concerns a proposed land use plan for 101,939 acres of National Forest land located on the Mark Twain National Forest in Douglas, Howell, and Ozark Counties, Missouri.

This draft environmental statement was transmitted to CEQ on September 16, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. and Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.
USDA, Forest Service, Mark Twain National Forest, Rolla, Missouri 65401.

A limited number of single copies are available upon request to Forest Supervisor, Mark Twain National Forest, Rolla, Missouri 65401.

Copies of the environmental statement have been sent to various State, Federal, and local agencies as outlined in the CEQ Guidelines.

Written 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.

Written comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Mark Twain National Forest, Rolla, Missouri 65401. Written comments must be received by November 15, 1976, in order to be considered in the preparation of the final environmental statement.

CURTIS L. SMITH,
Acting Regional Forester.

SEPTEMBER 16, 1976.

[FR Doc.76-27909 Filed 9-22-76;8:45 am]

Office of the Secretary

NATIONAL CONSUMER ADVISORY COMMITTEE

Determination

SEPTEMBER 20, 1976.

Notice is hereby given that the Secretary of Agriculture intends to establish a Consumer Advisory Committee. The purpose of the Committee will be to increase consumer input in the Department's decision-making processes and to insure that consumer interests are well represented in the Department's programs. Establishment of this Committee is in the public interest in connection with the work of the Department.

The Chairman of the Committee will be the Assistant Secretary for Marketing and Consumer Services. The Special Assistant to the Secretary for Consumer Affairs will serve as the Vice Chairman and Executive Secretary. Plans are for the Committee to meet at least two times a year.

This notice is given in compliance with the Federal Advisory Committee Act (Pub. L. 92–463). Views and comments of interested persons shall be made in writing and must be received by the Special Assistant to the Secretary for Consumer Affairs, Room 225–W, United States Department of Agriculture, Washington, D.C. 20250 on or before October 8, 1976. Such comments will be available for public inspection at the above address during regular business hours.

J. PAUL BOLDUC,
Assistant Secretary for Administration.

[FR Doc.76-27945 Filed 9-22-76;8:45 am]

Soil Conservation Service

BRUSHY-PEACEABLE CREEKS WATERSHED PROJECT, OKLAHOMA

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the Brushy-Peaceable Creeks Watershed Project, Pittsburg County, Oklahoma.

The environmental assessment of this federal action indicates this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement covered by this negative declaration include conservation land treatment measures supplemented by seven single-purpose floodwater retarding structures.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, USDA Agricultural Center Building, Stillwater, Oklahoma 74074. Single-copy requests for the negative declaration may be sent to the same address.

No administrative action on implementation on the proposal will be taken until 15 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program (Pub. L. 83–566, 16 U.S.C. 1001–1008).)

Dated: September 14, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-27826 Filed 9-22-76;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 13 WORKLOAD DEFINITION AND BENCHMARKING

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that the Federal Information Processing Standards Task Group 13 (FIPS TG–13), "Workload Definition and Benchmarking" will hold a meeting from 10:00 a.m. to 4:00 p.m. on Wednesday, October 20, 1976 in Room B–255, Building 225, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to review the action taken by the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) on the recommended revised guidelines document, Guidelines for Benchmarking ADP Systems in the Competitive Procurement Environment.

The meeting will be open to the public, who may participate with oral or written statements. Written statements or inquiries may be addressed to Mr. John F. Wood, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (phone 301–921–3485).

Dated: September 17, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76-27911 Filed 9-22-76;8:45 am]

National Oceanic and Atmospheric Administration

SCRIPPS INSTITUTION OF OCEANOGRAPHY

Issuance of Permit To Take Marine Mammals

On July 14, 1976, notice was published in the FEDERAL REGISTER (41 FR 29007) that an application had been filed with the National Marine Fisheries Service by Dr. Gerald L. Kooyman, Associate Research Physiologist, University of California, San Diego, Scripps Institution of Oceanography, P.O. Box 1529, La Jolla, California 92037, to taken ten (10) South African fur seals (*Arctocephalus pusillus*) in South Africa.

Notice is hereby given that on September 17, 1976, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407),

the National Marine Fisheries Services issued a permit for the above taking to Dr. Gerald L. Kooyman, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: September 17, 1976.

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

[FR Doc.76-27894 Filed 9-22-76;8:45 am]

MONTREAL AQUARIUM

Issuance of Permit To Take Marine Mammals

On July 19, 1976, notice was published in the FEDERAL REGISTER (41 FR 29739) that an application had been filed with the National Marine Fisheries Service by Montreal Aquarium, Quebec, Canada for a permit to take four (4) Atlantic bottlenosed dolphins (*Tursiops truncatus*) for public display.

Notice is hereby given that on September 17, 1976, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit for the above taking to Montreal Aquarium subject to certain conditions set forth therein. The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St., Petersburg, Florida 33702.

Dated: September 17, 1976.

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

[FR Doc.76-27895 Filed 9-22-76;8:45 am]

NORTHWEST FISHERIES CENTER

Modification of Permits

Notice is hereby given that, pursuant to the provisions of Sections 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974), the Scientific Research Permits issued to the Northwest Fisheries Center, National Marine Fisheries Service, on October 31, 1975, and March 12, 1976, are modified in the following manner:

The modifications clarify the status of individuals conducting the activities authorized by the Permits, and the manner in which the authorized activities are to be conducted.

These modifications are effective on September 23, 1976.

The Permits, as modified, and documentation pertaining to the modification, are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109.

Dated: September 9, 1976.

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

[FR Doc.76-27893 Filed 9-22-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76-181]

NATIONAL BOATING SAFETY ADVISORY COUNCIL, CAPACITY LABEL SUBCOMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the National Boating Safety Advisory Council's Capacity Label Subcommittee to be held on Monday, October 18, 1976, in Room 4317, Trans Point Building, 2100 Second Street, S.W., Washington, D.C. The meeting is scheduled to begin at 1:00 p.m. and adjourn at 4:00 p.m.

The purpose of this meeting is to discuss the latest developments in the research of Capacity Label Effectiveness.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from CDR M. Tubella, Jr., Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard (G-BA-TRPT), Washington, D.C. 20590 or by calling (202) 426-1080. Any member of the public may present a written statement to the Council at any time.

Issued in Washington, D.C. on September 9, 1976.

D. F. LAUTH,
Rear Admiral, U.S. Coast Guard, Chief, Office of Boating Safety.

[FR Doc.76-27602 Filed 9-22-76;8:45 am]

Federal Highway Administration

INTERSTATE FUNDING STUDY

Symposium

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 making a study of the financing of completion of the Interstate Highway System. A request for comments on this subject was published on August 24, 1976 (41 FR 35756).

As a part of this study the Federal Highway Administration is sponsoring a symposium on the economic consequences of accelerating completion of the Interstate System. Five topics will be discussed:

Impacts on labor markets—including demand, supply, wage rates, and market stability;

Impacts on materials markets—including demand, supply, price levels, and market stability;

Impacts on the construction industry—including capacity to absorb increased work, and market stability;

Impacts on State governments—including capacity to administer a program of this level, ability to fund their share of program, and shifts in expenditures on other transportation programs;

Impacts on the overall economy—including unemployment, inflation, and shifts in government spending, and economic stability.

The symposium will be held on October 7 and 8, 1976, in the Headquarters of the Department of Transportation, Room 2230, 400-7th Street, SW., Washington, D.C. The October 7 session will run from 9:00 am. to 4:00 pm., the October 8 session from 8:10 am. to 3:00 pm. Interested persons and organizations are invited to attend. Written statements may be submitted to the agency before the symposium or within 10 business days thereafter and will be made a part of the agency record. Additional information may be obtained by contacting Mr. Wayne R. Torrey, Office of Program and Policy Planning, at 202-426-2932.

Issued on: September 15, 1976.

J. R. COUPAL, Jr.,
Deputy Administrator.

[FR Doc.76-27847 Filed 9-22-76;8:45 am]

National Highway Traffic Safety Administration

[Docket No. IP76-10; Notice 1]

FLXIBLE CO.

Petition for Exemption From Notice and Recall for Inconsequential Noncompliance

The Flxible Company of Delaware, Ohio, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.205 Motor Vehicle Safety Standard No. 205, *Glazing Materials*, on the basis that it is inconsequential as it relates to motor vehicle safety.

Flxible has determined that certain plastic glazing material components used in passenger compartment side and rear windows, standee windows, and rear doors in approximately 500 buses were not marked AS4 or AS5 as Standard No. 205 requires, or were marked erroneously. Flxible has provided NHTSA with a certificate by the glazing supplier attesting that the glazing materials otherwise comply with Standard No. 205. Even though the company seeks to be excused from the

formal notification and remedy requirements of the Act, it nevertheless intends to mark the glazing by having its field service representatives locate the buses and affix appropriate decals to it.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit written data, views and arguments on the petition of The Flxible Company described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: November 8, 1976.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on September 16, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.76-27654 Filed 9-22-76;8:45 am]

HIGHWAY SAFETY PROGRAM

Amendment of Qualified Products List of Evidential Breath Measurement Devices

● The purpose of this notice is to amend the Qualified Products List, issued November 21, 1974 (39 FR 41399) and amended August 5, 1975 (40 FR 33484) and May 13, 1976 (41 FR 19750), of devices which have been found to qualify under the Standard for Devices to Measure Breath Alcohol (November 5, 1973 (38 FR 30459)) and which therefore may be purchased with Federal funds under the Highway Safety Act, Pub. L. 89-564, 80 Stat. 731, 23 U.S.C. 402, 403. ●

In accordance with the Breath Measurement Standard, semi-annual testing of devices was conducted during June 1976. At this testing, one device not previously on the lists, the Intoxilyzer Model 4011A, met all performance requirements. A second device, the Gas Chromatograph Intoximeter Mark IVA met the requirements for Non-Mobile Breath Testers. To reflect this, the Qualified Products List is hereby amended to read as follows:

QUALIFIED PRODUCTS LIST

The qualified products meeting all performance requirements, including those for Mobile Evidential Breath Testers, are as follows, listed alphabetically by manufacturer:

DEVICE AND MANUFACTURER

1. Alert J3AD Breath Tester (battery powered) — Borg-Warner Corporation, Des Plaines, Illinois.
2. S-11 Breath Tester—Borg-Warner Corporation, Des Plaines, Illinois.
3. Intoxilyzer Model 4011A—CMI, Inc., Minturn, Colorado.
4. Alco-limiter—Energetics Science, Inc., New York, New York.
5. Gas Chromatograph Intoximeter Mark IV—Intoximeters, Inc., St. Louis, Missouri.
6. Mark II Gas Chromatograph—Intoximeters, Inc., St. Louis, Missouri.
7. Intoxilizer Model 4011—Omicron Systems Corp., Palo Alto, California.
8. Breathalyzer Models 900A, 1000—Smith & Wesson Electronics Co., Eatontown, New Jersey.
9. Roadside Breath Tester—U.S. Dept. of Transportation, Washington, D.C.

The qualified products meeting all performance requirements, excluding those for Mobile Evidential Breath Testers, are as follows, listed alphabetically by manufacturer:

DEVICE AND MANUFACTURER

1. Alco-Tester Model 500—Decatur Electronics, Decatur, Illinois.
2. Photo-Electronics Intoximeter—Intoximeters, Inc., St. Louis, Missouri.
3. Gas Chromatograph Intoximeter Mark IVA—Intoximeters, Inc., St. Louis, Missouri.
4. Alco-Analyzer Model 1000—Luckey Laboratories, Inc., San Bernadino, California.

(23 U.S.C. 402, 403)

Issued on September 14, 1976.

FRED W. VETTER, Jr.,
Associate Administrator,
Traffic Safety Programs.

[FR Doc.76-27619 Filed 9-22-76;8:45 am]

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the National Motor Vehicle Safety Advisory Council to be held on October 11, 12 and 13, 1976 at the Sheraton National Motor Hotel, Columbia Pike and Washington Boulevard, Arlington, Virginia, with the following program:

The Executive Committee will meet on the evening of October 11 from 8:00 p.m. to 10:00 p.m. to plan future Council activities.

The full Council will meet from 8:30 a.m. to 1:00 p.m. on both October 12 and 13 to review the initial draft of the Safety Defects Report.

Room locations for the meetings will be posted on the meeting board at the hotel.

The above meetings are subject to the approval of the National Highway Traffic Safety Administrator.

With the approval of the Chairman, members of the public may present oral statements at the meeting. Any member of the public may present a written statement to the Council at any time.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street, SW., Washington, D.C., telephone 202-426-2872.

Issued in Washington, D.C., on September 20, 1976.

WM. H. MARSH,
Executive Secretary.

[FR Doc.76-27976 Filed 9-22-76;8:45 am]

Office of Pipeline Safety Operations

[Docket No. 76-12W; Notice 3]

TRANS-ALASKA CRUDE OIL PIPELINE

Petition for Waiver for Girth Welds

On September 9, 1976, the Office of Pipeline Safety Operations (OPSO) in the Materials Transportation Bureau issued a Public Notice stating that the Alyeska Pipeline Service Company (Alyeska) had filed a petition for exemptions from certain welding requirements of 49 CFR Part 195 for 612 individual welds in the main line pipe of the trans-Alaska pipeline system (41 FR 38810, September 13, 1976). As indicated in that notice, the petition incorporated by reference a four-part Fracture Mechanics Study, the fourth part of which was to be delivered to OPSO at a future date. The notice also itemized nine deficiencies in the petition and its supporting documentation which it was anticipated would be corrected by Alyeska's submission of Part 4 of the Study.

On September 13, 1976, Part 4 of the Study was delivered to the OPSO and subsequently placed in the docket for public inspection. Included in Part 4 was the information required to correct the nine deficiencies itemized in the September 9 FEDERAL REGISTER notice, thus completing the supporting information and data earlier specified by the OPSO as necessary for performing the first step in evaluating the petition, i.e. Requirement I—Evaluation of Proposed Alternative Maximum Allowable Weld Defect and Arc Burn Sizes (see 41 FR 34375, 34376: August 13, 1976).

If, upon completion of Requirement I, the OPSO concludes that the proposed alternative maximum allowable weld defect and arc burn sizes determined on a fracture mechanics concept are a safe alternative to the standards set forth in Subpart D of 49 CFR Part 195, the next step will be to perform Requirement II, Evaluation of Individual Defects or Arc Burns for Which Waiver Is Requested Against Allowable Defect and Arc Burn

Sizes Established Under Requirement I (41 FR 34375, 34376; August 13, 1976).

In its petition submitted on September 1, 1976, Alyeska requested a waiver for 612 girth welds. When Part 4 of the Fracture Mechanics Study was submitted on September 13, Alyeska reduced that number to 485. On September 16, 1976, this number was again reduced by Alyeska to 394 to reflect remedial work completed through September 12, 1976. It is to be expected that as Alyeska's repair program continues, this number will be reduced further.

In order to perform Requirement II, as stated in the initial FEDERAL REGISTER notice in this proceeding, it will be necessary to know the length and depth of each individual weld defect or arc burn for which a waiver is requested. The dimensions thus far provided by Alyeska on the 485 welds in Appendix I to its petition (as revised 9/10/76) and Appendix III to its petition (as added 9/10/76) are incomplete. In approximately 120 cases, a depth measurement has not been provided. In approximately 12 cases a length measurement has not been provided. In addition, where dimensions have been provided in Appendices I and III, many are at variance with those recorded in the two-volume Southwest Research Institute radiographic evaluation incorporated by reference in Alyeska's September 1 petition and subsequently delivered to OPSO on September 15, 1976. Before Requirement II can be performed with respect to a particular defect for which a waiver is requested, both dimensions must be available and any variation between those dimensions as reflected in the combination of supporting documents submitted by Alyeska must be corrected or otherwise explained in writing by Alyeska. With respect to those defects for which consistent dimensions have been provided, OPSO is proceeding to perform its own confirming evaluation of the radiographs on which Alyeska has based those dimensions.

Copies of the additional documents provided by Alyeska and discussed above are available for public inspection in the docket. As previously provided, comments received before October 4, 1976, will be considered in deciding what action should be taken regarding Alyeska's petition.

(18 U.S.C. 831–835, 49 CFR 1.53(g).)

Issued in Washington, D.C., on September 17, 1976.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc.76-27901 Filed 9-22-76;8:45 am]

ARMS CONTROL AND DISARMAMENT AGENCY

GENERAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I, (the Act) and paragraph 8b of Office of Management and Budget Circular No. A-63 (Revised March 27, 1974) (the OMB Circular), that a meeting of the General Advisory Committee (GAC) is scheduled to be held on Thursday, October 14, 1976 from 8:00 a.m. to 6:00 p.m. and on Friday, October 15, 1976 from 8:30 a.m. to 5:00 p.m., at 2201 C Street, N.W., Washington, D.C., in Room 7516.

The purpose of the meeting is for the GAC to receive briefings and hold discussions concerning arms control and related issues which will involve national security matters classified in accordance with Executive Order 11652 dated March 10, 1972.

The meeting will be closed to the public in accordance with the determination of even date made by the Director of the Arms Control and Disarmament Agency pursuant to section 10(d) of the Act and paragraph 8d(2) of the OMB Circular that the meeting will be concerned with matters of the type described in 5 U.S.C. 552(b)(1). This determination was made pursuant to a delegation of authority from the Office of Management and Budget dated June 25, 1973, issued under the authority of Executive Order 11769 dated February 21, 1974.

Dated: September 10, 1976.

SIDNEY D. ANDERSON,
Advisory Committee Management Officer, Arms Control and Disarmament Agency.

[FR Doc.76-27846 Filed 9-22-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 76-9-93; Docket 27813; Agreement C.A.B. 25992; R-1, R-3, R-4; Docket 27573; Agreement C.A.B. 26057]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Fare and Rate Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of September, 1976.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). This order deals with resolutions 1, 3, and 4 of Agreement C.A.B. 25992, which were adopted at the Ninth Passenger Agency Committee Meeting held in London on April 26–30, 1976, and Agreement C.A.B. 26057, which was adopted by mail vote.

The resolutions contained in Agreement C.A.B. 25992 would revalidate presently effective resolutions relating to passenger agents, with an amendment to clarify that reduced-fare passenger tickets must be purchased using the standard passenger-agent payment procedure. Agreement C.A.B. 26057 would increase the currency surcharge for sale of cargo transportation by 5 percent originating from Gibraltar, Mauritius, Seychelles, Sierra Leone, and the United Kingdom.

Upon full consideration of the agreement and other relevant matters, we find that none of the resolutions under consideration are adverse to the public interest or unlawful within the terms of the Act. The amending language in Resolution 203 clarifies the clause relating to reduced-fare transportation, and the increase in the currency surcharge brings cargo rates more into line with present market rates of exchange.

Pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), and 412 thereof, it is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
25992:			
R-1	002	Standard Revalidation Resolution	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.
R-3	203	Reduced Fares for Passenger Agents (Amending)	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.
R-4	203	Reduced Fares for Passenger Agents (Except USA) (Amending)	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.

Agreement C.A.B.	*IATA resolution*
26057	JT12 (Mail 48) 022j

Accordingly, it is ordered that:

Those portions of Agreements C.A.B. 25992 and C.A.B. 26057 described above be and hereby are approved subject, where applicable, to conditions previously imposed by the Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-27931 Filed 9-22-76;8:45 am]

[Order 76-9-76; Docket 27573; Agreement C.A.B. 26084; R-1 and R-2]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority September 14, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and

adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

As set forth in the attachment,[1] the agreement names an additional specific commodity rate and extends others under an existing specific commodity description, all reflecting reductions from general cargo rates. The agreement was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated September 1, 1976.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, It is ordered that:

Agreement C.A.B. 26084, R–1 and R–2, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-27928 Filed 9-22-76;8:45 am]

[Order 76-9-81; Docket 29123; Agreement C.A.B. 26083; R–1 through R–19]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to South Pacific Passenger Fares

Issued under delegated authority September 16, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement would establish a new fare structure over the South Pacific through March 31, 1978, was adopted at a conference held in New York on August 3–6, 1976, and was filed with the Board on September 1, 1976.

[1] Attachment filed as part of original document.

The agreement would increase normal first-class fares by amounts ranging from 7.5 to 10.1 percent and most promotional fares by amounts ranging from 3.5 to 8.1 percent, effective January 1, 1977. Increases, ranging from 4.8 to 8.9 percent in individual inclusive and group inclusive promotional fares are proposed to become effective April 1, 1977. All normal economy fares, as well as group inclusive-tour fares between Honolulu/Los Angeles/San Francisco and Papeete/Rarotonga, would remain at present levels. In addition, the agreement proposes a new area fare-construction rule which, in the case of through travel beyond certain specified gateway points to interior points, would limit applicability of the IATA mileage system to routings that are available to local domestic traffic. No routings other than those applicable to local traffic under the IATA mileage system would be permitted. Finally, the agreement would reduce the advance-purchase excursion fare minimum-stay requirement from 21 to 14 days and grant one free stopover to U.S.-originating passengers using the group inclusive-tour fare to destinations other than Papeete and Rarotonga. A comparison of present and proposed fares is shown in the attached Appendix.[1]

The purpose of this order is to establish procedural dates for the submission of carrier justification in support of the agreement and comments from interested persons. The carrier justification should be set out in the tabular format suggested in Order 75–7–88, July 17, 1975, with historical data as reported to the Board in Form 41 reports by functional account for total transpacific services for the year ended June 30, 1976, adjusted to exclude market areas not covered by the agreement, e.g., North/Central and intra-Pacific total operations, and all scheduled cargo and charter operations pertaining to the South Pacific market. The end result should establish the present economic status of scheduled passenger services in the market area covered by the agreement. The carriers will also be expected to include a forecast for year ending March 31, 1978, both including and excluding the increased fares for which approval is sought. The carriers are expected to allocate costs between the passenger and cargo compartments of scheduled passenger aircraft by the "space method" stipulated by the Board in its April 2, 1970 decision in Docket 18381, *Nonpriority Mail Rates*, Orders 70–4–9 and 70–4–10.[2] In addition, detailed traffic data will be expected, showing revenue passenger miles and revenue by specific fare category as well as capacity and load factor information both for the historical period and for the forecast period, and including and excluding the increased fares in both cases.

Accordingly, it is ordered that:

1. All United States air carrier members of the International Air Transport Association providing service within the affected area shall file, within 15 calendar days after the date of service of this order, full documentation and economic justification for the fares and related conditions embodied in the subject agreement;

2. Comments and objections from interested persons and parties shall be submitted within 15 calendar days after the date of service of this order;

3. Replies to submissions received in response to ordering paragraph 1 above and replies to comments received pursuant to ordering paragraph 2 above shall be submitted within 25 calendar days after date of service of this order; and

4. Insofar as air transportation as defined by the Act is concerned, tariffs implementing the subject agreement shall not be filed in advance of Board action on the subject agreement.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-27930 Filed 9-22-76;8:45 am]

[1] Appendix filed as part of original document.

[2] In furnishing the data requested, the carrier should provide complete explanatory notes and supporting detail including statistical data to describe the methods used in making the allocations.

[Order 76-9-95; Docket 28844]

LINEAS AEREAS COSTARRICENSES, S.A.

Application for Renewal of a Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of September, 1976.

Lineas Aereas Costarricenses, S.A. (LACSA), is the holder of a foreign air carrier permit[1] authorizing: (a) foreign air transportation of persons, property, and mail between the terminal point San Jose, Costa Rica; the intermediate points Managua, Nicaragua, and Cayman Islands, British West Indies; and the terminal point Miami, Florida; and (b) the performance of charter trips in foreign air transportation pursuant to Part 212 of the Boards' Economic Regulations.

By application filed on February 6, 1976,[2] LACSA requests renewal of its existing foreign air carrier permit for a period of five years. In addition, LACSA also sought to have its foreign air carrier permit amended so as to authorize it to engage in scheduled and nonscheduled foreign air transportation with respect to persons, property, and mail over the following additional routes: (a) between the terminal point San Jose, Costa Rica, the intermediate point Guatemala City, Guatemala, and the coterminal points Dallas and Fort Worth, Texas; and (b)

[1] Issued pursuant to Order 71–2–54, approved February 9, 1971.

[2] A copy of the application has been transmitted to the President of the United States in accordance with the requirements of section 801 of the Act.

between the terminal point San Jose, Costa Rica, the intermediate point Panama City, Panama, and the terminal point San Juan, Puerto Rico.[3]

LACSA has held authority from the Board to provide service between Miami and Costa Rica via an intermediate point in Nicaragua since October 1950.[4] Authority to serve Grand Cayman, British West Indies as an additional intermediate point was added in March 1954.[5]

Following previous applications by LACSA for renewal of its foreign air carrier permit, the Board found in Orders E-19957, E-25465, and 71-2-54 that the carrier was substantially owned and effectively controlled by nationals of Costa Rica. The information provided in the instant application for renewal continues to support this finding. Accordingly, it is tentatively found from the foregoing that LACSA is owned and controlled by nationals of Costa Rica.

It is also tentatively found that LACSA is fit, willing, and able to continue providing the service for which renewed authority is sought.[6] In Orders E-19957, E-25465, and 71-2-54, the Board previously found that LACSA met the fitness standards of the Act, and that the service being provided was in the public interest. LACSA has been regularly serving the San Jose-Miami market with a minimum of 11 weekly round-trip flights utilizing BAC-111 (500) aircraft. LACSA has no history of formal violations of Board Regulations.

On the basis of the record before us, LACSA has demonstrated that the renewal of its foreign air carrier permit is in the public interest, and that it possesses the necessary fitness, willingness, and ability to continue providing these services and to conform to the provisions and requirements of the Act and the Board's Regulations.

In view of the foregoing and all the facts of record, the Board tentatively finds:

1. That LACSA is substantially owned and effectively controlled by nationals of Costa Rica;

2. That it is in the public interest to renew the foreign air carrier permit of Lineas Aereas Costarricenses, S.A. (LACSA) authorizing the carrier, for a period of five years: (a) to engage in foreign air transportation with respect to persons, property, and mail between the terminal point San Jose, Costa Rica, the intermediate points Managua, Nicaragua, and Cayman Islands, British West Indies; and the terminal point Miami, Florida; and (b) to engage in charter trips in foreign air transportation subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations;

3. That the public interest requires that the exercise of the privileges granted by said permit shall be subject to the terms, conditions, and limitations contained in the specimen form of permit attached to this order, and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board;

4. That Lineas Aereas Costarricenses, S.A., is fit, willing, and able properly to perform the above-described foreign air transportation, and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder;

5. That the application herein, insofar as it requests expanded authority to serve Dallas and Fort Worth, Texas via Guatemala City, should be dismissed;

6. That except to the extent granted or dismissed, the application of Lineas Aereas Costarricenses, S.A., in Docket 28844, should be denied;

7. That an evidentiary hearing is not required in the public interest; and

8. That the renewal of LACSA's foreign air carrier permit is not a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Quality Act of 1969.[7]

Accordingly, it is ordered that:

1. All interested persons be and they hereby are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and why the foreign air carrier permit issued to Lineas Aereas Costarricenses, S.A., by Order 71-2-54, should not, subject to the approval of the President pursuant to section 801 of the Act, be renewed for a period of five years;

2. Any interested person having objection to the issuance, without hearing, of an order making final the tentative findings and conclusions stated herein shall file a statement of objections supported by evidence within 21 days after the adoption of this order. If an evidentiary hearing is required, the objection should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;[8]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. Copies of this order shall be served upon Lineas Aereas Costarricenses, S.A., and the Ambassador of Costa Rica in Washington, D.C.

This order will be published in the FEDERAL REGISTER and will be transmitted to the President.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-27932 Filed 9-22-76;8:45 am]

[3] On April 2, 1976, LACSA's attorney wrote to the Chief Administrative Law Judge, stating that LACSA was withdrawing its request for any additional authority, and requesting that LACSA's application for renewal of its existing authority be handled by show-cause procedures if possible. Accordingly, we will dismiss the application, insofar as it requests such expanded authority.

[4] The permit was originally issued pursuant to Order E-4762, approved October 20, 1950. In this original permit, Puerto Cabezas was the intermediate point in Nicaragua.

[5] Order E-8250, approved April 13, 1954. This order also substituted Managua, Nicaragua for Puerto Cabezas, Nicaragua as an intermediate point.

[6] Specimen permit filed as part of original document.

[7] Our tentative finding herein is based upon the fact that the renewal of LACSA's permit will not result in an increase in operations in the near future.

[8] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

CIVIL AERONAUTICS BOARD

[Docket No. 29734; Order 76-9-64]

NORTHWEST AIRLINES, INC.

Transpacific Cargo Rates; Correction and Order

NOTE.—A portion of the following document was published Monday, September 20, 1976 (41 FR 40544) and is being reprinted here to include text omitted earlier.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 2nd day of September, 1976.

On July 9, 1976, Northwest Airlines, Inc. (Northwest) filed a revised structure of North/Central Pacific rates for effectiveness September 1, 1976. Northwest proposes reduced general commodity container rates, and elimination of all on-line specific commodity rates (SCR's). Minimum charges and bulk general commodity rates (GCR's) which would be retained at status quo.[1] A joint complaint requesting suspension and investigation has been filed by The Flying Tiger Line Inc. (Tiger), Pan American World Airways, Inc. (Pan American), China Airlines, Ltd. (CAL), Japan Air Lines Company, Ltd. (JAL), Korean Air Lines Co., Ltd. (KAL), and Philippine Air Lines, Inc. (PAL), hereinafter referred to as the Joint Carriers. The Board has also received correspondence from numerous shippers and forwarders supporting Northwest's proposal. Northwest has filed an answer to the complaint.

NORTHWEST JUSTIFICATION

In its justification in support of the proposal, Northwest states that it has re-

[1] Northwest's proposal is virtually identical, in major respects, to a previous December 15, 1975 filing which was rejected by the Board by Order 76-3-111, March 16, 1976, for insufficient justification. The Board stated that while it supported Northwest's efforts to develop a more rational, cost-related structure of Pacific rates applicable to all commodities, the many shortcomings in Northwest's tariff justification compelled rejection. A petition for reconsideration filed by Northwest was denied by Order 76-5-129, May 26, 1976.

viewed the Board's comments in Orders 76–3–111 and 76–5–129, notes that the Board supported Northwest's objectives and encouraged resubmission, and indicates that it remains fully convinced that its proposal is essential to generate the level of growth required to develop a profitable and viable transpacific air-freight market. Northwest asserts that space rather than weight is the primary limitation on transpacific freighter operations, and that the proposed rate structure will improve carrier revenue by promoting much more efficient utilization of the aircraft capacity by encouraging shipments of higher density;[3] that the rates will achieve cost savings by encouraging containerization; that while the instant filing cancels all on-line specific commodity rates, Northwest is developing genuinely promotional SCR's as narrowly defined container rates to avoid diversion of existing traffic, for the use of high-volume shippers now utilizing surface; and that the Northwest proposal is consistent with the policies and objectives of the Board on international cargo rates.[3] Northwest further alleges that its proposed nondirectional GCR container rates would benefit shippers by minimizing discrimination, by providing a simplified structure capable of being used and understood, and by providing the shipper with an incentive to reduce his costs through higher density and maximum utilization of the container. In this connection, Northwest cites the objections raised by shippers against the recent increase in SCR's for electronic parts adopted by IATA,[4] and states that Northwest's proposal would reduce the amount of the increase and provide those shippers with a density incentive to further reduce the effect on their traffic.

The basic minimum charges per container and the pivot weights were, according to Northwest, developed in a fashion similar to that adopted by the administrative law judge in Docket 22859, *Domestic Air Freight Rate Investigation* (DAFRI). Over-pivot rates have been established with a view to minimizing the carrier's exposure to revenue loss when dense shipments exceed the pivot point. Northwest estimates its average transpacific freight density to be 8.6 pounds per cubic foot (lbs./cu. ft.), and states that its container yield forecast is based on an average density of 12 lbs./cu.ft. projected under the proposed rates. The carrier also alleges that while bypass containers are not yet successful in some Far East locations, this is due to the present lack of a rate incentive for shipper-loaded containers, and that in their most recent agreement, the IATA carriers have further hampered containerization by increasing container rates.

Northwest has submitted a forecast of financial results during the year ending July 31, 1977, showing returns on investment (ROI) of −0.93 percent under existing rates and 3.94 percent under the proposed rates.[5] The rate proposal is anticipated to produce a revenue improvement of over $6.6 million, which Northwest alleges will result from increases in the container rates and the density incentive which achieves higher revenues through improved space utilization. Northwest's forecast indicates an average load factor in freighter operations of 53.7 percent, with 57.0 percent for the B–747F.[6]

THE COMPLAINT

The Joint Carriers allege that Northwest's proposed container rates would undercut existing general commodity container rates by up to 26 percent at the pivot and the recently approved San Diego IATA agreement container rates by up to 33 percent, and would also undercut all existing specific commodity rates except Items 0007N and 9902 by up to 49 percent at the pivot;[7] that these undercuts would result in massive revenue dilution amounting to 8.4 percent for Tiger, 8.8 percent for Pan American, and 14.9 percent for JAL; that on the basis of Northwest's exhibits the current space-weight relationship of its traffic is nearly optimal and that contrary to Northwest's contentions, the B–747F is generally weight- rather than space-limited in transpacific service; and that the proposed rate structure will achieve none of the results claimed by Northwest. On the contrary, allege the Joint Carriers, it will not improve the revenue production of Northwest's available space at the densities Northwest itself forecasts; it will produce an overall ROI of—2.25 percent instead of the 3.94 percent forecast by Northwest;[8] it will not realize cost savings through containerization since the proposed container discount far exceeds any actual or potential cost savings, and in any event limitations of the local infrastructure at Asian points seriously limit the possibilities of expanding container usage; it will not provide any measurable benefit to most direct shippers since it can be effectively used only by forwarders and consolidators; and it does not appreciably simplify the rate structure.[9] The complainants further assert that Northwest's proposal will generate no new traffic from surface to air. Although Northwest states that it will rely on promotional SCR container rates to divert surface traffic to air, the complainants note that in the eight months since this program was announced no such rates have been filed for the simple reason that the difference between air and surface rates is so vast as to preclude diversion from surface to air on a price basis.

The Joint Carriers allege that one of Northwest's major problems in achieving profitable North/Central Pacific cargo operations is the unduly low yield it receives on eastbound Hong Kong/Taipei-U.S. traffic, due primarily to the SCR rate on Item 9902 now existing in those markets; and that by eliminating this rate, as proposed in the IATA San Diego agreement, Northwest could achieve a higher yield than it forecasts under its own proposal. Finally, the Joint Carriers state that Northwest's proposal threatens to undo the progress represented by the San Diego agreement, which reduced GCR's and significantly increased SCR's in line with the Board's policy that the carriers reduce reliance on discounted SCR's; that Northwest would replace one set of below-cost rates by other more pervasive and equally uneconomic rates; and that in a period when most transpacific freighter operations are being conducted at a loss, a rate structure which would sharply reduce revenues from existing traffic, without countervailing cost savings or traffic generation potential, would be a disaster.

THE ANSWER

In answer to the complaint, Northwest alleges that the basic issue is whether containerization is desirable in transpacific markets, and although it has apparently not worked for the Joint Carriers and thus they are hostile to it, Northwest believes there are significant cost savings inherent in containerization which should be reflected in the rate structure;[10] that although container programs have been unsuccessful at some Far East points due to the lack of a rate incentive, the success of SCR Item 9902 is clear evidence that containerization is practical in Asia; that the Joint Carriers' contentions on the limited cost savings

[3] Northwest states that during the eleven months of its experience with the B–747F freighter in the Pacific (July 1975–May 1976), it has experienced an average weight load factor of only 78 percent on flights where space utilization was 100 percent. Thus density could increase over 20 percent without requiring additional lift. The carrier also cites an April 1975 ICAO study, *Asia/Pacific Air Freight Report*, which described the capacity of cargo aircraft as space-rather than weight-limited.

[3] Northwest cites the Board's May 6, 1975 Policy Statement issued prior to the IATA Worldwide Cargo Conference in Nice, which encouraged the carriers to reduce reliance on low SCR's based on marginal cost.

[4] The increase was approved by the Board in Order 76–9–13.

[5] Northwest forecast an ROI of 0.7 percent under present rates, but this reflected a mathematical error.

[6] In response to Order 76–3–111, Northwest states that B–747F maintenance costs have normalized at a level equal to those of B–747 combination aircraft; that traffic-servicing expenses have been calculated on the basis of revenue-tons enplaned; and that commission expenses have been separately calculated to reflect higher payable rates.

[7] 0007N is a space-available rate for fresh produce while 9902 is a "basket" container SCR covering many different commodities.

[8] The Joint Carriers contend that Northwest has overstated its earnings due to an inflated revenue forecast, whereas Northwest will actually experience a $2.9 million decrease in revenues under its proposal; and due to an understatement in all-cargo traffic expenses of $4.6 million.

[9] For example, the complainants state that Northwest has canceled all arbitraries, allegedly to facilitate use of domestic daylight container rates in combination with the proposed transpacific rates, but Northwest's tariff is unclear on how the daylight rates' time-of-tender requirement is to be applied.

of containerization merely reflect Tiger's position in DAFRI, but using the Bureau of Economics' DAFRI methodology indicates cost savings of $809 for 2,313 kgs. in a Type A container, or roughly equivalent to the 37.1 percent discount from the GCR proposed by Northwest; that the complainants' contention that only consolidators and forwarders will benefit from the proposal is erroneous, because any savings accruing to consolidators will be substantially passed on to shippers due to the competition among the consolidators themselves; and that the Joint Carriers' criticisms of Northwest's yield, revenue, and cost data are incorrect. Here Northwest asserts that its historical container yield of 17.3 cents/rtm is valid since, according to the complainants' own calculations in arriving at an alternative figure of 24.45 cents, the yields for Hong Kong and Taipei traffic were 16.8 and 18.0 cents, respectively, and these markets account for the overwhelming share of container-rated traffic;[11] and that its forecast increase in bulk GCR traffic is reasonable and reflects the shift of current bulk SCR traffic which is not "container eligible." Northwest states further that its traffic-servicing costs were properly allocated on the basis of tons enplaned in line with the Board's criticism of its previous methodology expressed in Order 76-3-111.

Regarding the Board's concerns expressed in Order 76-3-111 that revenue would not improve because low-density traffic would continue to move under other carriers' SCR's and only high-density traffic would shift to Northwest's container rates, at a reduced yield, Northwest submits that the IATA San Diego agreement proposes to eliminate SCR Item 9902 rates from Hong Kong and Taipei, and with the elimination of these rates, which move a significant proportion of traffic in those markets, the traffic would shift to Northwest's container rates producing an 18 percent revenue increase. Northwest also alleges that its proposed rates are clearly economic in that they would produce revenue of $18.20 per plane-mile for a B-747F based on a 50 percent space load factor.

FINDINGS

Upon full consideration of the tariff filing, the complaint and answer thereto, and all other relevant factors, the Board finds that the proposed rates may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation. In Order 76-3-111 the Board supported Northwest's efforts to develop a more rational, cost-related structure of Pacific rates applicable to all commodities in place of the present discriminatory pattern of specific commodity rates, and encouraged the carrier to review its proposal in light of the Board's comments and the general competitive situation, with a view toward resubmission. We also expressed our concern whether the proposed rates would accomplish Northwest's alleged objective of improving revenue through greater density incentives and whether the carrier could maintain existing revenue levels under the proposal. As indicated in Appendix A of Order 76-3-111, Northwest's proposed container rates would significantly undercut existing SCR's, which move the bulk of the traffic, only at relatively high densities, whereas at lower densities present SCR's would be lower.[12] Thus relatively low-density traffic would continue to move at current SCR levels, while the high-density traffic would divert to the new container rates at a reduced yield. In these circumstances it was not clear how an increase in yield was to be achieved, particularly since other categories of existing traffic (bulk and containerized GCR's) would also have an incentive to downgrade to the reduced container rates.

In resubmitting its proposed rates, which are virtually identical to the previous filing, Northwest has failed to allay the concerns expressed by the Board in our prior orders.[13] The carrier argues that its forecast revenue improvement results from the new container rates and use of the density incentive which will result in increased revenue through improved space utilization. However, the proposed container rates reflect an increase over current contanier and bulk SCR's only at low densities, and it is doubtful whether shippers would otherwise use Northwest's rate if they had to pay more to do so. At the average 12 lbs./cu. ft. traffic density forecast by Northwest the proposed container rates would reflect a reduction from almost all existing rates. (See Appendix B.) Implementation of the San Diego IATA rate agreement, which increases most SCR's, makes the reductions in Northwest's proposal even more attractive to shippers but, at the same time, these reductions magnify the revenue dilution which would occur were Northwest's rates permitted to become effective. Northwest, in its answer, relies on the recently approved IATA San Diego agreement which eliminated Item 9902 SCR rates from Hong Kong and Taipei, indicating that once these rates are eliminated, its proposed GCR container rates will attract this traffic at an increased yield over that previously achieved under the 9902 rates. While Northwest's proposed rates might be successful in attracting more Hong Kong/Taipei-U.S. traffic solely as a result of the IATA carriers' decision to eliminate basket rate Item 9902, this does not alter our conclusion that its revenue forecast under the proposed rates is overstated. The increased yield Northwest anticipates on Item 9902 eastbound traffic from Hong Kong and Taipei clearly does not appear to be sufficient to support its estimate of a 15 percent increase in overall transpacific yields in both directions in all markets. Northwest itself indicates that Hong Kong/Taipei traffic in both directions accounts for only 45.8 percent of overall transpacific traffic, and with Item 9902 we are dealing with only one rate category in only one direction.

Thus, Northwest's forecast of a yield improvement from 22.10 to 25.34 cents per revenue ton-mile (rtm), based almost exclusively on an expected increase in container yield which in turn is based primarily on the anticipated yield increase for Item 9902 traffic, from 17.3 to 22.5 cents, is highly questionable. For these same reasons we also believe there is merit in the Joint Carriers' assertion that Northwest has understated its current container rate yield, which would support our conclusion that Northwest's overall yield will probably decline, rather than increase under its proposal.[14] Furthermore, we question Northwest's forecase of a 100 percent increase in bulk GCR traffic at its relatively high yield, which Northwest has not adequately explained.[15]

Northwest also argues that it will achieve revenue improvement through better space utilization. Northwest attempts to support this proposition by noting, for example, that for an LD-3 from Taipei to the U.S. west coast it would receive $1,228 at the pivot of about 12 lbs./cu. ft. under its proposal versus only $901 under existing SCR's at the current average density of 8.6 lbs./cu. ft., and this revenue increase will be reflected in lower rates per kg. At its forecast density of 12 lbs./cu. ft., however, the carrier would receive $1,257.37 under the current SCR and $1,583.20 under the current GCR container rate, more than under its own proposal. A carrier can always achieve greater revenue per pallet position by increasing density and weight per container under the same per kilo-

[10] Northwest has provided data to indicate that even now it relies on container rates to a much greater degree than either Tiger or Pan American.

[11] Northwest submits that the complainants' application of the forecast geographical traffic distribution to historical results is faulty because this distribution reflects all traffic, not just containers. Northwest anticipates balancing of container traffic along the lines of present overall distribution only if its proposal becomes effective.

[12] Appendix A of Order 76-3-111 has been reproduced herein as Appendix B.

[13] On July 29, 1976, the Board staff, by letter, requested Northwest to supply additional data showing details of its calculations in arriving at the forecast increase in yield, including a forecast of traffic and yield by rate category assuming continuation of present rates. As of this writing Northwest has not responded to the Board's letter.

[14] Here we would note that in its justification for its original filing, Northwest showed its container rate yield as 20.97 cents per rtm during the year ended July 1975. In its current justification the carrier shows container rate yield as only 17.30 cents per rtm during the year ended April 1976. Northwest has provided no explanation for this decline in yield over a period when rates did not change.

[15] We note that in its response to the IATA San Diego agreement, Northwest forecast an average yield of 25.61 cents per rtm assuming continuation of existing rates, higher than the 23.56 cents it now forecasts under its own proposal.

gram rates. Northwest could do this using existing rates. The current rate examples cited by Northwest are bulktender SCR rates, where the carrier has the responsibility of packing the container for carriage and is responsible, to some degree, for the density achieved, which Northwest asserts is only 8.6 lbs./cu. ft. Under its proposed rates at the forecast 12 lbs./cu. ft. density, Northwest would receive less revenue per container than it would have achieved under existing rates with a fully stowed container.[16]

In any event, whether aircraft are primarily weight-or space-limited, is formally at issue in Docket 26487, Transatlantic, Transpacific and Latin American Mail Rates, and need not be decided here. While the Board has accepted Northwest's stated objective of achieving an increase in average freight density as a legitimate one, we find that if the carrier succeeds in increasing its average density from 8.6 to 12 lbs./cu. ft., it will do so at the cost of a significant reduction in revenue under the proposed rate structure. Northwest forecasts no traffic generation under its proposed rates, expects over 8(percent of its traffic to move at the reduced container rates, and does not indicate any cost savings from the anticipated, increase use of containers.[17]

In summary, Northwest seeks the establishment of a more rational, cost-related structure of North/Central Pacific rates through implementation of a rate incentive for dense, containerized cargo, which it alleges will improve revenues and is consistent with the Board's international rate policies. Yet Northwest has not shown that its proposal will achieve this objective. On the contrary the carrier's data indicate that the proposed rates will result in dilution of existing revenues. Rate reductions are typically justified on the basis that the reduction will generate additional traffic which will produce additional revenue in excess of the additional costs of carrying such traffic to the benefit of shippers and the carrier. However, Northwest forecasts no additional traffic under the proposed rates, stating that it will rely instead on thus far unidentified, unfiled specific commodity container rates for generating new traffic.

The Board has long urged the carriers to reduce their excessive reliance on discounted specific commodity rates, which supposedly are justified on a short-term promotional basis but which have long since become embedded in the rate structure. The Board has also indicated that replacing specific commodity rates with general commodity container rates is one method of accomplishing this objective. Moreover, we find that the rate structure proposed by Northwest would provide significant incentives toward containerization, a development the Board has often encouraged. In short, it is not the structure of Northwest's proposal to which we object but rather to the low rate levels which we find would seriously dilute existing revenues and earnings. As indicated in Order 76–9–13, September 2, 1976, which approved the IATA San Diego agreement. Northwest's most recent reported return on investment in North/Central Pacific cargo operations was 4.52 percent, well below the Board's 12 percent guideline. The other U.S. transpacific carriers' returns were also found to be substandard, and accordingly Order 76–9–13 concluded that the proposed rate increases were warranted. In these circumstances, we must suspend these rates for investigation. We again state our readiness to consider a proposal similar to Northwest's in structure but at more reasonable rate levels.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, 801, and 1002 thereof,

It is ordered That: 1. An investigation be instituted to determine whether the rates and provisions set forth in Appendix A hereof, and rules, regulations, or practices affecting such rates and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such rates and provisions and rules, regulations, or practices;

2. Pending hearing and decision by the Board, the tariff rates and provisions specified in Appendix A hereof are suspended and their use deferred from September 14, 1976 to and including September 14, 1977, unless otherwise ordered by the Board; and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President[18] and shall become effffective on September 14, 1976;

4. The investigation ordered herein be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated;

5. Copies of this order be filed in the aforesaid tariffs and be served upon Northwest Airlines, Inc., The Flying Tiger Line Inc., Pan American World Airways, Inc., China Airlines, Ltd., Japan Air Lines Company, Ltd., Korean Air Lines Co., Ltd., and Philippine Air Lines, Inc.; and

6. Except to the extent granted herein, the consolidated complaint of The Flying Tiger Line Inc., Pan American World Airways, Inc., China Airlines, Ltd., Japan Air Lines Company, Ltd., Korean Air Lines Co., Ltd., and Philippine Air Lines, Inc., in Docket 29625, be and hereby is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX A

TARIFF C.A.B. NO. 64, ISSUED BY AIR TARIFFS CORPORATION, AGENT

1. The cancellation of general and specific commodity rates (except from Detroit to Tokyo on 13th Revised Page 96) on the following pages:

2nd Revised Page 23
2nd Revised Page 24
2nd Revised Page 25
2nd Revised Page 26
2nd Revised Page 27
2nd Revised Page 28
2nd Revised Page 29
2nd Revised Page 30
2nd Revised Page 31
2nd Revised Page 32
2nd Revised Page 33
2nd Revised Page 34
2nd Revised Page 35
2nd Revised Page 36
2nd Revised Page 37
2nd Revised Page 38
2nd Revised Page 39
2nd Revised Page 40
2nd Revised Page 41
2nd Revised Page 42
2nd Revised Page 43
2nd Revised Page 44
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2nd Revised Page 64
2nd Revised Page 65
2nd Revised Page 66
2nd Revised Page 67
2nd Revised Page 68
2nd Revised Page 69
2nd Revised Page 70
2nd Revised Page 71
2nd Revised Page 72
2nd Revised Page 73
2nd Revised Page 74
2nd Revised Page 75
2nd Revised Page 76
2nd Revised Page 77
2nd Revised Page 78

[16] It also appears that Northwest has overstated the revenue per plane-mile in B–747F service it anticipates under the proposed rates. Its calculations are based on a 50 percent space load factor and a forecast average density of 12 lbs./cu. ft. in 14 M–1–HI and 15 LD–3 containers. Using standard external cubes for these containers, however, produces a weight of 143,592 lbs. which, even without considering tare weight, results in a weight load factor of over 65 percent based on Northwest's stated lift of 219,000 lbs. Northwest, however, forecasts a load factor of only 57 percent.

[17] Northwest's forecast shows a slightly increased cost per rtm under the proposed rates.

[18] This order was submitted to the President on September 3, 1976.

2nd Revised Page 79
2nd Revised Page 80
2nd Revised Page 81
2nd Revised Page 82
2nd Revised Page 83
2nd Revised Page 84
13th and 14th Revised Pages 96
11th Revised Page 98
10th Revised Page 99
8th Revised Page 103
9th Revised Page 106
8th Revised Page 107
11th Revised Page 109
11th Revised Page 110
8th Revised Page 111
8th Revised Page 112
11th Revised Page 112–A
10th and 11th Revised Pages 112–B

2. The following pages insofar as such pages continue matter suspended in paragraph 1 above:

13th Revised Page 98
9th and 11th Revised Pages 103
10th, 11th, and 12th Revised Pages 106
12th and 13th Revised Pages 112–A
13th Revised Page 112–B

3. The double dagger reference mark and the explanation of the double dagger reference mark on the following pages:
6th Revised Page 114
6th Revised Page 115

4. The cancellations, increases, and/or reductions of rates, charges, and provisions on the following pages:

7th Revised Page 118
7th Revised Page 119
7th Revised Page 120
7th and 8th Revised Pages 121
7th Revised Page 122
7th Revised Page 124
7th Revised Page 125
5th Revised Page 127
5th Revised Page 128
6th Revised Page 129
6th Revised Page 130

5. 8th Revised Page 122 insofar as such page continues matter suspended on 7th Revised Page 122 in paragraph 4 above.

ERRATUM

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 2nd day of September, 1976.

Dated: September 14, 1976.

1. Add the following pages to Paragraph 1 in Appendix A:

15th Revised Page 96
14th Revised Page 98
13th Revised Page 103
14th Revised Page 106
13th Revised Page 109
13th Revised Page 110
14th Revised Page 112–A
14th Revised Page 112–B

2. Add the following pages to Paragraph 2 in Appendix A:

12th Revised Page 103
13th Revised Page 106
12th Revised Page 109
12th Revised Page 110

APPENDIX B

North/Central Pacific cargo rates between U.S. west coast and Taipei/Hong Kong/Manila

	Type A container		500 kg. bulk GCR ($2.27 kg)	SCR 0007N LAX–HKG/TPE ($0.96 at 200 kg)	SCR 2102, 4204, 4318 LAX–HKG ($2.23 at 500 kg)	SCR 2211 (ULD) HKG/TPE–LAX	SCR 4416 LAX/TPE (present) ($1.54 at 500 kg; $1.49 at 1,000 kg)	SCR 4416 LAX/TPE, HKG (CAB 24488) ($1.90 at 500 kg; $1.84 at 1,000 kg)	SCR 4435 LAX/HKG ($1.38 at 500 kg)	SCR 4506 TPE/HKG–LAX ($1.38 at 500 kg; $1.33 at 2,200 kg)	SCR 8397 HKG–LAX ($1.83 at 500 kg)	SCR 9002 (ULD) /TPE HKG–LAX
	IATA	Northwest										
Pivot weight (kilograms)	2,000	2,313				1,542						2,177
Minimum charge	$3,649	$3,298				$2,360						$2,625
Excess rate	$1.70	$1.15				$1.53						$1.19
Density:												
8lb/ft³ equal 1,452 kg	$3,649.00	$3,298.00	$3,296.04	$1,393.92	$3,237.96	$2,360.00	$2,163.48	$2,671.68	$2,003.76	$2,003.76	$2,657.16	$2,625.00
9.00 equal 1,633 kg	3,649.00	3,298.00	3,706.91	1,567.68	3,641.59	2,499.23	2,433.17	3,004.72	2,253.54	2,253.54	2,988.39	2,625.00
10.00 equal 1,814 kg	3,649.00	3,298.00	4,117.78	1,741.44	4,045.22	2,776.16	2,702.86	3,337.76	2,503.32	2,503.32	3,319.62	2,625.00
11.00 equal 1,996 kg	3,649.00	3,298.00	4,530.92	1,916.16	4,451.08	3,054.62	2,974.04	3,672.64	2,754.48	2,754.48	3,652.68	2,625.00
12.75 equal 2,313 kg	4,181.10	3,298.00	5,250.51	2,220.48	5,157.99	3,539.63	3,446.37	4,255.92	3,191.94	3,076.29	4,232.79	2,786.84
14.00 equal 2,540 kg	4,567.00	3,559.05	5,765.80	2,438.40	5,664.20	3,886.94	3,784.60	4,673.60	3,505.20	3,378.20	4,648.20	3,056.97
18.00 equal 3,266 kg	5,801.20	4,393.95	7,413.82	3,135.36	7,283.18	4,997.72	4,866.34	6,009.44	4,507.08	4,343.78	5,976.78	3,920.91

NOTE.—Weights at each density based on internal cube.

[FR Doc.76-27522 Filed 9-17-76;8:45 am]

[Order 76-9-90; Docket 26153]

PAN AMERICAN WORLD AIRWAYS, INC.

Application To Amend Certificates of Public Convenience and Necessity for Routes 130 and 132

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of September, 1976.

On July 23, 1976, Pan American World Airways filed an application, pursuant to Section 401 of the Federal Aviation Act of 1958, as amended, for amendment of its certificates for Routes 130 and 132[1] so as to renew its authority to serve Bangor, Maine, limited to the carriage of property on a permissive basis, in transatlantic and transpacific operations, for a further period of three years.[2] The carrier requests renewal of its authority by show-cause procedures.[3]

Upon consideration of the foregoing and all the relevant facts, we have decided to issue an order to show cause which proposes to renew Pan American's authority to serve Bangor, Maine, on a temporary, permissive basis on its Routes 130 and 132. The authority to serve Bangor will be limited to the carriage of cargo only on all-cargo or combination flights for a further period of three years, effective until January 21, 1980.

We tentatively find and conclude that the public convenience and necessity require the amendment of Pan American's certificates as outlined above.[4] The facts and circumstances which we have tentatively found to support our proposed ultimate conclusion appear below.

The factors which prompted the Board to grant the original authority in Order 74–6–11 remain valid today. Thus, the airport at Bangor is uncongested, offers carriers excellent facilities, and is on or close to the great-circle route between much of the United States and Europe. Furthermore, flag-stop authority at Bangor can facilitate the handling of international air cargo by alleviating the burden on existing cargo facilities, by promoting the export of goods, such as seafood, and by helping to attract light manufacturing industries to the State of Maine. Pan American already utilizes Bangor International Airport as a tech-

[1] Route 132 is a transatlantic route from various points in the U.S. to Europe and the Middle East; Route 130 is a transpacific route to the Orient.

[2] By Order 74–6–11, dated May 10, 1974, the Board authorized Pan American to enplane and deplane property at Bangor on Routes 130 and 132 on a permissive basis until January 21, 1977. Pan American states herein that it has thus far been unable to utilize this authority; nevertheless, the carrier is hopeful that the potential for service to Bangor will develop during the renewal period sought in its application. The carrier has invoked the automatic extension provisions of 5 U.S.C. 558(c).

[3] Pan American requests a waiver of, or exemption from, the provisions of section 312.12 of the Board's Regulations, which would otherwise require the carrier to submit an environmental evaluation with respect to this application.

[4] We also tentatively find that Pan American is fit, willing, and able to properly perform the air transportation authorized by the certificates proposed to be issued herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

nical stop, and therefore the carrier is in an excellent position to use Bangor on a permissive basis and to provide the benefits accruing from Bangor flag-stop service set forth above. We note that no answers in opposition to the present application have been received. Thus, under these circumstances and in view of these tentative findings, we tentatively conclude that renewal of Pan American's certificate authority to serve Bangor, Maine, on a temporary, permissive basis on Routes 130 and 132, limited to the carriage of cargo only, for an additional period of three years, is in the public interest.[5]

Interested persons will be given 30 days following the date of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail what he would expect to establish through such a hearing that cannot be establish in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered that:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending the certificates of public convenience and necessity of Pan American World Airways, Inc., for Routes 130 and 132 so as to add Bangor, Maine, as a temporary point thereto, subject to the condition that the authority to serve Bangor will be limited to the carriage of cargo on a permissive basis, until January 21, 1980;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein, shall, within 30 days after the date of this order, file with the Board and serve upon all persons listed in paragraph 5 below a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; and answers to objections shall be filed 10 days thereafter; [6]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon Pan American World Airways, Inc.; Seaboard World Airlines, Inc.; Delta Air Lines, Inc.; Air New England, Inc.; Governor, State of Maine; City Manager of Bangor; the Maine Department of Aeronautics; The Flying Tiger Line, Inc.; Trans World Airlines, Inc.; National Airlines, Inc.; Northwest Airlines, Inc.; American Airlines, Inc.; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-27929 Filed 9-22-76;8:45 am]

[5] We have also determined that the proposed certificate amendment is by its very nature not one which could lead to a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). Since Pan American already has authority to serve Bangor on a permissive basis, the proposed renewal herein will maintain the status quo with regard to services provided at Bangor. Should Pan American institute flag-stop service during the renewal period, such services will be minimal and will not affect the overall service level at Bangor to any significant degree. Therefore, it is unreasonable to suppose on the fact of the matter that renewal authorization of flag-stop service at Bangor will lead to more than very minor environmental changes. Accordingly, the requirement that Pan American file an environmental evaluation in accordance with section 312.12 will be waived.

[6] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

COMMISSION ON CIVIL RIGHTS

OKLAHOMA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Oklahoma Advisory Committee (SAC) to this Commission will convene at 1:00 p.m. and end at 5:00 p.m. on October 22, 1976, at the Sheraton Inn-Skyline East, 6333 Skelly Drive, Tulsa, Oklahoma 74135.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, New Moore Building, Room 231, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is to review and finalize the Tulsa Public Schools Desegregation report.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 20, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-27889 Filed 9-22-76;8:45 am]

UTAH ADVISORY COMMITTEE

Change of Meeting Date

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that the meeting of the Utah Advisory Committee (SAC) of the Commission published in the FEDERAL REGISTER on Thursday, September 16, 1976, on page 39830 (FR Doc. 76-27129) is hereby amended to show change of meeting date. The date of the meeting is October 14, 1976. The time and location remain the same.

Dated at Washington, D.C., September 17, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-27890 Filed 9-22-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

EXEMPT TEXTILE PRODUCTS FROM COLUMBIA

Additional Officials Authorized To Issue Export Visas and Certificates

ANNOUNCING ADDITIONAL OFFICIALS OF THE GOVERNMENT OF COLOMBIA AUTHORIZED TO ISSUE EXPORT VISAS AND CERTIFICATIONS FOR EXEMPT TEXTILE PRODUCTS FROM COLOMBIA.

SEPTEMBER 20, 1976.

On July 26, 1976, there was published in the FEDERAL REGISTER (41 FR 30707) a notice dated July 20, 1976 announcing establishment of an export visa requirement and certification for exemption for certain cotton, wool and man-made fiber textile products, produced or manufactured in Colombia, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 28, 1975, between the Governments of the United States and Colombia. One of the requirements is that the visas and the certifications include the signature of an authorized official of the Government of Colombia. The Government of Colombia has requested, and the United States Government has acceded to the request, that the following officials be recognized as authorized to issue export visas and certifications for exemption in addition to the 16 officials named in the notice of July 20, 1976.

Hernando Arciniegas-Serna
Silvio Castro Lamprea
Elizabeth Ordonez L.
Norma Parra-Cardona

A complete list of Colombian officials currently authorized to issue export visas and exempt certifications accompanies this notice.

Effective date: September 23, 1976.

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

OFFICIALS AUTHORIZED BY THE GOVERNMENT OF COLOMBIA TO ISSUE EXPORT VISAS AND CERTIFICATIONS FOR EXEMPT TEXTILE PRODUCTS EXPORTED TO THE UNITED STATES

Soledad Acevedo Fonseca
Hernando Arciniegas-Serna
Jaime Arroyave Gomez
Antonio Ernesto Beltran Candia
Desiderio Caceres Rondon
Donaldo Castilla Quintana
Silvio Castro Lamprea
Julian Contreras Trivino
Luz Mary Gonzalez Mena
Magola Guerra Q.
Joaquin Gutierrez Isaza
Gloria Maria Lopez Naranjo
Jaime Neira Baena
Elizabeth Ordonoz L.
Jaime Ospina Duque
Norma Parra-Cardona
Jose Ducardo Patino Vargas
Manuel Arturo Posada Gutierrez
Rafaela Vergara Echavez
Enrique White Salazar

[FR Doc.76-27941 Filed 9-22-76;8:45 am]

HAITI

Amending the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement Between the Governments of the United States and Haiti

SEPTEMBER 21, 1976.

By an exchange of notes dated September 14, 1976, the Governments of the United States and Haiti amended the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 23, 1976 concerning exports of cotton, wool and man-made fiber textile products from Haiti to the United States. The amendment increases the specific level of restraint for man-made fiber textile products in Category 238 from 258,427 dozen to 314,607 dozen. The level for man-made fiber textile products in Category 237 is reduced from 444,444 numbers to 222,222 numbers.

Accordingly, there is published below a letter of September 21, 1976 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, directing that the amounts of man-made fiber textile products in Categories 237 and 238, produced or manufactured in Haiti, which may be entered or withdrawn from warehouse for consumption in the United States during the twelve-month period which began on January 1, 1976 and extends through December 31, 1976 be limited to the designated levels. The letter published below and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

Effective date: September 27, 1976.

ROBERT E. SHEPHERD,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

SEPTEMBER 21, 1976.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on April 13, 1976 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton and man-made fiber textile products, produced or manufactured in Haiti.

The second paragraph of the directive of April 13, 1976 is amended, effective on September 27, 1976, to read as follows:

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 23, 1976, as amended, between the Governments of the United States and Haiti, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on January 1, 1976 and for the twelve-month period extending through December 31, 1976, entry into the United States for consumption of man-made fiber textile products, produced or manufactured in Haiti, in excess of the following levels of restraints:

Category:	*12-mo. level of restraint*
237	numbers 222,222
238	doz 314,607

The actions taken with respect to the Government of Haiti and with respect to imports of man-made fiber textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPNERD,
Acting Chairman, Committee for the Implementation, of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.76-28136 Filed 9-22-76;10:05 am]

DELAWARE RIVER BASIN COMMISSION

PUBLIC HEARING

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Thursday, September 30, 1976, commencing at 2 p.m. The hearing will be held in the main conference room of the Commission's headquarters building, 25 State Police Drive, West Trenton, N.J. The subjects of the hearing will be as follows:

A. Applications for approval of the following projects as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to Section 3.8 of the Compact:

1. *Camden County (D-75-127 CP).* A well water supply project to augment existing water supplies at the Lakeland Hospital complex in Gloucester Township, Camden County, N.J. The new well is expected to yield approximately 350,000 gallons per day.

2. *Donald C. Garrison (D-76-25).* A well water supply project at the subject farm in Pittsgrove Township, Salem County, N.J. About 375,000 gallons per day will be used for irrigation purposes during the growing season.

3. *Allied Chemical Corp. (D-76-49).* An industrial wastewater discharge at the company's Specialty Chemicals Division plant in the City of Philadelphia, Pa. Neutralization, chromium removal and clarification will be provided to a wastewater flow of 280,000 gallons per day. Treated effluent will discharge to Frankford Inlet.

4. *Bethlehem Steel Corp. (D-76-59).* An industrial waste treatment project at the company's plant in the City of Bethlehem, Nothampton County, Pa. Designated as Phase I, the project will provide for treatment of about 166 million gallons per day from a total of nine outfalls discharging to the Lehigh River or Saucon Creek, a tributary of the Lehigh River. Treatment will remove suspended solids and oil to the limits provided by the Commission's water quality guidelines.

5. *J. O. Ryder Rendering Co., Inc. (D-76-12).* An industrial waste treatment project at the company's existing rendering plant in Westfall Township, Pike County, Pa. Lagoon storage of wastes will be augmented by treatment facilities providing a removal of 95 percent of BOD_5 and 90 percent of suspended solids. About 80,000 gallons per day of treated effluent will discharge to the Delaware River.

6. *Kendall at Longwood (D-77-62).* Expansion of the sewage treatment plant serving the retirement communities of Crosslands and Kendal at Longwood located in Kennett and Pennsburg Townships, Chester County, Pa. The treatment plant will provide removal of 93 percent of BOD_5. Treated effluent in the amount of approximately 70,000 gallons per day will be disposed of by spray irrigation in the watershed of Bennetts Run, a tributary of Brandywine Creek.

7. *American Landmark Corp.-Stony Hollow Village (D-76-5).* A wastewater treatment project for Phase I of a multi-phased housing development in Lehman Township, Pike County, and Middle Smithfield Township, Monroe County, Pa. The project will provide removal of 92 percent of BOD_5 from a wastewater flow of about 50,000 gallons per day. Treated effluent will discharge to Saw Creek, a tributary to the Bush Kill.

B. A proposal that the twelfth annual Water Resources Program adopted by the Commission on January 28, 1976, be readopted and continued unchanged as the thirteenth annual Water Resources Program in accordance with the requirements of Section 13.2 of the Compact.

Documents relating to the items listed on this hearing notice may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

Dated: September 17, 1976.

W. BRINTON WHITALL,
Secretary.

[FR Doc.76-27828 Filed 9-22-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 621-8; PP6G1727/T77]

(Z,Z)-7,11-HEXADECADIENYL ACETATE AND (Z,E)-7,11-HEXADECADIENYL ACETATE

Establishment of Temporary Exemption From Requirement of a Tolerance

Conrel, an Albany International Company, 735 Providence Hwy., Norwood, MA

02602, has submitted a pesticide petition (PP 6G1727) to the Environmental Protection Agency (EPA). This petition requests that a temporary exemption from the requirement of a tolerance be established for residues of the insecticide (Z,Z)-hexadecadienyl acetate and (Z,E)-7,11-hexadecadienyl acetate in or on cottonseed when used as a pheromone to disrupt mating in the pink bollworm.

Establishment of this temporary exemption will permit the marketing of the above raw agricultural commodity when treated in accordance with an experimental use permit that was issued April 16, 1976 under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that the requested exemption is adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary exemption will protect the public health. The temporary exemption from the requirement of a tolerance is established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Conrel must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary exemption from the requirement of a tolerance expires April 16, 1977. Residues remaining in or on cottonseed after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary exemption. This temporary exemption may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect public health.

(Sec. 408(j), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: September 17, 1976.

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

[FR Doc.76-27961 Filed 9-22-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 824]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

SEPTEMBER 20, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SEPTEMBER 20, 1976.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

22659-CD-P-76, Southwestern Bell Telephone Company. (New), C.P. for a new 1-way station to operate on 152.84 MHz to be located at 620 Owen Lane, Waco, Texas.

22685-CD-MP-(4)-76, Direct-Page Communications, Inc. (KWU374), Modification of CP for additional facilities to operate on 72.02 MHz control and change base frequency from 454.150 MHz to 454.350 MHz at Loc. #1: 0.6 miles NW. of corner of Mt. Pleasant and Mineah Road, Dryden, New York; and for additional facilities to operate on 454.350 MHz at two new sites described as Loc. #2: 2½ miles SSE. of Cortland, New York; and Loc. #3: Aurora Street, South Hill, Ithaca, New York.

22808-CD-P-(2)-76, Radio Relay Corp.-Michigan (KQC884), C.P. for additional facilities to operate on 35.58 MHz to be located at two new sites described as Loc. #8: Beyer Hospital, 135 S. Prospect Street, Ypsilanti, Michigan; and Loc. #9: 6861 Grand Trunk Street, Richmond, Michigan.

22809-CD-P-76, General Telephone Company of the Northwest, Inc. (New), C.P. for a new 2-way station to operate on 152.75 MHz to be located 3 miles SW. of Richland, Badger Hill, Washington.

22811-CW-P-76, Airsignal International, Inc. (KKE964), C.P. for additional facilities to operate on 152.21 MHz, standby located at One Shell Plaza, Houston, Texas.

22812-CD-P-76, Airsignal International, Inc. (KOA796), C.P. for additional facilities to operate on 35.58 MHz to be located at a new site described as Loc. #5: 9999 S.E. French Acres, Portland, Oregon.

22813-CD-P-76, Caprock Communications, Inc. d.b.a. Caprock Radio Dispatch (KWU 239), C.P. to change antenna system and relocate facilities operating on 152.24 MHz to be located at Block 46, Lot 6, Eddy Additiona, Carlsbad, New Mexico.

22814-CD-MP-76, Vincennes Telephone Answering Service, Inc. (KWT900), C.P. to change antenna system operating on 152.15 MHz located on Decker Road & Highway 41, 2.1 miles South of Vincennes, Indiana.

22815-CD-P-76, Vincennes Telephone Answering Service, Inc. (KWT910), C.P. to relocate facilities operating on 152.24 MHz to be located at WVUT Tower, Vincennes, Indiana.

22816-CD-P-76, Leesburg Communications and Answering Service, Inc. (New), C.P. for a new 1-way station to operate on 158.70 MHz to be located 3 miles NW. of Leesburg near Myrtle Lake, Florida.

22817-CD-P-76, Alan H. Rosenson Trust d.b.a. All Florida Communications Company. (KIN645), C.P. to change antenna system and relocate facilities operating on 43.22 MHz to be located at 1985 South Ocean Blvd., Hallandale, Florida.

22818-CD-P-76, Hawkinsville Telephone Company. (KIY590), C.P. to replace transmitter, change antenna system and relocate facilities operating on 152.51 MHz to be located ⅛ mile NW. of Hawkinsville, Georgia.

22819-CD-P-(6)-76. The Pacific Telephone and Telegraph Company. (KSV983), C.P. for additional facilities to operate on 152.-84 MHz to be located at six new sites described as Loc. #3; 1429 North Gower Street, Los Angeles, California; Loc. #4: 11272 Magnolia Boulevard, North Hollywood, California; Loc. #5: 124 South Orange Street, Glendale, California; Loc. #6: 22012 Vanowen Street, Canoga Park, California; Loc. #7: 29300 West Roadside Drive, Agoura, California; and Loc. #8: 8530 Airport Boulevard, Los Angeles, California.

22820-CD-MP-76, General Communications Company. (KUC849), C.P. to relocate facilities operating on 35.24 MHz to be located on Route 6, 1 mile SE. of Fairmont, West Virginia.

22822-CD-AL-76, Tel-Car Corporation Consent to Assignment of License from Tel-Car Corporation, Assignor to Radiopaging, Inc., Assignee. Station: KIB527, Miami, Florida.

Major Amendments

5628-C2-P-72, Mobilephone of Texas, Inc., Liberty, Texas. (New), Amend base frequency 454.125 MHz to read 454.200 MHz. All other particulars are to remain as reported on PN #586 dated March 6, 1972.

5768-C2-P-72, Houston Radiophone Service, Willis, Texas. (New), Amend base frequency 454.175 MHz to read 454.200 MHz. All other particulars are to remain as reported on PN #586 dated March 6, 1972.

7878-C2-P-72, Radio Paging, Inc. (New), Amend base frequency 454.125 MHz to read 454.225 MHz. All other particulars are to remain as reported on PN #595 dated May 8, 1972.

22462–CD–P–76, Grants Pass Answering Service. (New), Amend base frequency 454.225 MHz to read 454.125 MHz. All other particulars to remain as reported on PN #816 dated July 26, 1976.

RURAL RADIO SERVICE

60457–CR–P/L–76, The Mountain States Telephone and Telegraph Company. (New), C.P. for a new rural subscriber station to operate on 157.77 MHz to be located 48.6 Km (30.2 miles) South of Bitter Creek, Wyoming.

OFFSHORE RADIO TELEPHONE SERVICE

60600–CG–P–76, The Offshore Telephone Company. (New), C.P. for a new central office station to operate on 488.300 MHz to be located 80 miles South of Morgan City, Louisiana, Gulf of Mexico, Eugene Island Area Block 266, Platform E.

60601–CG–P–76, The Offshore Telephone Company. (New), C.P. for a new central office station to operate on 488.050 MHz to be located at West Cameron Area, Block 192, Platform A, Gulf of Mexico.

60602–CG–P–76, The Offshore Telephone Company. (New), C.P. for a new central office station to operate on 488.150 MHz to be located at Ship Shoal Area, Block 207, Platform A, Gulf of Mexico.

60603–CG–P–76, The Offshore Telephone Company. (New), C.P. for a new central office station to operate on 488.200 MHz to be located at South Marsh Island Area, Block 49, Platform A, Gulf of Mexico.

60604–CG–P–76, The Offshore Telephone Company. (New), C.P. for a new central office station to operate on 488.175 MHz to be located at Grand Isle Area, Block 73, Platform D, Gulf of Mexico.

60605–CG–P–76, The Offshore Telephone Company. (New), C.P. for a new temporary fixed station to operate on 488.225 MHz to be located at Block 309A, High Island, Gulf of Mexico.

POINT TO POINT MICROWAVE RADIO SERVICE

8021–CF–P–76, Southern Bell Telephone and Telegraph Company. (KFG36), 501 West 9th Street, Sanford, Florida Lat. 28°48'13" N., Long. 81°16'21" W. C.P. to change polarization from horizontal to vertical on frequency 11425 MHz toward Longwood, Florida on azimuth 214.7 degrees.

8035–CF–P–76, The Mountain States Telephone and Telegraph Company (KPQ60) Reno Jct., 40.5 miles South of Gillette, Wyoming Lat. 43°41'51" N., Long. 105° 31'22" W. C.P. to add a new point communication on frequencies 11325.0V and 11565.0H MHz toward Wright City, Wyoming on azimuth 23.4 degrees.

8036–CF–P–76, Same. (New), Wright City, 36.6 miles South of Gillette, Wyoming Lat. 43°45'32" N., Long. 105°29'10" W. C.P. for a new station on frequencies 10875.0V and 11115.0H MHz toward Reno Junction, Wyoming on azimuth 203.4 degrees.

8059–CF–P–76, Indiana Bell Telephone Company, Incorporated. (KSJ45), 240 N. Meridian Street, Indianapolis, Indiana Lat. 39°46'16" N., Long. 86°09'29" W. C.P. to add transmitter and frequency on 6375.2V MHz toward Montclair, Indiana.

8060–CF–P–76, Same. (KSN75) Montclair 3.5 miles NW. of Danville, Indiana Lat. 39°47'56" N., Long. 86°34'06" W. C.P. to add frequency 6123.1V MHz toward Indianapolis, Indiana; modify antennas on frequencies 5989.6V 6049.0V 10755.0H 10915.0V MHz Lebanon, Indiana.

8061–CF–P–76, Same. (KSN76) 0.25 mile SE. of Lebanon, Indiana Lat. 40°01'59" N., Long. 86°27'05" W. C.P. to replace antenna on these frequencies 6241.7V 6301.0V 11445.0V MHz toward Montclair, Indiana; and 11325.0V 6264.0V 6382.6V 11405.0H 11565.0V 11645.0V MHz toward Frankfort, Indiana.

8062–CF–P–76, Same. (KSN77) 0.5 miles North of Frankfort, Indiana Lat. 40°18'17" N., Long. 86°30'01" W. C.P. to replace antenna on frequencies 6011.9V 6130.5V 10715.0V 10955.0H MHz toward Lebanon, Indiana.

8063–CF–P–76, The Chesapeake and Potomac Telephone Company of Virginia. (New), 1.65 miles NNE. of Ashland, Virginia Lat. 37°46'46" N., Long. 77°27'55" W. C.P. for a new station on frequencies 11055V and 10895V MHz toward Glen Allen, Virginia on azimuth 209.0 degrees.

8064–CF–P–76, Same. (New), 2.1 miles West of Glen Allen, Virginia Lat. 37°40'05" N., Long. 77°32'35" W. C.P. for a new station on frequencies 11265V 11585 V MHz toward Ashland, Virginia on azimuth 29.0 degrees, and 11265V 11585V MHz toward Richmond, Virginia on azimuth 146.5 degrees.

8065–CF–P–76, Same. (KIR29) 703 East Grace Street, Richmond, Virginia Lat. 37°32'26" N., Long. 77°26'13" W. C.P. to add a new point communication on frequencies 11055V 10895V MHz toward Glen Allen, Virginia on azimuth 326.5 degrees.

8032–CF–P/L–76, Southwestern Bell Telephone Company. (KAN 91), Temporary fixed within the territory of the Grantee. Construction permit and license to add frequency bands 2110–2130 MHz 2160–2180 MHz.

8034–CF–P–76, Penn Service Microwave Company, Inc. (WAY 89), Bald Eagle Mtn., 3 miles South of Williamsport, Pennsylvania. (Lat. 41°12'32" N., Long. 76°57'30" W.): Construction permit to add 6390.0H MHz toward Cogan Station, Pennsylvania on azimuth 325.1 degrees.

8037–CF–P–76, Tower Communications System Corporation. (WQR 58) 0.9 mile North of Ironton, Ohio. (Lat. 38°32'51" N., Long. 82°40'48" W.): Construction permit to add 11545.0H MHz toward Huntington, West Virginia, on azimuth 136.5 degrees. (Note.—Applicant requests Special Temporary Authority).

8066–CF–P–76, Eastern Microwave, Inc. (New), Waltham Street—atop Zion Hill, Woburn, Massachusetts. (Lat. 42°27'20" N., Long. 71°10'50" W.): Construction permit for new station—10855.0H MHz toward Wood Hill, Massachusetts on azimuth 352.1 degrees.

8067–CF–P–76, Eastern Microwave, Inc. (WAU 206) Wood Hill, Haggetts Pond Rd., 4 miles West of Andover, Massachusetts (Lat. 42° 39'17" N., Long. 71°13'05" W.): Construction permit to add 11225.0V MHz toward Manchester, New Hampshire, via power split, on azimuth 320.4 degrees.

8068–CF–P–76, Eastern Microwave, Inc. (WAU 205), Manchester, Mtn. Road atop South Mountain, 4 miles WSW of Pinardsville, New Hampshire (Lat. 42°58'59" N., Long. 71°35'19" W.): Construction permit to add 11015.0H MHz toward Beech Hill, New Hampshire, via power split, on azimuth 258.7 degrees.

8069–CF–P–76, First Television Corporation. (New), Maple Lake, 3 miles West of Route 25 on Route 106, Monticello, Minnesota. (Lat. 45°16'02" N., Long. 93°54'04" W.): Construction permit for new station—11385V, 11625V, 11305V, and 11225V MHz toward Rockford and St. Cloud, both in Minnesota, on azimuth 146.3 and 317.3 degrees, respectively.

8070–CF–P–76, First Television Corporation. (New), Rockford, Minnesota (Lat. 45°02' 21" N., Long. 93°42'55" W.): Construction permit for new station—10715V, 10875V, 1115V, and 10795V MHz toward IDS Building, Minneapolis, Minnesota, on azimuth 109.7 degrees.

8071–CF–P–76, First Television Corporation. (New), IDS, 9th and Nicolette Street, Minneapolis, Minnesota (Lat. 44°58'32" N., Long. 93°16'18" W.): Construction permit for new station—11385H and 11545H MHz toward Fridley, Minnesota, on azimuth 0 degree/50 minutes.

7979–CF–P/L–76, The Western Union Telegraph Company. (KNK 55), 125 12th Street, Oakland, California. Lat. 37°47'59" N., Long. 122°15'47" W.): CP and license to change polarity on points of communication—3790V and 4039V MHz toward San Francisco, and 3870V and 4110V MHz toward Pleasanton, both in California, on azimuths 118.0 and 263.6 degrees, respectively.

7980–CF–P/L–76, The Western Union Telegraph Company. (KNK 54), Central Towers Building, San Francisco, California. (Lat. 37°47'14" N., Long. 122°24'08" W.): CP and license to change polarity on point of communications—8910V and 4150V MHz toward Oakland, California on azimuth 83.5 degrees.

8010–CF–P–76, United States Transmissions Systems, Inc. (WAH 505), 3.0 miles WSW. of Appomattox, Virginia. (Lat. 37°20'36' N., Long. 78°52'25" W.): CP to add 5945.-2H MHz toward Raines Tavern, Va. on azimuth of 86.4 degrees.

8011–CF–P–76, United States Transmission Systems, Inc. (New), Raines Tavern, 4.8 miles NNE. of Farmville, Virginia. (Lat. 37°22'05" N., Long. 78°21'57" W.): CP for a new station—6226.9H MHz toward Appomattox and Clayville, both in Virginia, on azimuths 266.7 and 76.2 degrees, respectively.

8012–CF–P–76, Same. (New), 1.2 miles NNE. of Clayville, Va. (Lat. 37°38'32" N., Long. 77°48'31" W.): CP for new station—5945.-2H MHz toward Raines Tavern and 5974.-8H MHz toward Richmond, both in Virginia, on azimuths 256.6 and 66.5 degrees, respectively.

8013–CF–P–76, Same. (New), Orville Road and Westmoreland Street, Richmond, Va. (Lat. 37°35'10" N., Long. 77°29'17" W.): CP for new station—6197.2H MHz toward Clayville, Virginia on azimuth of 246.7 degrees.

8075–CF–P–76, New York Telephone Company. (KGC 86), Court Plaza, 123–33 83rd Avenue, Kew Garden, New York (Lat. 40°-42'41" N., Long. 73°49'41" W.): Construction permit to change transmit station location and name to as above and change antenna system—11385H MHz toward LaGuardia, New York, on azimuth 330.9 degrees.

8076–CF–P–76, Eastern Microwave, Inc. (WPX 31), SE. Corner of Fullington and Werner Roads, Attica, New York (Lat. 42°50'12" N., Long. 78°12'20" W.): Construction permit to add 6078.6H MHz toward Niagara Falls, New York, on azimuth 294.7 degrees.

Corrections

4761–CF–P–76, The Bell Telephone Company of Pennsylvania. (KYS58), Ramsey Hill, Pennsylvania. Correct entry to include replacement of transmitter on frequency 10855 MHz toward Harrisburg. All other particulars remain as reported on Public Notice No. 819, dated August 16, 1976.

4914–CF–MP–76, United Telephone Company of Ohio. Woodland, Ohio. Correct frequency 4049.0V to read 6049.0V MHz toward Blooming Grove, Ohio. All other particulars remain as reported on Public Notice No. 822, dated September 7, 1976.

4499–CF–P–76, Pacific Northwest Bell Telephone Company. (KOQ39), Roosevelt, Oregon. Correct entry to include replace and move antennas. All other particulars remain as reported on Public Notice No. 815, dated July 19, 1976.

Major Amendment

4433–CF–P–76, The Pacific Telephone and Telegraph Company. (KMJ95), 1407 J Street, Sacramento, California. Lat. 38°34'-45" N. Long. 121°29'10" W. Amended to correct frequency 11655V MHz to read 11055V MHz toward Ben Balt, California. All other particulars remain as reported on Public Notice No. 814 dated July 12, 1976.

1414–CF–P–76, Southwestern Bell Telephone Company. (KLV29), Amarillo Jct., 10th and Jackson, Amarillo, Texas. Lat. 35°13'25" N., Long. 101°50'21" W. Amended to change previously proposed frequency, as reported in Public Notice No. 787 dated January 5, 1976 of 6167.6H MHz to read 6019.3V MHz toward John Ray, Texas.

1415–CF–P–76, Southwestern Bell Telephone Company. (KLV30), John Ray, 24 miles North of Amarillo, Texas. Lat. 35°33'53" N., Long. 101°54'25" W. Amended to change previously proposed frequency, as reported in Public Notice No. 787 dated January 5, 1976 of 6419.6H MHz to read 6271.4H MHz toward Amarillo Junction, Texas, and change of polarization of proposed frequency 6286.2 MHz from vertical to horizontal toward Dumas, Texas.

5562–C1–P–73, Southern Pacific Communications Company. (New) McDade, North Carolina. This entry appearing in Public Notice of July 12, 1976 is corrected to show azimuth paths toward Gibsonville and Oak Hill, North Carolina as 253.9 and 52.7 degrees, respectively. All other particulars remain the same.

[FR Doc.76-27904 Filed 9-22-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ENVIRONMENTAL ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Environmental Advisory Committee will meet Friday, October 8, 1976, at 9 a.m., Room 5041, 12th & Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to provide advice and information to FEA concerning environmental aspects of FEA policies and programs.

The agenda for the meeting is as follows:

1. EAC PIES Scenario and Related Subjects.
2. Discussion of Activities of FEA and Other Federal Agencies Concerning Dual Purpose Steam Generation.
3. Federal Activities Relating to Geological Aspects of Power Plant Siting.
4. Report and Recommendations from Nuclear Policy Subcommittee.
5. Report and Recommendations from Energy Conservation Subcommittee.
6. Report and Recommendations from Subcommittee on Regulations for Regions in Violation of Air Quality Standards.
7. Briefing on FEA Coal Policy and Programs.
8. Report and Recommendations from Coal Policy Subcommittee.
9. Report and Recommendations from OCS/Energy Facility Siting Subcommittee.

Subcommittees may meet informally in Washington the preceding evening, at the discretion of the Subcommittee Chairmen; the meetings will be open to the public. For further information on subcommittee activities, call Lois Weeks, Director, Advisory Committee Management at (202) 961–7022.

The Committee meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform the Director, Advisory Committee Management, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office

Minutes of the meeting will be made available for public inspection in the Freedom of Information Office, Room 2107, Federal Energy Administration, 12th and Pennsylvania Avenue, NW., Washington, D.C.

Issued at Washington, D.C. on September 21, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-28009 Filed 9-21-76;12:56 pm]

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94–163) notice is hereby provided of a meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) to be held on September 29 and 30, 1976, at the headquarters of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 10:00 a.m. on September 29. The purpose of this meeting is to permit attendance by representatives of the IAB at a meeting of the IEA Standing Group on Emergency Questions (SEQ) which is scheduled for September 29–30, 1976.

The agenda of the SEQ is as follows:

1. Approval of draft agenda.
2. Summary record of the thirteenth meeting.
3. Emergency reserves.
   - Conclusions of the September 21st 21st meeting of the Governing Board.
   - Review of emergency reserve situation.
4. Emergency Management Manual.
   - Chapter D: Emergency reserves.
   - Participating countries' emergency organizations.
5. Emergency data system.
   - Draft report to the Governing Board on the June/July 1976 test run.
6. SEQ forecast.
7. Demand restraint.
   - Discussion paper by the Secretariat for working group.
8. Oil pricing in an emergency.
9. Allocation systems test.
10. Any other business.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., September 17, 1976.

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

[FR Doc.76-27795 Filed 9-20-76;9:46 am]

FEDERAL MARITIME COMMISSION

[Docket No. 69–57; Agreement No. T–2336]

NEW YORK SHIPPING ASSOCIATION COOPERATIVE WORKING ARRANGEMENT

Action

In the matter of Nos. 71–2, 71–8, 71–26, and 71–34 Transamerican Trailer Transport, Inc., SeaTrain Lines, Inc., Daniels & Kennedy, Inc., Chandris America Lines, Inc., Greek Line, Inc., Home Line Agency, Inc., Incres Line v. The New York Shipping Association, Inc.

Notice is hereby given that, on September 17, 1976, the Federal Maritime Commission (Commission) issued a Report and Order, copies of which are available at the Commission's Office at 1100 L Street, N.W., Washington, D.C. 20573, in which the Commission directed that adjustments be made by the New York Shipping Association, Inc. (NYSA) to compensate certain water carriers for overpayment of assessments made by NYSA to fund longshoremen's benefits for the period October 1, 1969–September 30, 1971. In that Report and Order the Commission also provided that, within 60 days of its service, the Commission would receive filings of claims on behalf of all other persons for assessment adjustments for the October 1, 1969–September 30, 1971 period. Such claims must be supported by computations establishing the amount of the alleged over assessment (i.e., $4,839,293 divided by the percentage the claimant's assessment bears to total assessments for the October 1, 1969–September 30, 1971 period) and evidence that claimants have not settled, agreed not to pursue, or waived such claims. Copies of such claims shall be served on counsel for NYSA.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-27938 Filed 9-22-76;8:45 am]

[Docket No. 76–51]

WEST COAST OF ITALY, SICILIAN AND ADRIATIC PORTS/NORTH ATLANTIC RANGE CONFERENCE AMENDED TARIFF RULE ESTABLISHING AN ALLOWANCE ON PREPAID FREIGHT

Order To Show Cause

The West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range

Conference (W.I.N.A.C.) is a conference of carriers operating pursuant to Commission approved Agreement No. 2846, as amended, in the trade from Italian ports (including Islands), points in Italy (including Islands), Yugoslavia ports and points to North Atlantic ports of the United States (Hampton Roads/Portland Range). A list of the member lines is attached as Appendix "A".

Effective April 26, 1976, W.I.N.A.C. amended Tariff Rule 15 of its Tariff FMC No. 1 to provide for a 3 percent allowance on prepaid freight charges. Tariff Rule 15, as thus amended, now reads as follows:

> The bills of lading for freight prepaid must be delivered to shippers only against payment of the correspondent freight charges. On such shipments an immediate allowance of 3 percent on the rates stated herein shall apply.

The effect of this provision, as it appears to the Commission, is to apply different rates on the shipment of the same commodities, based upon whether the cargo is shipped freight prepaid or freight collect. Moreover, it appears to the Commission that transportation services rendered the collect shipment are identical to those accorded the prepaid shipment.

It is clear that conferences are required to provide like treatment to shippers who apply for and receive the same services. According to Section 16 of the Shipping Act, 1916, it is unlawful for conference lines to give undue or unreasonable preference or advantage to any person or subject any person to any undue or unreasonable prejudice or disadvantage. Likewise, according to Section 17 of the Shipping Act, 1916, it is unlawful for conference lines to demand, charge, or collect any rate, fare, or charge which is unjustly discriminatory as between shippers. Where the Commission finds that any regulation or practice results in undue or unreasonable preference or advantage or prejudice or disadvantage, or results in unjust discrimination, the Commission can order enforced a just and reasonable regulation or practice.

It appears that the application of Tariff Rule 15, permitting a 3 percent allowance on prepaid freight, might result in a situation whereby similarly situated shippers, who demand and receive similar or the same transportation services, are assessed different rates based upon whether the cargo is sent freight collect or freight prepaid. Thus, it appears that the implementation of the 3 percent allowance may be unlawful and violate Sections 16 and 17 of the Shipping Act, 1916, as amended.

Now, therefore it is ordered, That pursuant to Sections 16, 17 and 22 of the Shipping Act, 1916, the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference and its member lines thereof be ordered to Show Cause why the Commission should not find that Tariff Rule 15, as amended, which provides for a 3 percent allowance on prepaid freight (1) makes or gives any undue or unreasonable preference or advantage to any particular person or subjects any particular person to any undue or unreasonable prejudice or disadvantage in violation of Section 16, First, of the Shipping Act, 1916; and/or (2) is unjustly discriminatory between shippers in violation of Section 17 of the Shipping Act, 1916; and accordingly, why such tariff rule should not be ordered stricken from the conference tariff and the conference and its member lines be ordered to cease its application.

It is further ordered, That the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference and its member lines as indicated in Appendix "A" attached are hereby made respondents in this proceeding.

It is further ordered, That this proceeding be limited to submission of affidavits of fact and memoranda of law, and replies thereto. Should any party feel that an evidentiary hearing is required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, a description of the evidence which would be adduced to prove those facts, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before October 18, 1976. Affidavits of fact and memoranda of law shall be filed by respondents and served upon all parties no later than the close of business October 18, 1976. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, no later than close of business November 1, 1976.

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon the respondents;

It is further ordered, That persons other than those already a party to this proceeding who desire to become parties and participate herein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's Rules of Practice and Procedure (46 CFR 502.72) no later than close of business October 4, 1976.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, in an original and 15 copies, as well as being mailed directly to all parties of record.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

APPENDIX "A"

(RESPONDENTS)

CONFERENCE AND ITS MEMBERS

G. Ravera, Secretary, The West Coast of Italy, Sicilian & Adriatic Ports North Atlantic Range Conference, 16100 Genoa—P.O. Box 1070, Italy.

Achille Lauro, c/o Norton, Lilly & Co., Inc., 90 West Street, New York, New York 10006.

Atlantica Lines, One Western Union International Plaza, New York, New York 10004.

Black Sea U.S.A. Line, c/o Norton Lilly & Co., Inc., 90 West Street, New York, New York 10006.

Concordia Lines, c/o Boise-Griffin Steamship Co., Inc. One World Trade Center, 38th Floor, New York, New York 10048.

Constellation Line, c/o Constellation Navigation Inc., 233 Broadway, New York, New York 10007.

Costa Line, c/o Overseas Consolidated Co., Ltd., 26 Broadway, New York, New York 10004.

D. B. Turkish Cargo Lines, c/o Thule Ship Agency, Inc., One World Trade Center—Suite 2257, New York, New York 10048.

Hansa Line, c/o F. W. Hartmann & Co., Inc., 17 Battery Place, New York, New York 10004.

Hellenic Lines, Ltd., 39 Broadway, New York, New York 10006.

Italian Lines, c/o Seatrain Agencies, Inc., 17 Battery Place North, New York, New York 10004.

Jugolinija, c/o Crossocean Shipping Co., Inc., One World Trade Center—Suite 2045, New York, New York 10048.

Zim Israel Navigation Co., One World Trade Center, Suite 2969, New York, New York 10048.

[FR Doc.76-27937 Filed 9-22-76;8:45 am]

WILLIAMS SHIPPING CO., INC., ET AL.

Independent Ocean Freight Forwarder License; Applications

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916, (Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Williams Shipping Company, Inc., 1800 K Street, NW., Washington, D.C. 20006. Officers: Richard M. Williams, Pres./Treas./Director; Brenda N. Tolson, Secretary/Director; Douglas E. Williams, Director.

C.I.F. Inc., 9821 Katy Freeway, Suite 20, Houston, Texas 77024. Officers: Carlos M. Sera, President; R. L. Peterson, Vice President; Arthur Morales, Treasurer.

Cathy Forwarding Co. (Orvis Nelson, d.b.a.), 127 East San Juan, San Clemente, CA 92672.

Bill Potts & Company (Billy Ray Potts, d.b.a.) 1314 Texas Avenue, Suite 616, Houston, Texas 77002.

By the Federal Maritime Commission.

Dated: September 17, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-27936 Filed 9-22-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP76-116—RP76-134]

ALABAMA-TENNESSEE NATURAL GAS CO. ET AL.

Order Amending and Clarifying Order and Prescribing Procedures

SEPTEMBER 15, 1976.

In the matter of Alabama-Tennessee Natural Gas Co., Arkansas-Louisiana Gas Co., Cities Service Gas Co., Columbia Gas Transmission Corp., East Tennessee Natural Gas Co., Eastern Shore Natural Gas Co., El Paso Natural Gas Co., Lawrenceburg Gas Transmission Corp., Louisiana-Nevada Transit Co., Mid-Louisiana Gas Co., Northwest Pipeline Corp., Panhandle Eastern Pipe Line Co., Tennessee Natural Gas Lines, Inc., Texas Gas Transmission Corp., Transcontinental Gas Pipe Line Corp., Transwestern Pipeline Co., Truckline Gas Co., United Gas Pipe Line Co., and Texas Eastern Transmission Corp.

On July 20, 1976, the Commission issued an order in the above-styled proceedings for the purpose of determining the magnitude and impact of the curtailments for those pipelines whose Form 16 projected curtailment of approximately twenty percent or greater during the forthcoming winter heating season.

The July 20, 1976, order noted that it was necessary to consider information relative to alternative fuels in order to evaluate the impact of natural gas curtailments. The interstate pipelines subject to this Commission's jurisdiction are required to file alternate fuel information with this Commission as it relates to their direct industrial customers. (FPC Form No. 69). The resale customers of these pipelines, the distributors, are required to provide this information to the FEA. (Current FEA Form No. G-101-P-0). These forms collect the only available data on the subject.

In view of the fact that the combined data from these two forms result in an enormous volume of paper, we find it unnecessary for staff to serve a copy on each party to the above-styled proceedings. In lieu of individual service, the Commission Staff is directed to prepare an analysis of the data on a state-by-state basis and to place it in the public files of the Commission. Additionally, copies of this analysis will be made available for inspection by interested parties through our Office of Public Information.

In order to insure the inclusion of this data into the records of the proceedings initiated by our order of July 20, 1976, the Administrative Law Judge in each proceeding is instructed to incorporate into the record as an item by reference the state-by-state analysis of the FPC and FEA forms. We shall require our staff to file the state-by-state anlysis of FPC Form No. 69 and FEA Form Nos. G-101-Q-0 and G-101-P-0 with the Commission on or before September 28, 1976, and to provide five copies to our Office of Public Information for use by any interested party.

The Commission finds: (1) Information indicating the alternate fuels that will be required to offset the loss of natural gas supplies due to curtailment is necessary to assess the impact of curtailment by pipeline companies subject to the Commission's jurisdiction.

(2) The public interest requires that copies of the material developed by the Commission Staff from FPC Form No. 69 and FEA Form Nos. G-101-Q-O and G-101-P-O be made available in the Office of Public Information of the Commission for inspection by interested parties.

The Commission orders: (A) On or before September 28, 1976, the Commission Staff is directed to prepare and incorporate into the Commission's official files copies of the collated data developed from FPC Form No. 69 and FEA Form Nos. G-101-Q-O and G-101-P-O. In addition, five copies of this material are to be placed in the Office of Public Information for inspection by any interested party.

(B) The Presiding Administrative Law Judge designated to preside over the above-styled proceedings shall permit the material described in ordering paragraph (A) to be incorporated into the record of such proceedings as an item by reference.

(C) The reports and memoranda that the Commission required of the Commission Staff in its July 20, 1976, order are now scheduled to be filed on or before October 15, 1976. Any interested party desiring to submit comments or memoranda with respect to these proceedings must do so by that date.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27800 Filed 9-22-76;8:45 am]

[Project No. 2534]

BANGOR HYDRO-ELECTRIC CO.

Application for Approval of Easement Over Project Lands

SEPTEMBER 16, 1976.

Public notice is hereby given that an application for Commission approval of an easement over project lands was filed on August 12, 1976, under the Federal Power Act (16 U.S.C. 791a-825r) by the Bangor Hydro-Electric Company (Correspondence to: Mr. Earle R. Webster, Executive Vice President, Bangor Hydro-Electric Company, 33 State Street, Bangor, Maine 04401) for the Milford Project, FPC Project No. 2534, located on the Penobscot River, a navigable waterway of the United States, and in the City of Old Town and the Town of Milford, Penobscot County, Maine.

Applicant proposes to grant an easement 10-feet wide and 1,786-feet long over project lands to the Town of Milford, Maine for purposes of installing a 12-inch diameter polyvinylchloride sewer line and eight precast, reinforced concrete manholes. The proposed sewer line, to be located adjacent to the power plant at Milford Dam, is part of the Town's planned system of intercepting sewers and pumping facilities designed to collect and convey Milford sanitary wastes to the City of Old Town sewage system for treatment.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 1, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by sections 308 and 309 of the Federal Power Act (16 U.S.C. 825g, 825h) and the Commission's rules of practice and procedure, specifically § 1.32(b) (18 CFR 1.32 (b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission, on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein, and if the applicant requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised or applicant fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27802 Filed 9-22-76;8:45 am]

[Rate Schedule Nos. 4, *et al.*]

CALIFORNIA CO.

Rate Change Filings Pursuant to Commission's Opinion No. 699-H

SEPTEMBER 14, 1976.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before September 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

Filing date	Producer	Rate schedule No.	Buyer	Area
Aug. 23, 1976	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	[1] 4	Tennessee Gas Pipeline Co., a division of Tenneco Inc.	Southern Louisiana.
Aug. 25, 1976	Mitchell Energy Corp., 3900 1 Shell Plaza, Houston, Tex. 77002.	28	do	Texas Gulf Coast.
Do	do	47	do	Do.
Do	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	102	Mountain Fuel Supply Co.	Rocky Mountain.
Do	do	105	do	Do.
Do	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	7	Michigan Wisconsin Pipe Line Co.	South Louisiana.
Do	do	45	Tennessee Gas Pipeline Co.	Do.
Aug. 26, 1976	Sohio Petroleum Co., 1100 Penn Tower, Oklahoma City, Okla. 73118.	113	Phillips Petroleum Co.	Hugoton-Anadarko.
Aug. 27, 1976	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	18	United Gas Pipe Line Co.	Other Southwest.
Aug. 30, 1976	Petroleum Inc., R. H. Garvey Building, 300 West Douglas, Wichita, Kans. 67202.	4	Cities Service Gas Co.	Hugoton-Anadarko.
Do	Warren Petroleum Co., a division of Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	54	El Paso Natural Gas Co.	Permian Basin.
Sept. 1, 1976	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	99	Tennessee Gas Pipeline Co.	South Louisiana.

[1] Also supersedes rate schedule No. 85.

[FR Doc.76-27713 Filed 9-22-76;8:45 am]

[Project No. 2779]

COLORADO RIVER WATER CONSERVATION DISTRICT

Application for Preliminary Permit

SEPTEMBER 16, 1976.

Public notice is hereby given that an application was filed on August 9, 1976, under the Federal Power Act (16 U.S.C. 791a–825r) by the Colorado River Water Conservation District, Applicant (Correspondence to: Roland C. Fisher, Secretary-Engineer, Colorado River Water Conservation District, P.O. Box 1120, Glenwood Springs, Colorado 81601; Kenneth Balcomb, Esq., Delany & Balcomb, P.O. Drawer 790, Glenwood Springs, Colorado 81601; and Robert L. McCarty, Esq., McCarty and Noone, 1225 Connecticut Ave., Washington, D.C. 20036), for a preliminary permit for Project No. 2779, to be known as the Azure Project, to be located on the Colorado River and on lands of the United States in Grand County near the Town of Kremmling, Colorado.

Applicant proposes to investigate the feasibility of constructing the Azure Reservoir, with a possible size ranging from 15,000 acre-feet to 89,000 acre-feet, and a power plant containing three units each with a rated capacity of 5,000 to 9,000 kW depending upon the size of the reservoir. Applicant also proposes to investigate construction of a pumped storage project that would utilize the Azure Reservoir. The forebay for the pumped storage project would be constructed on the northeast side of the reservoir and would have a storage capacity of 4,150 acre-feet. A power tunnel with a 15-foot diameter would connect the forebay to an underground powerhouse to be located near the upper end of the proposed Azure Reservoir. The powerhouse would contain two reversible pump-turbine units, each with a capacity of 120,000 kW operating under a 1,180-foot head.

The power developed by the proposed project would be sold, possibly to meet the demand in the area.

A preliminary permit does not authorize construction of the proposed project. A permit, if issued, gives the permittee, during the term of the permit, the right of priority of application for a license while the permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, the market for the power, and all other necessary information for inclusion in an application for a license.

Any person desiring to be heard or to make any protest with reference to said application should, on or before November 22, 1976, file with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1975). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27803 Filed 9-22-76;8:45 am]

[Docket No. CP76-506]

COLUMBIA GAS TRANSMISSION CORP.

Application

SEPTEMBER 16, 1976.

Take notice that on August 30, 1976, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP76-506 an application pursuant to Section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for Diamond Shamrock Corporation (Diamond) from a point on Applicant's Line D-590 in Lucas County, Ohio, at an existing point of delivery from Panhandle Eastern Pipe Line (PEPL) to Baltimore Gas & Electric Company (BG&E), a wholesale customer of Applicant, at existing points of delivery near Baltimore, Maryland, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport for two years up to 1,000 Mcf of gas per day purchased by Diamond from Camex, Inc. (Camex). It is stated that Camex has contracted to sell and deliver to Diamond all of the gas produced from wells in Ochiltree and Hansford Counties, Texas. It is indicated that Diamond would not be obligated to purchase any greater volumes than it is able to have transported in accordance with § 2.79 of the Commission's General Policy and Interpretations. The application shows that Diamond would pay Camex $1.20 per Mcf at 14.65 psia plus a 10 cent gathering charge for the first year and a 5 cent increase per Mcf in the following year.

Applicant states that it has agreed to transport up to 1,000 Mcf per day and and up to 365,000 Mcf annually, but no gas would be transported on a peak day. Applicant proposes to charge Columbia an amount reflecting Applicant's average system-wide unit transmission and storage costs, as reflected in Federal Power Commission rate filings, this being 21.99 cents per Mcf at 14.73 psia effective December 15, 1975. Such charge, it is stated, would be subject to adjustment and to refund to reflect revised average system-wide unit storage and transmission costs contained in pending and future FPC rate filings by Applicant. Applicant asserts that it would retain for company-use and unaccounted-for gas 3.6 percent of the total volume of gas delivered by PEPL for Diamond's account.

The application states that Diamond reduces manganese ore from manganese

oxide at its Baltimore plant and that the process used for this reduction utilizes the methane content of natural gas to act as a reducing agent and thus the gas is classified as a chemical reagent or feedstock rather than a fuel. It is said that Diamond's Baltimore plant transfers more than half its manganous oxide production to Diamond's production facility in Kingwood, West Virginia, the largest electrolytic manganese plant in the United States, to be processed into manganese metal.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 8, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27804 Filed 9-22-76;8:45 am]

[Docket No. RP76-142]

EL PASO NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

SEPTEMBER 16, 1976.

Take notice that El Paso Natural Gas Company ("El Paso"), on August 27, 1976, tendered for filing proposed changes in special Rate Schedule F-2 to its FPC Gas Tariff, Third Revised Volume No. 2. The proposed changes would increase revenues from a field sale in Dewey County, Oklahoma, to Michigan Wisconsin Pipeline Company under El Paso's Rate Schedule F-2 by $104,292, based on an estimated sales volume for the twelve-month period succeeding the proposed effective date of July 27, 1976.

El Paso states that the instant filing is being made pursuant to § 2.56a of the Commission's Statement of General Policy and Interpretations and in accordance with Article XI of said Rate Schedule F-2. Such filing reflects an increase in rate to the national rate levels established by the Commission's Opinion No. 770 issued July 27, 1976, at Docket No. RM75-14.

In connection with the instant notice of change, El Paso also tendered for filing and acceptance Third Revised Sheet No. 1-D.1 to its FPC Gas Tariff, Third Revised Volume No. 2. El Paso states that said tariff sheet reflects the increased rate proposed to be collected by El Paso under Rate Schedule F-2, commencing on July 27, 1976.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before Sept. 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27805 Filed 9-22-76;8:45 am]

[Docket No. RP76-139]

EL PASO NATURAL GAS CO.

Report of Revenues, Cost and Plan of Disposition and Notice of Change in FPC Gas Tariff

SEPTEMBER 16, 1976.

Take notice that on August 20, 1976, El Paso Natural Gas Company filed;

(i) El Paso's report of special operating arrangement actual revenues and costs for the 1975-76 heating season, in accordance with its FPC Gas Tariff, and a plan of recovery of deficient revenues; and

(ii) Pursuant to Part 154 of the Commissions's regulations under the Natural Gas Act, a notice of change in surcharge rate to recoup the costs associated with the special operating arrangements during the 1976-77 heating season.

El Paso states that by order issued July 9, 1975, at Docket Nos. CP73-334, CP74-289 and CP75-360, the Commission granted El Paso temporary authorization for the subject special operating arrangements which were made between El Paso, Pacific Gas and Electric Company and Southern California Gas Company to assist El Paso in protecting service to Priority 1 and 2 requirements of its east-of-California customers during the 1975-76 and 1976-77 heating seasons and thereafter. Said July 9, 1975, order also accepted for filing certain tariff sheets to El Paso's FPC Gas Tariff necessary to implement the special operating arrangements and established a surcharge of 8.37¢ per Mcf for the 1975-76 heating season applicable to said special operating arrangements.

As to item (i) above, El Paso states that for the 1975-76 heating season ending April 30, 1976, the revenues collected by El Paso relating to the special operating arrangements are $9,438,511 and the costs actually incurred by El Paso in connection therewith are $10,196,246. The amount of deficient revenues relating to the actual cost experienced through April 30, 1976, is $757,735. El Paso proposes as its plan for the recovery of the deficient revenues that the aforementioned deficiency of $757,735 incurred over the 1975-76 heating season be added to the estimated costs to be incurred by El Paso for the 1976-77 heating season operations under the special operating arrangements and the aggregate of such costs shall be used to establish the surcharge rate to be applied during the 1976-77 heating season as described below. In this manner, El Paso will be able to recover said deficiency of $757,735 with the least amount of administrative difficulty to itself and its customers.[1]

With respect to the proposed change in surcharge rate identified in (ii) above, El Paso states that in order to recoup said 1975-76 revenue deficiency and to collect the estimated costs to be incurred under the special operating arrangements during the 1976-77 heating season, it proposes to adjust the surcharge rate applicable to the special operating arrangements from the currently effective 8.37¢ per Mcf to 14.36¢ per Mcf, effective as of November 1, 1976. Such adjusted surcharge rate will be applied to the monthly volumes of Priority 1 and 2 scheduled deliveries to El Paso's east-of-California customers during the period November 1, 1976, through April 30, 1977, in the manner as provided by El Paso's currently effective tariff provisions. To reflect said change in surcharge rate, El Paso submitted for filing and acceptance the following revised tariff sheets which contain the surcharge rate of 14.36¢ per Mcf, proposed to become effective November 1, 1976:

ORIGINAL VOLUME NO. 1

Fourth Revised Sheet No. 63-C.6

THIRD REVISED VOLUME NO. 2

Fourth Revised Sheet No. 1-M.6

ORIGINAL VOLUME NO. 2A

Fourth Revised Sheet No. 7-MM.6

El Paso states that the revision in the surcharge rate proposed herein applica-

[1] On June 10, 1975, El Paso filed at Docket No. CP74-289, a similar report and plan for disposition of excess revenues, respecting the initial special operating arrangements for the 1974-75 heating season. The said July 9, 1975, order accepted El Paso's Report and Plan of Disposition proposed.

ble to the special operating arrangements, is being filed in accordance with the minor rate increase requirements set forth in § 154.63 of the Commission's regulations Under the Natural Gas Act. In support thereof, El Paso requested the incorporation by reference of Statement L, Balance Sheet, and Statement M, Income Statement, on file with the Commission as part of El Paso's Notice of Change in Rates filed January 30, 1976, at Docket No. RP76-59 and El Paso submitted pursuant to the applicable provisions of Part 154 of the Commission's Regulations Statement N, Cost Determinants for Minor Changes in Rate Level, comprised of:

(a) Eleven (11) schedules designated as Schedules N-1 through N-11 which reflect the adjustments necessary to the cost determinants contained in Docket No. RP76-59 resulting from implementation of the proposed change in the subject surcharge rate; and

(b) One (1) schedule, designated Schedule N-12, reflecting the derivation of the proposed 14.36¢ per Mcf surcharge rate proposed to be collected under the special operating arrangements during the 1976-77 heating season, which derivation includes application of the plan for recovery of deficient revenues incurred by El Paso for its 1975-76 operations.

El Paso has requested that waiver be granted of its tariff provisions requiring the submittal of the subject report within 60 days of April 30, 1976, and, further, pursuant to § 154.51 of the Commission's Regulations, that waiver be granted of the notice requirements of § 154.22 of said regulations, in order that the tendered tariff sheets be accepted for filing and made effective on November 1, 1976.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before September 27, 1976, file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations Under the Natural Gas act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27806 Filed 9-22-76;8:45 am]

[Docket Nos. RP72-155, RP76-59 (PGA76-3)]

EL PASO NATURAL GAS CO.

Tariff Sheets Tender

SEPTEMBER 16, 1976.

Take notice that on August 13, 1976, El Paso Natural Gas Company ("El Paso") filed, pursuant to Part 154 of the Commission's Regulations Under the Natural Gas Act, the following revised tariff sheets, to become effective August 1, 1976:

ORIGINAL VOLUME NO. 1

First Substitute Seventeenth Revised Sheet No. 3-B.

THIRD REVISED VOLUME NO. 2

First Substitute Seventh Revised Sheet No. 1-D

ORIGINAL VOLUME NO. 2A

First Substitute Ninth Revised Sheet No. 1-C
Substitute Fourth Revised Sheet No. 1-D

El Paso states that by order issued July 30, 1976, the Commission, inter alia, accepted for filing and suspended for one (1) day the PGAC tariff sheets filed by El Paso July 1, 1976,[1] and permitted such sheets to become effective August 2, 1976, subject to refund. El Paso states that the change in rates reflected on said tariff sheets was based upon increased purchased and produced gas costs eventuating from Opinion Nos. 742 and 749-A issued December 31, 1975, and February 27, 1976, respectively, at Docket No. R-478. El Paso further states that ordering paragraph (D) of the Commission's said order of July 30, 1976, permitted El Paso to file revised tariff sheets to become effective August 1, 1976, reflecting that part of the increased purchased gas costs contained in its PGAC tender of July 1, 1976, other than those increased costs associated with: (i) That portion of 60 day emergency purchases from other than small producers in excess of the rates prescribed by the Commission's Opinion No. 699-H and (ii) That portion of small producer purchases in excess of the rate levels resulting from the "130% formula" prescribed by the Commission's Opinion No. 742. El Paso states that the instant tender is designed to implement its PGAC increase on August 1, 1976, as permitted by said order of July 30, 1976.

El Paso states that the above described PGAC tariff sheets provide for a total PGAC current adjustment of 8.75¢ per Mcf, effective as of August 1, 1976, and is comprised of adjusted annualized purchased gas cost increases equating to 3.32¢ per Mcf, plus 5.43¢ per Mcf representing the estimated special surcharge to recover Opinion Nos. 749 and 749-A increases. El Paso further states that the adjustment proposed by the tendered substitute tariff sheets is an increase of 8.75¢ per Mcf in El Paso's currently effective rates and is 0.10¢ per Mcf below the PGAC net adjustment in rates of 8.85¢ per Mcf, filed by El Paso on July 1, 1976, and suspended for one (1) day until August 2, 1976, by the Commission order of July 30, 1976.

El Paso further states that the tendered Substitute Fourth Revised Sheet No. 1-D provides for a current adjustment of 0.8046¢ per Mcf, effective as of August 1, 1976, applicable to sales subject to the PGAC-Clean High Pressure Gas ("PGAC-CHPG") provision contained in El Paso's FPC Gas Tariff, Original Volume No. 2A. Such current adjustment is comprised of an increase in the weighted average purchased cost of clean, high-pressure gas equating to 0.4974¢ plus 0.3072¢ per Mcf representing the estimated special surcharge to recover Opinion Nos. 749 and 749-A increases. El Paso further states that the net PGAC-CHPG adjustment proposed by the tendered Substitute Fourth Revised Sheet No. 1-D is an increase of 0.8046¢ per Mcf in the currently effective rates of the affected special rate schedules and is 0.0730¢ per Mcf below the PGAC-CHPG net adjustment in rates of 0.8776¢ per Mcf filed on July 1, 1976, and suspended for one (1) day until August 2, 1976, by the Commission's July 30, 1976, order.

In addition, El Paso furnished copies of the suspended tariff sheets[2] which reflect the superseding pagination reference required as a result of the submittal of the tendered tariff sheets to be effective on August 1, 1976, and which reflect the effective date of August 2, 1976, as prescribed by the Commission in its July 30, 1976, order. Other than these marginal changes, said tariff sheets are identical to the counterpart tariff sheets placed into effect on August 2, 1976, by the Commission's July 30, 1976, order.

El Paso states that copies of the instant tender have been served upon all parties of record in Docket Nos. RP72-155 and RP76-59 and, otherwise, upon all affected customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before September 27, 1976, file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations

[1] Eighteenth Revised Sheet No. 3-B, Eighth Revised Sheet No. 1-D, Tenth Revised Sheet No. 1-C and Fifth Revised Sheet No. 1-D to El Paso's Volume Nos. 1, 2 and 2A tariff, respectively.

[2] *See* footnote 1, *supra*.

Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27807 Filed 9-22-76;8:45 am]

[Project No. 1951]

GEORGIA POWER CO.

Application for Approval of Recreational Site Development

SEPTEMBER 16, 1976.

Public notice is hereby given that an application was filed on August 11, 1975, under the Federal Power Act (16 U.S.C. 791a–825r) by Georgia Power Company (correspondence to: Mr. I. S. Mitchell, III, Vice President and Secretary, Georgia Power Company, 270 Peachtree Street, Atlanta, Georgia 30302) for approval to develop a recreational site for the constructed Lake Sinclair Project, FPC No. 1951, located on the Oconee River in Baldwin, Hancock, Putnam, and Jones Counties, Georgia.

Licensee requests Commission approval to construct the Wallace Dam Tailrace Fishing Area on the Oconee River about two miles downstream from the Wallace Dam Project, FPC No. 2413, but within the project boundary of Project No. 1951. The proposed recreational site would consist of an access road, two parking lots with a total capacity of 225 cars, a fishing pier, and various sanitation facilities. The estimated cost of the recreation site in 1975 dollars is $92,760.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 31, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.18 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by sections 308 and 309 of the Federal Power Act (16 U.S.C. 825g, 825h) and the Commission's rules of practice and procedure, specifically § 1.32(b) (18 CFR 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised, or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27808 Filed 9-22-76;8:45 am]

[Docket No. ER76-678]

MAINE ELECTRIC POWER CO.

Rates: Suspension; Order Accepting for Filing and Other Proceedings

SEPTEMBER 15, 1976.

In the matter of order accepting for filing, granting waiver of notice requirements, suspending for one day, instituting a hearing and granting intervention.

On May 4, 1976, as completed on August 16, 1976, the designated filing date, the Maine Electric Power Company (MEPCO) tendered for filing a Power Purchase and Transmission Agreement executed by MEPCO and twenty-two New England utilities (hereinafter referred to as Purchasers),[1] whereby MEPCO will sell, allocate and transmit power it purchases from the New Brunswick Electric Power Commission (New Brunswick) under a Unit Participation Agreement with New Brunswick, to said Purchasers. Service under the Power Purchase and Transmission Agreement commenced on May 24, 1976, the date New Brunswick began delivery of entitlements to MEPCO under the Unit Participation Agreement. Accordingly, MEPCO has requested waiver of notice requirements to permit an effective date of May 24, 1976, for its filing. For the reasons hereinafter stated the Commission shall accept MEPCO's submittal for filing, grant a waiver of the notice requirements as permitted by § 35.11 of its regulations, suspend the operation of the Power Purchase and Transmission Agreement for one day to become effective May 25, 1976, subject to refund, and institute an investigation and hearing regarding the questions raised in the intervention referred to below.

Public notice of MEPCO's filing was issued on July 1, 1976, with comments, protests or petitions to intervene due on or before July 19, 1976. On July 19, 1976, New England Power Company (NEPCO), having a 25 percent entitlement in MEPCO's Unit Participation Agreement with New Brunswick, filed a Protest and Petition to Intervene requesting that the Commission: (a) Require MEPCO to file the Power Purchase and Transmission Agreement, omitted in the May 4 filing, together with all supporting data, documentation and information required under § 35.13 of the Commission's regulations, or in the alternative reject the filing, (b) Order an investigation and hearing regarding the issues raised in the protest and petition to intervene, (c) Condition any waiver of notice requirements upon retroactive applicability of Commission findings to the date of commencement of service under the Power Purchase and Transmission Agreement, and (d) Grant NEPCO's Petition to Intervene.

NEPCO based its Protest and Petition to Intervene on the following grounds:

(1) MEPCO did not submit the Power Purchase and Transmission Agreement with Purchasers thereby possibly precluding Purchasers from intervention in the proceedings since Purchasers are not parties to the Unit Participation Agreement with New Brunswick, the instrument which was submitted in the May 4 filing. MEPCO did not file the supporting data required under § 35.13 of the Commission's regulations, and did not request the necessary waiver of the notice requirements.

(2) The charges to be paid by MEPCO to New Brunswick under the Unit Participation Agreement which will in turn be the basis of charges by MEPCO to Purchasers, including NEPCO, under the Power Purchase and Transmission Agreement, appear to be preferential and discriminatory within the meaning of sections 205 and 206 of the Federal Power Act, in that such charges include a fuel expense item that is not applicable to New Brunswick's domestic customers. This expense is identified on a New Brunswick invoice to MEPCO attached to the intervention as "Refund for Canadian Government Oil Import Compensation" (Import Refund).

(3) Inclusion of the aforementioned Import Refund is inconsistent with the public interest on the basis of precedents established by the Commission[2] and, therefore, violates the terms of the Permit issued by the Commission to MEPCO on July 25, 1969, in Docket No. E-7486 to construct, operate, maintain and connect the electric transmission facilities at the international border between the United States and Canada.

In response to a Commission deficiency letter dated July 28, 1976, MEPCO on August 16, 1976, filed the necessary Power Purchase and Transmission Agreement and requested waiver of notice requirements to permit an effective

[1] Proposed rate schedule designations and Purchaser identifications are set forth in Attachment A.

[2] *Wisconsin Michigan Power Company*, 31 FPC 1445 at 1450–51 (1964); *Otter Tail Power Company*, 2 FPC 134 at 145 and 149 (1940); *St. Michaels Utilities Commission* v. *Eastern Public Service Company*, 35 FPC 591 at 595–6 (1966).

date of May 24, 1976, for its filing. This response disposed of two of NEPCO's allegations in ground (1) above but did not address the allegation that MEPCO failed to file § 35.13 supporting data. With regard to the latter allegation, the Commission notes that the proposed rate is a pass-through of rates charged by New Brunswick to MEPCO. Based on the foregoing, good cause exists to waive the applicable filing requirements of § 35.13 of the regulations.

On August 16, 1976, MEMCO filed a pleading stating that "Since the NEP Protest and Petition to Intervene was filed, MEPCO had not paid the June portion of the Refund Charge to New Brunswick and has further withheld from the June payment an amount equal to the Refund Charge already paid to New Brunswick under the May bill to MEPCO. Subsequent to this withholding of the Refund Charge, New Brunswick has acceded to the interpretation of the Unit Participation Contract that the Refund Charge is not a proper item of cost."

The Commission's review of MEPCO's submittal along with the Power Purchase and Transmission Agreement indicates the proposed rates, charges and terms thereunder have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, the Commission shall accept MEPCO's submittal for filing, grant a waiver of notice requirements as permitted by § 35.11 of its regulations, suspend the operation of the Power Purchase and Transmission Agreement for one day to become effective May 25, 1976, subject to refund, and institute a hearing on the issues raised in NEPCO's Petition to Intervene.

The Commission finds: (1) Good cause exists to accept MEPCO's submittal for filing, grant a waiver of the notice requirements as permitted by Commission Regulations, and suspend the operation of the Power Purchase and Transmission Agreement for one day to become effective May 25, 1976, subject to refund.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the questions and issues raised by NEPCO's intervention in this proceeding.

(3) Good cause exists to allow NEPCO to intervene in this proceeding.

(4) Good cause exists to grant waiver of § 35.13 of the Commision's regulations.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, and the Commission's rules and regulations, a hearing is hereby instituted to investigate the questions and issues raised by NEPCO's Protest and Petition to Intervene and the justness and reasonableness of the aforementioned Purchase Power and Transmission Agreement.

(B) Pending a hearing and final decision thereon, MEPCO's submittal is hereby accepted for filing, the request for waiver of notice requirements as permitted by § 35.11 of the Commission's regulations is hereby granted, and the operation of the subject Power Purchase and Transmission Agreement is hereby suspended for one day to become effective May 25, 1976, subject to refund.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge, for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for in this order, and shall otherwise conduct the hearing in accordance with the Commission's rules of practice and regulations.

(D) The Presiding Administrative Law Judge shall call a prehearing conference to establish appropriate procedural dates.

(E) NEPCO is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: Provided, however, that participation of NEPCO shall be limited to matters affecting asserted rights and interests as specifically set forth in the Petition to Intervene; and Provided, further, that the admission of NEPCO shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceding.

(F) Waiver of § 35.13 of the Commission's regulations is hereby granted.

(G) The Commission Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27801 Filed 9-22-76;8:45 am]

[Docket No. ER76-879]

NIAGARA MOHAWK POWER CORP.

Tariff Filing

SEPTEMBER 16, 1976.

Take notice that Niagara Mohawk Power Corporation (Niagara) on August 26, 1976, tendered for filing as a rate schedule, a transmission agreement between Niagara Mohawk Power Corporation and the Power Authority of the State of New York (PASNY) dated April 21, 1976.

Niagara states that the service to be rendered by Niagara provides for the transmission of power and energy between Niagara's Edic 345 Kv transmission station and Niagara's transmission connection at the Pleasant Valley 345 Kv substation.

Niagara states that transmission capacity to be made available to PASNY will be that amount scheduled on an hourly basis by PASNY each day for the subsequent 24 hour period beginning at midnight.

Niagara states that the quantity of energy to be transmitted shall be those amounts scheduled by PASNY and agreed to by Niagara at the time of scheduling.

Copies of this filing were served upon the following: Power Authority of the State of New York, 10 Columbus Circle, New York, New York 10019.

Niagara requests an effective date of June 21, 1976, for the filing, the date when power and energy under the agreement were first made available to PASNY.

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 §§ 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 September 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.76-27809 Filed 9-22-76;8:45 am]

[Project No. 487]

PENNSYLVANIA POWER & LIGHT CO.

Issuance of Annual License(s)

SEPTEMBER 16, 1976.

On December 6, 1971, Pennsylvania Power and Light Company, Licensee for Wallenpaupack Project No. 487, located on Wallenpaupack Creek in Wayne and Pike Counties, Pennsylvania, filed an application for a new license under the Federal Power Act and Commission regulations thereunder.

The license for Project No. 487 was issued effective September 29, 1924, for a period ending September 28, 1974. Since the original date of expiration, the project has been maintained and operated under annual licenses, the most recent of which will expire on September 28, 1976. In order to authorize the continued operation and maintenance of the project pursuant to the Federal Power Act, pending Commission action on the Licensee's application, it is appropriate and in the public interest to issue an annual license to the Pennsylvania Power and Light Company.

Take notice that an annual license is issued to the Pennsylvania Power and Light Company under the Federal Power Act for the period September 29, 1976, to September 28, 1977, or until the issuance of a new license for the project, or until Federal takeover, whichever comes first, for the continued operation and maintenance of the Project No. 487, subject to the terms and conditions of its present license. Take further notice that if issuance of a new license does not take place on or before September 28, 1977, a new annual license will be issued each year thereafter, effective September 29, of each year, until such time as Federal takeover takes place or a new license is

issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27810 Filed 9-22-76;8:45 am]

[Docket No. ER76-890]

ST. JOSEPH LIGHT & POWER CO.

Filing of Amended Service Schedule

SEPTEMBER 21, 1976.

Take notice that on September 2, 1976, St. Joseph Light & Power Company (St. Joseph) filed an Amended Service Schedule for Distribution Energy under the Electric Interconnection and Interchange Agreement between St. Joseph Light & Power Company and Iowa Power and Light Company dated December 31, 1968, and designated as St. Joseph Light & Power Company Rate Schedule FPC #12 and Iowa Power and Light Company Rate Schedule FPC #34. Included with the filing was a Certificate of Concurrence of Iowa Power and Light Company assenting to and concurring in the rates set out in the Amended Service Schedule.

St. Joseph states that the only change in the Amended Service Schedule is in the rates for Distribution Energy. It further states that the amount of the proposed increase under the service schedule, approximately $6,200 annually, was derived directly from increases since 1968 in the parties rates' for Domestic and Commercial Service in communities similar to those supplied under the service schedule.

Any person desiring to be heard or to protest said application 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 §§ 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 September 28, 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.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.76-28011 Filed 9-21-76;1:09 pm]

[Docket No. CI76-722]

TEXACO INC.

Application

SEPTEMBER 16, 1976.

The matter of Application Pursuant to Sec. 2.75 of the Commission's General Policy and Interpretations.

Take notice that on August 9, 1976, Texaco Inc., P.O. Box 52332, Houston, Texas filed in Docket No. CI76-722 an application for a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas and Procedure to authorize Applicant to sell natural gas from West Cameron Blocks 642 and 643, Offshore Federal Domain to Columbia Gas Transmission Corporation. Under the terms of the Gas Purchase and Sales Agreement dated July 1, 1976, the gas would be sold at the initial rate of 297.18 cents per Mcf, together with the 4% annual escalations. The application is filed in connection with an advance payment agreement with Columbia dated December 18, 1975, applicable to West Cameron Block 643.

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 §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 12, 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. 76-27811 Filed 9-22-76; 8:45 am]

[Docket No. CP76-514]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

SEPTEMBER 16, 1976.

Take notice that on September 7, 1976, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-514 an application pursuant to section 7(c) of the Natural Gas Act and § 2.79 of the Commission's general policy and interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for The New Jersey Zinc Company, a Division of Gulf & Western Industries, Inc. (Zinc), an existing industrial customer of Union Gas Company (Union), from a point mutually agreeable to Applicant and United Gas Pipe Line Company (United) to the existing points of delivery to Union, a wholesale customer of applicant, for the account of Zinc for transportation to Zinc's Palmerton, Pennsylvania plant, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport for two years on an interruptible basis up to 3,500 Mcf of gas at 15.025 psia per day for Zinc. It is stated that Zinc has purchased from Trident Oil and Gas Corporation, Bel Oil Corporation, Black Bayou Management Co., Inc. and six individuals a quantity of natural gas reserves in place, estimated to exceed 4,800,000 Mcf, to be produced from four fields located in Winn Parish, Louisiana.

The Applicant proposes to charge 22.0 cents per Mcf at 14.7 psia and to retain 4.4 percent of the gas to be transported for compressor fuel and line loss make-up.

The application states that the Palmerton, Pennsylvania, zinc smelter for Zinc, which provides approximately 20 percent of the primary zinc, zinc oxide, and related products produced in the United States, uses natural gas for its primary process energy and as feedstock in the production of ammonia and liquid carbon dioxide.

It is asserted that since the volumes to be transported under this and any similar transportation arrangements with customers of the distributors, when added to any volumes being transported for the distributors themselves and the distribution customers' scheduled daily deliveries, shall not exceed the contract entitlement of the distributors from Applicant, there exists sufficient pipeline capacity to perform the service on a peak day, average day and annual basis.

It is further asserted that Applicant did not consider the subject natural gas supply to be available for purchase by it and did not attempt to purchase said gas, because at the time the Zinc-Trident, et al. transaction was being consummated, the Commission had given no indication that it would authorize a sale to interstate pipelines at the price level reflected herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 12, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27812 Filed 9-22-76;8:45 am]

[Docket No. CP76-501]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

SEPTEMBER 16, 1976.

Take notice that on August 26, 1976, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-501 an application pursuant to Section 7(c) of the Natural Gas Act and § 2.79 of the Commission's general policy and interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for Kohler Co. (Kohler), an existing industrial customer of The City of Union, South Carolina (Union), a resale customer of Applicant, from a point on Applicant's Southeast Louisiana Gathering System in Terrebonne Parish, Louisiana, to the existing point of delivery to Union for the account of Kohler, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport for two years on an interruptible basis up to 1,110 Mcf of gas per day purchased by Kohler from Southport Exploration, Inc., and Vulcan Materials Company (Southport, et al.) the gas to be produced from the Bayou Piquant Field, Terrebonne Parish, Louisiana. It is stated that Kohler and Union would agree on the quantity of gas to be scheduled for transportation each day and that Union would notify Applicant's dispatcher of such quantities at the commencement of each day. Kohler, it is stated, would arrange to have the gas delivered to a mutually agreeable point on Applicant's Southeast Louisiana Gathering System in Terrebonne Parish and that from the existing point of delivery to Union for Kohler's account Union would transport such quantities of natural gas to Kohler's Spartanburg, South Carolina, plant. The gas purchase contract between Kohler and Southport, et al. provides that Kohler would pay $1.45 per Mcf through the first contract year and $1.55 per Mcf through the second contract year.

Applicant proposes to charge for the transportation service 22 cents per Mcf at 14.7 psia. Applicant would retain for company use 3.8 percent of the gas received for transportation.

The application states that Kohler would use the gas proposed to be transported for plant protection and process use for which there is no feasible alternate fuel. Kohler is a manufacturer of sanitary wares for residential, governmental, commerecial and health care institutions.

The application provides that since the volumes to be transported under this and any similar transportation arrangements with customers of the distributors, when added to any volumes being transported for the distributors themselves and the distribution customers' scheduled daily deliveries, shall not exceed the contract entitlement of the distributors from Transco, there exists suffiicent pipeline capacity to perform the service on a peak day, average day and annual basis.

The application further provides that Transco did not consider the subject natural gas supply to be available for purchase by it and did not attempt to purchase said gas because, at the time this transaction was consummated, the Commission had given no indication that it would authorize a sale to interstate pipelines at the price level reflected herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 12, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27813 Filed 9-22-76;8:45 am]

[Docket No. CP76-510]

UNITED GAS PIPE LINE CO.

Application

SEPTEMBER 16, 1976.

Take notice that on September 1, 1976, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP76-510 an application pursuant to section 7(c) of the Natural Gas Act and § 2.79 of the Commission's general policy and interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for the Torrington Company (Torrington) from a point on Applicant's Sarepta-Sterlington line located in Union Parish, Louisiana to mutually agreeable, existing points of interconnection between Applicant and Transcontinental Gas Pipe Line Corporation (Transco) near Victoria, Victoria County, Texas; near Cameron, Cameron Parish, Louisiana; at Egan Plant in Acadia Parish, Louisiana; near Gueydan, Acadia Parish, Louisiana; at Gibson, Plant Nos. 1 and 2 in Terrebonne Parish, Louisiana; near Walthall, Walthall County, Mississippi; and at Harmony Plant, Clarke County, Mississippi, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport for two years up to 250 Mcf of natural gas per day purchased by Torrington from Glenda Petroleum Corporation (Glenda). It is stated that Glenda has agreed to sell an average daily volume of 200 Mcf from production in the Monroe Field located in the Parishes of Ouachita, Union, and Morehouse, Louisiana, and that Torrington would purchase the gas for $1.50 per MMBTU.

Applicant proposes to charge for the transportation 16.87 cents per Mcf at 14.73 psia less adjustments for costs attributable to gas consumed in the operation of Applicant's pipeline system, and thus would charge an actual rate of 16.55 cents per Mcf at 14.73 psia. Applicant would retain 1.5 percent of the gas received for transportation for fuel and unaccounted-for gas.

An affidavit included in the application states that Torrington's Tyger River Plant would use the gas to be transported for process and feedstock in the production of anti-friction, heavy roller bearings for use in steel, energy production, mining, and aggregate production industries.

The application asserts that the subject gas was not secured as part of Applicant's system gas supply because Glenda is unwilling to make any sale to interstate purchasers for resale, or be subject to any form of federal regulation as a result of such sales.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 12, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-27814 Filed 9-22-76;8:45 am]

FEDERAL TRADE COMMISSION

PRIVACY ACT OF 1974

Deletion and Modification of Systems of Records

Since the original publication of the Commission's systems of records, two regional offices have been abolished. Accordingly, the Commission deletes the following two systems of records, which had been located at one of the abolished offices:

System name: FTC-15 Consumer Complaint Files, New Orleans Regional Office (40 FR 39046).

System name: FTC-38 Public Information Mailing List, New Orleans Regional Office (40 FR 39055).

For the same reason, the Commission modifies the following two systems of records, to delete references to the two abolished offices:

System name: FTC-26 General Personnel Records (Official Personnel Folder and Records Related Thereto):

Duplicate Personnel Files and Automated Records (40 FR 39049).

Modification. System location: Delete "Kansas City Regional Office, 2806 Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106" and "New Orleans Regional Office, 1000 Masonic Temple Building, 33 St. Charles Street, New Orleans, Louisiana 70130."

System name: FTC-41 Unofficial Personnel Records (40 FR 39055).

Modification. System location: Delete "Kansas City Regional Office, 2806 Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106" and "New Orleans Regional Office, 1000 Masonic Temple Building, 33 St. Charles Street, New Orleans, Louisiana 70130."

By direction of the Commission dated September 8, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-27791 Filed 9-22-76;8:45 am]

LEGAL SERVICES CORPORATION

COMMITTEE ON REGULATIONS

Meeting

The next meeting of the Committee on Regulations of the Legal Services Corporation Board of Directors will be held on Monday, October 18, 1976, in the O'Hare Hilton, Chicago, Illinois.

The meeting will convene at 10:00 a.m. and will be for the purpose of considering the proposed regulation governing financial eligibility for legal services.

ALICE DANIEL,
General Counsel.

SEPTEMBER 20, 1976.

[FR Doc.76-27859 Filed 9-22-76;8:45 am]

LEGAL SERVICES CORPORATION OF ALABAMA

Grants and Contracts

SEPTEMBER 20, 1976.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*. Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project . . ."

The Legal Services Corporation hereby announces publicly that it is considering the application for grant submitted by Legal Services Corporation of Alabama, Birmingham, Alabama.

Additional information may be obtained by writing the Legal Services Corporation, 733 Fifteenth Street, N.W., Suite 700, Washington, D.C. 20005.

THOMAS EHRLICH,
President.

[FR Doc.76-27946 Filed 9-22-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

PUBLIC MEDIA ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Public Media Advisory Panel to the National Endowment for the Arts will be held on October 15-16, 1976 from 9:00 a.m.-5:30 p.m. and on October 17, 1976 from 9:00 a.m.-5:00 p.m. at the Motion Picture Association of America, 1600 I Street, NW., and 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 October 16 from 2:00 a.m.-5:30 p.m. on a space available basis in the 14th floor conference room of Columbia Plaza. Accommodations are limited. During the open session there will be a discussion of General Programs Guidelines.

The remaining sessions of this meeting on October 15 from 9:00 a.m.-5:30 p.m., on October 16 from 9:00 a.m.-1:00 p.m. and October 17 from 9:00 a.m.-5:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

EDWARD M. WOLFE,
Acting Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-27913 Filed 9-22-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. PRM-20-7]

NATURAL RESOURCES DEFENSE COUNCIL

Filing of Petition for Rule Making

Notice is hereby given that Richard Cotton, Esq., and Terry R. Lash, Ph.D., by letter dated August 6, 1976, have filed with the Nuclear Regulatory Commission a petition for rule making on behalf of the Natural Resources Defense Council, Inc., 917 15th Street, NW., Washington, D.C., requesting that the Commission adopt interim regulations setting standards for shallow land disposal of low-level radioactive wastes. The petitioner states that these regulations are needed to ensure adequately safe disposal of certain long-lived radioactive wastes and to assure that safe disposal methods for low-level wastes can be adopted following preparation of an environmental impact statement by NRC on its entire program for disposing of low-level radioactive wastes.

The text of the regulations which the petitioner is proposing are set out in Appendix A to the petition. A summary of the requested action is set out in the petition as follows:

The proposed regulations would require the following:

A. *Long-Lived, Transuranic-Contaminated Wastes.* (1) The transfer of regulatory authority over long-lived transuranic wastes from the state to NRC;

(2) An immediate end to burial of long-lived transuranic wastes with only retrievable storage permitted;

(3) Payment of fees by persons that produce transuranic wastes to finance adequately safe permanent disposal;

(4) Establishment of a reporting and inspection system operated by NRC (with on-site, unannounced inspection by NRC inspectors) to assure accurate classification of transuranic wastes;

B. *Other Low-Level Radioactive Wastes.* (5) The suspension of licensing of new or enlarged burial sites until NRC establishes site selection criteria, radioactive release standards setting maximum permissible migration rates for radionuclides away from disposal sites, minimum standards for environmental monitoring programs, and standards for long-term care with mechanisms to finance such care;

(6) Establishment of minimum fees to be paid effective immediately for each cubic foot of waste buried at existing sites to assure adequate funds for long-term care;

C. *Solidification of Low-Level Radioactive Wastes Before Shipment.* (7) The solidification of all radioactive wastes before shipment to reduce the potential for release to the environment either through accident or sabotage.

The petitioners also request the Commission to undertake forthwith the preparation of a programmatic environmental impact statement pursuant to the National Environmental Policy Act of 1969 on its program for disposal of low level radioactive wastes. The petitioners state that the national program to dispose of increasing quantities of low-level wastes by shallow land burial represents a programmatic decision that must be examined in an appropriately broad programmatic environmental impact statement and that separate statements on individual sites would have difficulty considering the generic questions involved since the present need is to establish criteria for adequate disposal practices, for acceptable sites, and for the type of material such sites can properly handle.

The basis for the petitioner's request is set out in a memorandum attached to the petition "Memorandum of Points and Authorities in Support of the Natural Resources Defense Council's Petition for Rulemaking and Request for a Programmatic Environmental Impact Statement."

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Secretary of the Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by November 22, 1976.

Dated at Washington, D.C. this 16th day of September 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-28054 Filed 9-22-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-329, 50-330]

CONSUMERS POWER CO. (MIDLAND PLANT, UNITS 1 AND 2)

Notice and Order Setting a Hearing on Continuation, Modification, or Suspension of Construction Permits

On July 21, 1976, the U.S. Court of Appeals for the District of Columbia Circuit in *Nelson Aeschliman, et al.* v. *U.S. Nuclear Regulatory Commission*, Nos. 73-1776; 73-1867, remanded this proceeding to the U.S. Nuclear Regulatory Commission (the Commission) for further consideration of the issues of nuclear waste disposal, fuel reprocessing, and energy conservation, and also for clarification of a report by the Adviosry Committee on Reactor Safeguards. The Commission ordered that the proceeding be reconvened before an Atomic Safety and Licensing Board (the Board) to implement the remand order by the Court of Appeals.

Another issue arising from the Court remand and one which has been specifically raised by the Intervenors, is whether the construction permits for the Midland facility should be continued, modified, or suspended pending the outcome of these reopened proceedings. See the Commission's General Statement of Policy on the Environmental Effects of the Uranium Fuel Cycle (General Statement of Policy) issued August 13, 1976 (41 FR 34707), and the Commission's Memorandum and Order of August 16, 1976, its Joint Memorandum and Order in this proceeding and in the Vermont Yankee proceeding dated September 14, 1976, and its further Memorandum and Order dated September 14, 1976 in this cause. The Commission in its above-cited Orders required this Board to call for briefs on the suspension issue, and indicated in its General Statement of Policy and its Joint Memorandum and Order of September 14, 1976, that the question of modification or suspension of the Midland construction permits is not appropriate for summary disposition but should be decided in formal proceedings in light of the facts and applicable law. The Board has directed that such briefs be filed and is hereby setting a hearing on the suspension issue.

Accordingly, please take notice and it is hereby ordered that a hearing will be held at 10:00 a.m., local time, on October 6, 1976, at the Holiday Inn, 1500 W. Wackerly Road, Midland, Michigan, on whether the construction permits for the Midland facility should be continued, modified, or suspended pending the outcome of this reopened proceeding. The Board will receive evidence from the parties on the factors set out on page 9 of the Commission's General Statement of Policy insofar as they are applicable to the Midland case, and on any other pertinent matters relating to suspension. Also, the Board will permit cross-examination of witnesses and will conduct its own examination as necessary. In addition, after the evidentiary presentations, the Board will entertain oral argument on the suspension issue. This hearing shall run continuously until all evidence and all oral argument has been received or until continued by further order of the Board.

It is so ordered.

Issued this 21st day of September 1976, at Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.76-28133 Filed 9-22-76;9:13 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR SOCIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Sociology.
Date and time: October 14 and 15, 1976—9:00 a.m. each day.
Place: Rm. 628, National Science Foundation, 1800 G St. NW., Washington, D.C.
Type of meeting: Closed.
Contact person: Mr. Garry Wallace, Assistant Program Director for Sociology, Rm. 312, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4204.
Purpose of panel: To provide advice and recommendations concerning support for research in sociology.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliverative process and is thus subject to exemption (5) of the Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

Dated: SEPTEMBER 20, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.76-27951 Filed 9-22-76;8:45 am]

DIVISION OF SCIENCE EDUCATION DEVELOPMENT AND RESEARCH

Public Meetings

The National Science Foundation (NSF) announces a series of six (6) regional public meetings for the purpose of obtaining comments on draft guidelines for a program of *Science Education Development* and a draft proposal solicitation for a program of *Research in Science Education.*

Science Education Development has as its goal the identification and development of educational products—technologies, methods and materials—designed to increase the quality, cost-effectiveness, currency, and relevancy of science instruction at all levels of education. Within this framework, support will be available for activities which:

(1) Design, develop, and evaluate instructional materials, courses, curricula, and degree programs to attract and prepare promising students for careers in the sciences and engineering in numbers appropriate to the Nation's need for trained personnel;

(2) Develop and test new formats for instructional materials and new delivery modes that will make possible improved and more productive science instruction;

(3) Create forms of science education that increase diversity and help meet the current real-world spectrum of career opportunities;

(4) Develop effective and efficient continuing education processes for practicing scientists and engineers.

Research in Science Education is intended to aid in the identification and definition of future research agendas; summarize and critically analyze pertinent research results as reported in the literature; provide a rational and well-founded basis for needed science education development projects; and support a limited number of research projects in areas that are demonstrably important. Within this framework, support will be available for activities which:

(1) Generate valid information and a rational system of analysis from which areas of needed research may be identified, and through which a research agenda may be defined;

(2) Encourage more effective use of the results of existing research;

(3) Provide a firm foundation for subsequent science education development activities; and

(4) Advance science education through the support of research projects.

Time: Each session will be convened at 9 a.m. at the following locations:

DATES AND LOCATION

Oct. 18—Sheraton-Commander, 16 Garden St., Cambridge, Mass. 02138.

Oct. 20—Sheraton O'Hare Motor Hotel, 6810 N. Mannheim Road, Rosemont, Ill. 60018.

Oct. 22—Sheraton Palace Hotel, 639 Market St., San Francisco, Calif. 94119.

Oct. 25—Sheraton-Dallas Hotel, Southland Center, Dallas, Texas 75221.

Oct. 27—Dunfrey Royal Coach, I-75 Howell Mill Rd., Atlanta, Ga. 30325.

Oct. 29—Quality Inn-Pentagon City, 300 Army-Navy Drive, Arlington, Va. 22202.

The National Science Foundation regrets that it will be unable to provide travel expenses for individuals desiring attendance at the meetings.

Type of meeting: Open.

Contact person: Dr. Richard West, Coordinator, Special Activities and Analyses Task Force, Room W-616, National Science Foundation, Washington, D.C. 20550 Tel: (202) 228-7910.

Agenda: Foundation staff from the Division of Science Education Development and Research (SEDR) along with other representatives of the Science Education Directorate will be present at all of the meetings. The main items on the agenda of each meeting will be a brief overview of SEDR objectives by Foundation staff, followed by an open discussion period. Any individual or group representative to attend is encouraged to present written comments to the Foundation. To be most useful, written comments should be received by NSF by November 1, 1976. Comments and requests for draft guidelines or other correspondence should be directed to:

Division of Science Education Development and Research, National Science Foundation, Washington, D.C. 20550.

Copies of the two drafts to be discussed are as follows:

Guidelines, Science Education Development,

Program Solicitation, Research in Science Education.

The Draft Guidelines and Draft Program Solicitation are included immediately following this notice.

Dated: SEPTEMBER 20, 1976.

M. REBBECA WINKLER,
Acting Committee Management Officer.

DRAFT GUIDELINES—SCIENCE EDUCATION DEVELOPMENT

GOALS AND OBJECTIVES

The Division of Science Education Development and Research has as its goal the identification and development of technologies, methods, and course materials to increase the quality, cost-effectiveness, currency, and relevance of science instruction at all education levels. This document describes the Science Education Development (SED) Program and is a companion to (?) which describes the Science Education Research (SER) Program. The distinguishing characteristic of the activities supported by the Science Education Development and Research Division (both development and research) is the generation of generalizable and transportable practical outcome. The products of the Program of Science Education Development are to be accompanied by objective, reliable, and valid knowledge and information on how they might best be used, their effectiveness and limitations, and costs of replication and continuing use.

Within this framework, SED supports activities which:

Design, develop, and evaluate instructional materials, courses, curricula, and degree programs to attract and prepare promising students for careers in the sciences and engineering in numbers appropriate to the Nation's need for trained personnel;

Develop and test new formats for instructional materials and new delivery modes that will make possible improved and more productive science instruction;

Create forms of science education that increase diversity and help meet the current real-world spectrum of career opportunities;

Develop effective and efficient continuing education processes for practicing scientists and engineers.

While considerable flexibility and latitude in format is possible, projects must represent a significant departure from usual practice and provide a potentially transferable practical alternative to it. Implementation or adaptation of already-developed models does not fall within this program. Significance may be argued by describing the important national needs and opportunities to be fulfilled, and the likely use by specific clienteles. The criterion may, for example, be met by either widespread use or the satisfaction of an important specialized need.

Proposals must convincingly demonstrate likely national effectiveness, generalizability and transferability. Local improvements or projects whose results are site-specific will be excluded regardless of their intrinsic quality or the local need they fulfill. In order to assist in realizing this national impact potential each development project must have, either as an integral part or as a separate effort, an appropriate capability for documentation and/or evaluation of final versions of project outcomes which will generate objective, reliable, and valid knowledge and information about the outcomes.

SCOPE OF ACTIVITIES

Fields of Science

Projects may be in the physical, biological, and social sciences, the history and philosophy of science, mathematics and engineering, as well as interdisciplinary combinations thereof. They may also deal with the scientific aspects of current national concerns such as urban studies, environmental control, or societal use of technology. Work in the arts, humanities, social work, or the practice side of the clinical, health, or business fields is not eligible for consideration.

Levels of Instruction

Projects may be at any level of science instruction including elementary, secondary, introductory or upper level undergraduate, graduate, and continuing education. Pre-college materials development is restricted to projects already receiving NSF support, evaluation of NSF-supported curriculum projects, and to activities designed to define areas of future emphasis.

Eligible Organizations

Proposals for projects to strengthen science education are generally submitted by colleges and universities on behalf of their staff members or by non-profit organizations such as professional and scientific societies, and education consortia. Proposals from individuals acting independently of institutional sponsorship are considered only under very exceptional circumstances.

Profit-making organizations have not normally been recipients of Foundation support for projects in science education. Proposals from this sector can be considered when relevant expertise and unique resources are identified as essential to program objectives.

NATURE OF PROJECTS

Pre-College Materials Development, Testing, and Evaluation

At the pre-college level, alternative courses and curricular materials are to be generated with the dual purposes of helping future scientists acquire a sound background for advanced study, and facilitating the more effective and general use of science and its methodology in work and daily life. Pending

the outcomes of ongoing needs assessment projects, pre-college materials development support is limited to continued support of projects currently underway, to project evaluations and needs assessments, and to activities designed to strengthen procedures for project evaluations or formal needs assessments.

Alternatives in Higher Education

In higher education, projects may focus either on developing and testing instructional materials or on creating and investigating new modes of instruction. While the primary audience should be seen as college and university students preparing for careers as scientists, mathematicians, engineers, or as technicians or technologists in science fields, projects may also be directed towards other science-based purposes.

The category of new instructional materials includes, but is not restricted to, printed items, computer courseware, audiovisual aids, or laboratory apparatus. New delivery modes are exemplified by such departures from the traditional lecture-recitation method of teaching as individualized, self-paced or practice-oriented instruction. A project may, of course, combine development of materials and modes as appropriate.

Another focus in higher education is that of degree programs relevant to non-academic societal needs. This would include the design, testing, and evaluation of new degree programs in interdisciplinary fields or of graduate programs that prepare students for careers in emerging fields of science or applied research in areas of national need.

Continuing Education for Scientists and Engineers

The Foundation's role in continuing education is to develop means for delivering to scientists and engineers the information and skills called for to remain technically productive in the face of rapid scientific advance. Systems to be created, tested, and evaluated should be responsive to technical career needs, compatible with the work schedules of practicing scientists and engineers, and deliverable at costs acceptable to individuals or their employers.

Technological Innovation in Education

The Foundation's concern is experimentation with and testing of promising educational improvements that exploit such devices as television and computers. Possible development issues are barriers to technology transfer, assessment of new applications of technology in the educational process, or the design and evaluation of new communication technologies to provide more efficient and effective high quality science instruction. Emphasis will be placed on developing, field testing, and demonstrating prototype systems as compared to incremental improvements in existing technologies.

DEVELOPMENT OF PROPOSALS

Proposals go through a two-stage process—preliminary and formal—each of which serves a different purpose. Preliminary proposals allow a determination of program eligibility, while formal proposals are used to judge project supportability. Proposers sometime find it helpful to discuss an idea with an NSF program officer. If it appears that the subject falls within the scope of SED activities, a preliminary proposal will be encouraged; if the idea is more appropriate to other NSF programs, a referral will be made.

Calls and visits to the Division of Science Education Development and Research are always welcome. It is desirable to make arrangements for visit in advance. The Division is located _____. Telephone calls may be made to the staff at (202) _____. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday.

Written inquiries should be addressed to:

Science Education Development and Research, Directorate for Science Education, National Science Foundation, Washington, D.C. 20550.

Preliminary Proposals

Proposals for new activities received by the division for the first time are treated as preliminary and become the basic for discussion with the staff. Although no prescribed format is dictated for preliminary proposals, they should be relatively brief (no more than 6 pages) and contain a sketch of:

The goals and objectives of the project;

The specific actions to be taken to attain those goals and objectives;

The products or tangible results to be produced;

The product evaluation and dissemination plan;

The personnel to be involved and their qualifications;

The resources and facilities available to the project; and

Budget and time estimates.

Preliminary proposal staff examination and analysis will be assigned to and coordinated by a program manager. If the idea presented falls within program scope, suggestions may be offered on such matters as proposal format, issues to be discussed, and expected reviewer response which should be dealt with in an expanded proposal. If it does not, the reasons why will be provided. In either case, no decisions will be made regarding the quality of the effort. The turnaround time on a preliminary proposal is general four to six weeks after receipt.

Formal Proposals

Submission Formalities. Formal proposals may be submitted at any time after receipt of a response to a preliminary proposal.

Fifteen (15) copies of the complete proposal should be submitted in a single package to:

Central Processing Section for Science Education Development and Research, National Science Foundation, Washington, D.C. 20550.

Prepare the proposal on standard size paper of regular weight, stapled only in the upper left corner, with the pages numbered at the bottom and have the cover sheet conform to Appendix A, attached. One copy must be signed by the project director and an official authorized to commit the institution to the conduct of the project.

For acknowledgement of receipt of the package by the Foundation, complete two of the postcards attached to this guide. Address one card to the project director and the other to the authorized official signing the cover sheet and staple them to the signature copy of the proposal. When the package arrives at the Foundation, the date of receipt and an assigned proposal number will be stamped on each card before it is returned. Thereafter, correspondence relating to this proposal should refer to the assigned proposal number.

Proposal Format. Proposals should be divided into the following sections:

Cover Sheet
Summary Statement
Functional Budget and Justification
Narrative
Appendices (Optional)

COVER SHEET

(See Form _____ in Appendix _____.)

SUMMARY STATEMENT

A clear and concise (about 5 pages) overview of the proposal standing alone as a shortened version of the larger proposal. Include:

A. *Project Abstract.*—(See Form 4 in Appendix _____.)

A clear and simple precis with a minimum of technical terminology which accurately describes the project as proposed. When the proposal is for a continuation of an existing NSF award, summarize work already completed as well as describing the work to be accomplished under the new request. Provide as much detail as possible within the space limitations of the form.

B. *Project Summary.*—(1) *Project objectives.* The expected outcomes of the project and their relation to SED objectives.

(2) *Project plan.* Procedures to be followed to achieve the objectives. Sufficient detail should be provided so that the reader can understand the specific activities that will take place without having to refer to the proposal Narrative. If the proposed project is a continuation of a previous NSF award, summarize progress to date.

(3) *Evaluation plan.* Procedures to be followed to determine to what extent the project objectives are met.

(4) *Organization and management plan.* The administrative structure to be used to organize and manage the project. Any subcontract arrangements should be described here.

(5) *Personnel.* Key staff and their qualifications for performing the work.

(6) *Result, or Product, and Utilization.* The expected product or outcome of the project and its dissemination.

(7) *Progress and monitoring plan.* The schedule of project tasks or activities in diagrammatic or tabular form. Include the timing of progress reports, advisory or steering committee meetings and similar events.

C. *Summary Budget.* (See Form 569 in Appendix ____.) A statement of the costs of the entire project proposed including the total amount of subcontracts. (See Subcontracts Section on page 12).

FUNCTIONAL BUDGET AND JUSTIFICATION

Assign expenditures to project tasks and functions. For each detailed budget line item give the basis for the calculation.

NARRATIVE

The Narrative is the main body of the proposal. It should be complete and clearly written. Although the major elements of this section are listed below, proposers should feel free to express their ideas and thoughts as best serves the proposed project.

A. *Project Rationale and Objectives.*—1. Describe briefly the results or outcomes of literature, reports, meetings, and communications relevant to the proposed project. This analysis should lead logically and naturally to the formulation of project objectives.

2. State the project goals and objectives. Describe how these objectives will help achieve SED objectives.

3. Describe the expected project output. Explain how the outcome of the project will differ from what exists.

4. Explain how the project either will contribute to the quality, relevance or efficiency of science education. If the project result promises increases in the quality of science education but involves greater costs, explain why the improvements will justify utilization.

B. *Project Activities.*—1. Describe the general strategy, plan, or approach to be fol-

lowed in achieving the project goals and objectives.

2. Describe the specific project tasks or activities to be completed to meet project goals and objectives, including the procedures to be followed for each.

3. Prepare a time-table, showing when each project task or activity will begin and end, and justify the sequence in which these activities and tasks are to take place.

C. *Organization and Management Plan.*—1. *Personnel.* Identify the single individual responsible for planning, coordinating, supervising and integrating the work. Present the qualifications of the project director as well as those of other key staff members. Include (a) past training and experience of staff and relate this to the proposed effort, and (b) indicate how the skill mix among staff supports the proposed activities. Vitae of the project director and other key staff members should be included in an appendix.

2. *Management Structure.* Indicate the roles of and relationship among the project director, staff, steering committees and other agents that have decision-making responsibilities. For all steering committees and advisory boards, specify how members will be selected and the interests they are to represent.

PROPOSAL EVALUATION

Formal proposals are assigned to a program manager. Reviewers are selected and their ratings and comments form the basis for any recommendation to support or not support a project. The review and approval process generally requires six to nine months to complete. When a proposal is denied, information to the reasons for denial, including verbatim but anonymous comments by reviewers, may be requested and obtained from the Foundation.

Criteria

Formal proposals are evaluated according to the merit and significance of the projected results and the design of activities to achieve those results. Reviewers will examine proposals in terms of the following criteria:

1. *Relevance.* Are the project objectives clear? How well do they match those of SED?

2. *Need.* Has the proposal identified, and is it addressed to, an important need, problem, or issue in science education?

3. *Justification.* Is the rationale or the needs assessment supporting the project adequate? Does the proposal demonstrate an adequate knowledge of the area of concern? Is the background information pertinent, current, and complete?

4. *Design.* Are the approaches to be used well-formulated? Is there a logical and supportable connection between the problem and the procedures to be used?

5. *Methodology.* Are the methods and procedures for meeting project goals and objectives appropriate, feasible, and practical? Is the management plan well conceived and effective?

6. *Impact.* Are the expected results, products, or outcomes sufficiently novel so as not to duplicate other efforts? What is the potential for adoption or adaptation? Is the dissemination/distribution procedure realistic and practical? Is there evidence that the project results will be cost effective?

7. *Cost-Effectiveness.* Is there evidence that project outcome will be cost effectiveness? For example, will they improve quality at the same or reduced cost? Will they provide the same quality at reduced cost?

8. *Evaluation.* Is there an adequate and suitable plan for providing reliable and unbiased assessment of the product? Does the evaluation plan deal with effectiveness, limitations, replication and continuation costs, etc.?

9. *Personnel.* Is the staff well qualified? Are the knowledge base and skill mix appropriate and sufficient to execute the project? Does the institutional base provide support for the activities?

10. *Budget.* Are the costs of the project—salaries, services, expenses—reasonable? Do they show an understanding of the magnitude of the task?

These criteria will receive approximately equal weight in proposal review.

Reviews

Reviewers will be provided with a copy of the proposal, this Guide, the criteria, an evaluation form, and will be asked to speak to the criteria directly. A copy of the evaluation form is in Appendix ____.

PROJECT OPERATION

A. *Project monitoring and evaluation.* The NSF uses a variety of techniques to monitor and evaluate project progress and outcomes which are individually tailored to each project and may carry out its responsibilities through:

Site visits by NSF staff and consultants;

Steering committees established by NSF to oversee project progress; or

Ad hoc panels convened to assess progress or products.

B. *Reports.*—Although interim technical reports may be brief and informal, they should cover progress to date compared with the approved project schedule; problems related to project objectives, procedures, personnel or administration; and recommended changes and solutions.

Final technical and fiscal reports must be filed within ninety days following termination of the grant. The former should include a narrative portion describing the specific progress achieved through the grant (both in absolute terms and in comparison with that anticipated in the approved proposal); impact of the project on the group for which it was designed; and progress towards dissemination. The Foundation especially solicits candid appraisals of the difficulties encountered during the project, and ideas which might help Foundation staff and other grantees in similar situations.

The fiscal report should identify the grantee organization and the NSW grant number, follow the format of the grant Budget, be signed by the Project Director and the organization's Business Officer (or authorized designees), and include the following certification:

I certify that the expenditures reported above were made in acordance with the terms of NSF Grant SED–

The original and two copies of the final fiscal and technical reports should be mailed to:

Division of Grants and Contracts,
National Science Foundation,
Washington, D.C. 20550.

C. *Changes in Project Operation.*—Major changes in the conduct of the project may be proposed at any time. Reallocation of funds among budget categories, as well as proposed changes in the scope, objectives, and professional personnel of the project must be approved in advance by the Foundation.

D. *Time extensions.*—When circumstances delay the work, a no-cost extension may be requested. This request, along with a justification, must be received at least thirty days before the award expiration date, contain the signatures of both the project director and the authorized institutional representative, and include a sumary of progress, a budget for use of the remaining funds, and plans to complete the project.

E. *Royalty Income.*—Royalties from the sale of products developed with NSF support will be returned to the Foundation, for transmittal to the U.S. Treasury, in proportion to the relative contribution of NSF funds used in the development of these products.

F. *Government Excess Property.*—Where its use will significantly further a Foundation grant-supported activity, grantees may be eligible to acquire government excess property (scientific equipment and supplies) through no-cost transfers from the Federal Government to the grantee institution. Those not acquainted with this procedure should request a copy of NSF Important Notice No. 58 and a supply of Form SF 122 from the Project Property Section, Division of Grants and Contracts, National Science Foundation, Washington, D.C. 20550. The total value of the property to be acquired under a grant is normally limited to the amount of the grant.

G. *Acknowledgement.*—An acknowledgement of NSF support must be made in connection with the publication of any material based on, or developed under, a project supported by NSF, along the following lines: "This (material) was prepared with the support of National Science Foundation grant number ____."

H. *Disclaimer.*—Any curricular materials, books, monographs, proceedings of symposia, or similar publication supported by an NSF grant must contain a statement, immediately following the acknowledgement, along the following lines: "Any opinions, findings, conclusions or recommendations expressed herein are those of the author(s) and do not necessarily reflect the views of the National Science Foundation."

I. *Dissemination.*—One of the principal concerns of the Foundation, in addition to scientific quality and originality, is the detailed documentation and widespread dissemination of project outcomes, both materials and experience. It is essential that planning for this documentation and dissemination be a continuing concern from the inception of the project. Where specific materials are developed, a proposed plan for production and distribution must be submitted to the Foundation for approval well before the final stages of project activity. The mode of solicitation, the solicitation itself, and the results of the negotiations with publishers or distributors must be approved by the Foundation. A document setting forth the Foundation's policies and requirements on these matters is available upon request.

J. *Assurance of Compliance with Civil Rights Act.*—If the applicant university or college has not filed an Assurance of Compliance with Title VI of the Civil Rights Act of 1964, as required by NSF regulations, pertinent forms and a copy of the regulations may be obtained by writing to the Foundation's Division of Grants and Contracts. The required Assurance Form, when completed by the institution, should be submitted to the Division of Grants and Contracts. Once an Assurance Form has been submitted by the applicant organization, it covers all proposals subsequently submitted by any department or other unit of that organization. Individual Assurance Forms are not necessary for each application or for each proposal. If there is any question about whether or not an institution has filed an Assurance of Compliance, the institution's business office should be consulted.

In the case of consortia and other types of projects designed to benefit several organizations as cooperating participants in the grant activity, the grantee must receive from the cooperating colleges, universities, or other subrecipients an Assurance of Compliance with Title VI of the Civil Rights Act of 1964 or written notification that such Assurance of Compliance has been previously filed with the U.S. Department of Health, Education and Welfare or with the Foundation. Copies

of the Assurance of Compliance Form to be used by the subrecipient will be supplied by the Foundation's Division of Grants and Contracts upon request. Completed forms or written notification are to be retained by the grantee for the life of the grant. They may be disposed of thereafter in accordance with the grantee's standard policy for record retirement or destruction.

In accordance with established Foundation policy and in implementation of the provisions of the Civil Rights Act of 1964, the Foundation requires that local brochures and other general publicity designed to attract applicants to and inform them about the project carry the following statement:

"In the operation of the project and in selecting individuals for participation in, and administration of, the project, (name of the institution) will not discriminate against any person on the ground of race, creed, color, sex, or national origin."

K. *Confidential Aspects of Proposals and Awards.*—When a proposal results in a grant, it becomes a part of the record of the Foundation's transactions, available to the public upon specific request. Information that the Foundation and the grantee mutually agree to be of a privileged nature will be held in confidence to the extent permitted by law; therefore, any information that the applicant wishes to have the Foundation consider as privileged should be clearly marked as such and sent in a separate statement, two copies of which should accompany the proposal.

A proposal that does not result in a grant may be retained by the Foundation. Such a proposal will be released only: (1) with the consent of the proposer; or (2) to the extent required by law. A proposal may be withdrawn at any time prior to final action thereon by the Foundation.

L. *Subcontracts.*—Excluding the purchase of commercially available supplies, materials, equipment or general support services allowable under the grant, *none* of the research or substantive effort under an NSF grant may be subcontracted, sub-granted or otherwise transferred to another organization without prior NSF approval. Thus, the intent to so contract must be fully explained in the proposal. Only the total amount of the subcontracts need be shown on the Summary Project Budget.

This guide supersedes the following NSF documents:

E 76-9 Technological Innovation in Education
E 76-44 Special Projects
E 74-5 Alternatives in Higher Education
E 74-18 Science and Engineering Technician Education Program
E 74-11 Field Initiated Studies and Experimental Projects in Science Education
E 75-3 Materials and Instruction Development (PES)
E 74-27 Experimental Projects and Problem Assessment

Draft Program Solicitation—Research in Science Education

SUMMARY

The Division of Science Education Development and Research (SEDR) of the Directorate for Science Education intends to provide up to $2.5 million for educational research in the natural and social sciences, mathematics and engineering. This is the first phase of a new research program in science education and is intended to (1) aid in the identification and definition of future research agendas; (2) summarize and critically analyze pertinent research results as reported in the literature; (3) provide a rational and well founded basis for needed science education development projects; and (4) support a limited number of research projects in areas that are demonstrably important.

This document solicits proposals for:

1. Critical analyses of existing work to define the current status of various science education research areas. Such studies should lead to the identification and formulation of significant answerable research questions and, ultimately, to coherent sets of science education research and development activities.

2. Research projects in areas of documented importance in which the results have a high probability of directly improving future science education activities and efforts.

A number of 12-15 month awards requiring between ½ and 4 equivalent person-years of effort are planned under this program. Proposals are invited from U.S. academic or nonacademic, profit or nonprofit organizations, or combinations thereof. Proposers should build on the existing research base as well as on strategies employed in past successful development/research efforts. Highest priority will be given to meaningful cooperative efforts between scientists and persons with experience in educational research or science education.

Proposals must be received by 5 p.m., EST, -------- to be considered for award under this solicitation.

GENERAL INFORMATION

The Directorate for Science Education has previously supported research studies in science education as part of its technological innovation, special projects, and curriculum development programs to help define areas for science education materials and modes development. This program is an extension of these previous efforts and can best be understood in terms of its expected outcomes.

Large amounts of educational research results are produced each year, a significant fraction of which are in science education. There are at least six journals that report research findings and areas of research which are perceived as needed. Several research review books also give research results and analyses.

The value and cost effectiveness of this research must be measured by the degree to which it has changed science education practices. It is generally agreed that the results of a significant portion of previous educational research efforts have not found appreciable use in science education improvement activities.

It is a premise of this program that research is effective only when it is concerned with areas of high academic and societal need and provides answers to important generalizable questions that lend themselves to near-term application in the improvement of science education practices.

Program Goals

The major goals of the first phase of the Research Program are:

(1) to generate valid information and a rational system of analysis from which areas of needed research may be identified, and through which a research agenda may be defined;

(2) to encourage more effective use of the results of existing research;

(3) to provide a firm foundation for subsequent science education development activities; and

(4) to advance science education through the support of research projects.

Award Categories

To achieve the goals stated above, two categories of awards will be made as described below. The examples given are presented only as examples, and should *not* be interpreted as being the bounds of the program.

CATEGORY I. RESEARCH AGENDA STUDIES

One important element in this program is the identification of areas in science education which are of highest research priority. Studies considered for award in this category include those that:

A. provide a critical and comprehensive summary and evaluation of existing science education research efforts and findings, including the identification of research questions that have been definitively answered in past research efforts, questions about which there is disagreement, or meaningful questions for which there are no significant research results;

B. identify priorities for research and generally provide the conceptual framework into which that research may best be set.

C. illuminate deficiencies between actual and desired practice in science education.

CATEGORY II. RESEARCH STUDIES

While Category I studies are expected to generate a set of significant and resolvable questions for future studies, projects in specific areas will also be funded. These areas are described below. The examples or foci identified under each of the areas are illustrative only and are not inclusive.

A. Theory and Practice of Materials, Course, and Curriculum Development. Possible foci are the cost-effectiveness of methods of development and dissemination of materials, courses, and curricula, the effects of different kinds of project organizations, and the relationship between organization and curriculum.

B. Evaluation Methodology in Science Education. Possible foci are the determination of what constitutes student success in science and how it can be assessed or measured, the analysis of relationships between student characteristics and science achievement, the determination of valid and reliable means for assessing science teacher effectiveness, and the identification of means for evaluating nonschool programs in science.

C. Continuing Education. Possible foci are criteria for selecting and means for developing subject matter for continuing education, the determination and design of economical and efficient ways of offering continuing education in the sciences, the relationship of continuing education to job performance and professional advancement, the role of motivation in the pursuit of continuing education for scientists and teachers of science, the relationship of continuing and formal education, and the maintenance of academic vitality in a fixed faculty.

D. Economics of Science Education. Possible foci are research on the development of means to assess cost-effectiveness in science education programs, how costs can be reduced without loss in quality or effectiveness, and economic models of science education.

E. Technology in Science Education. Possible foci are development of empirical evidence on the effects of computers, calculating instruments or other technological devices on student learning, clarification of the requirements for effective use of technology in instruction, and definition of the current limits of applicability of various technologies.

F. Research on Student Choices. Possible foci are elements that affect student career choices, factors which might inhibit the entry of women and minorities into science careers, and influences on learning style. Proposers should recognize that studies in this area are not intended to be long-term longitudinal efforts. Results from pilot or full-scale efforts under this sub-category are ex-

pected to lead to application within a short time.

G. Classroom Interaction. Possible foci are the analysis of science classroom teaching and its relationship to student learning techniques and processes, or on the validation of specific teaching strategies. Such studies might, for example, deal with the effects of self-pacing, modular instructional efforts, or on the determination of how application of a given teaching model generates more efficient and effective student learning. Other foci could include application and evaluation of the process to implement specific theories in instruction.

Limitations and Additional Data for the Proposer

The proposed studies are not intended to duplicate, elaborate, or supplant research initiatives of the Office of Education or the National Institute of Education. In order to be eligible for support, proposed studies must be in science education, as defined, with a likelihood of producing data that can lead to a change in practice in the near future.

Proposers should note that all levels of science education from pre-college through community college, to four-year college and graduate science offerings are included as are efforts concerned with practicing non-academic scientists and engineers and the general public in nonschool related activities. Other factors being equal, priority will be given to those levels in which the existing research base is weakest. Considerable emphasis will be placed on project studies that involve basic science subject matter, attitudes and creativity, or manipulation and skill areas so long as these areas are closely, directly, and realistically tied to science, social science, mathematics or engineering education. Studies will be supported in specific science subject areas or in inter- or multi-disciplinary areas.

The Foundation recognizes that the proposed categories and subcategories may not be equally amenable to research through conventional "experimental designs" using statistical methods, and encourages proposers to consider other useful, necessary, or novel techniques (e.g. needs assessment, Delphi, ethnographic efforts, retrospective analyses, etc.). Wherever feasible and appropriate, the research should be carried out by teams composed of scientists, science educators, and education researchers working on the solution of problems.

PROPOSAL FORMAT

Each proposal must contain the following elements:

A. Cover Sheet.
B. Table of Contents.
C. Abstract.
D. Proposal summary (not to exceed three double-spaced pages).
E. Narrative (not to exceed 30 double-spaced pages).
F. Budget/cost proposal.
G. Appendices (optional).

A. Cover Sheet. The cover sheet should be prepared in accordance with Appendix A and should specify one of the following categories:

Ia. Evaluation of Existing Research Findings.
Ib. Identification of Research Agendas.
Ic. Role and Practice of Science Education.
IIa. Theory and Practice of Materials, Course, or Curriculum Development.
IIb. Evaluation Methodology in Science Education.
IIc. Continuing Education.
IId. Economics of Science Education.
IIe. Technology in the Classroom.
IIf. Student Choices.
IIg. Classroom Interaction.

The level of study (e.g. pre-college, introductory, upper level undergraduate, or graduate, continuing education, etc.) as well as subject matter (e.g. chemistry, engineering, interdisciplinary) should also be identified.

B. Abstract. In about 250 words clearly state the objectives of the proposed research and the basic elements of the research plan.

C. Table of Contents. Present a table of contents to facilitate review and evaluation.

D. Proposal Summary. In three double-spaced pages or less summarize the research plan, organization and management plan, qualifications of key personnel as well as the projected use of the results of the study in developing science education materials, courses, curricula, or modes of instruction.

E. Narrative. The narrative should not exceed thirty double-spaced pages and include:

1. *The Need for the Study.*—Provide a statement and description of the topic addressed and a clear specification of the issues to be studied as well as documented reasons why the issues are important. Proposers are encouraged to present a case for the projected study in light of deficiencies in existing knowledge.

Include critical literature references and other evidence of need. Where appropriate and available, cite past science education studies as well as important items from related areas, and relate these to the proposed activities.

2. *Project Goals.*—Identify questions which the project expects to answer.

3. *Application of Results.*—Provide a statement of how the results of the study could be translated into more efficient or effective practices in science education. Mention also any significant policy decisions which might be affected by the research findings.

4. *Research Plan.*—State a detailed set of procedures which will be used to expedite the project. Include in this detailed plan:

a. *Design:* The specifics of the plan and identification of reasons for its selection. State associated advantages and disadvantages.

b. *Instrumentation:* Proposed sample instruments/items. Describe how reliability and validity estimates were or will be obtained.

c. *Samples:* A description of subjects including selection procedures. Describe cooperative efforts with schools or colleges, and include evidence of willingness to participate. Note the degree of generalizability of research findings from the sample.

(Statement concerning "Human Experimentation and Informed Consent" to be inserted here.)

d. *Data Analysis and Interpretation:* Description of statistical or other analytic treatments. Include reasons for the selection of specific techniques.

e. *Schedule of Activities:* Identification of project start dates, end dates and time schedules tied to significant milestones. Use master milestone networks, Gannt charts or other graphic or verbal presentation techniques to clarify the research process and timetable.

f. *Personnel Qualifications:* The education and experiences of the principal investigator and/or project manager and the research staff. Relate the qualifications to the proposed project activities. Indicate 1) how the skill mix among scientists, science educators, and science education researchers is relevant to the project performance; 2) the qualifications and experience of the proposed staff in conducting the type of research described; 3) the experience of the proposed staff in interacting with local decision makers; and 4) the capabilities for producing a final product which will be understood by and be practically useful to decision makers. Include vitae of the principal investigator and/or project manager, and research team in an appendix.

g. *Organization and Management Plan:* The proposed structure for operating the project. Specify the key personnel, their responsibilities and the percentage of their effort to be devoted to the project. Identify a single point of responsibility, and identify the person responsible for planning, coordinating, supervising, and integrating the work. Describe methods for coordinating the proposed work.

h. *Budget/Cost:* The relationship between expenditures and activity. Prepare summary and functional budgets in accordance with Appendix ____ and provide for a ½ to 4 equivalent person-year effort over a 12–15 month period. Sufficient travel funds should be included in proposal budgets to allow for visits to NSF for preliminary and final reporting.

METHOD OF SELECTION

Proposals will be judged on a competitive basis and the best proposals selected for funding. There is no Foundation commitment to the making of an award in any category or area or to the making of any specific number of awards.

All proposals will be screened initially by Foundation staff to insure that they meet minimum standards of quality, basic conditions of program relevance, and format, style and length requirements. Those proposals meeting these requirements will be evaluated by a peer review procedure which includes persons in the science, science education and research communities, as well as professional groups and Federal agencies. The highest quality proposals in each of the categories and sub-categories may then be subject to a further stage of review. When appropriate, there will be negotiation. Decisions on each proposal will be made solely by the National Science Foundation.

EVALUATION CRITERIA

Review of proposals will be based on the following criteria:

1. *The Need for the Study.*—a. Is the projected effort in an important science education area?

b. Does the proposal detail a clear and thorough discussion of the need for the project?

c. Is there a demonstrated knowledge and understanding of other research efforts and how they relate to this proposed effort?

2. *Applicability of Results in Science Education.*—a. Could the results of the study be applied to science education in the near or short-term future?

3. *Research Plan.*—a. Is the project feasible as described?

b. Are the projected designs reasonable?

c. Are instrument criteria and techniques (either identified or projected) valid, reliable and acceptable?

d. Do sampling efforts meet the requirements of the design? Are they reasonable?

e. Are the statistical or other analyses specified appropriate to the research design?

4. *Personnel Qualifications and Management Plan.*—a. Do the project director, key staff or consultants (if any) reflect a history of technical competence in educational research and other pertinent science or science education skills?

b. Does the staff reflect a balance of scientists, science educators, and science educational researchers, to insure complete coverage of the effort?

c. Is the management plan realistic and effective?

SELECTION CRITERIA

The Foundation will select those proposals which, in its judgment, offer the greatest potential for improving science education. While cost estimates will be used in determining which proposals offer the greatest value, the primary basis for selection will be the four listed evaluation criteria weighted approximately equally.

WHO MAY SUBMIT

Proposals are invited from academic institutions, from nonacademic nonprofit or profit organizations, or from a combination of any such institutions or organizations.

START DATE

It is intended that proposals submitted under this Solicitation shall not have a starting date earlier than _____ nor later than _____.

ADMINISTRATION

The award competition is administered by the Science Education Division of Development and Research (SEDR) of NSF. All awardees will be assigned a Program Manager from SEDR who will be responsible for monitoring the technical performance of the work. The Program Manager will relate the ongoing research to other activities within the Division and within the Directorate. External evaluation awards may also be made as part of this effort and awardees are, thus, expected to cooperate with third parties in necessary data collection activities.

EVALUATION OF RESEARCH OUTPUT

Project staff are expected to prepare progress reports as indicated in the project schedule. As significant portions of the work are completed, technical papers should be prepared for wide distribution. Awardees are encouraged to publish their findings in professional journals.

During the course of the project and at the end of the award period, an evaluation will be made of all research results produced under the awards. This may be done by Foundation staff, by peer reviewers or consultants, or by a combination of these or other means.

CONFLICT OF INTEREST

It must be demonstarted that research to be funded under this Solicitation will be unaffected by any real or apparent bias, whether based upon possible financial interest of the performing organization or otherwise. Accordingly, any proposer that has developed or presently has a financial or other interest in any product, computer program or other marketable item which might be evaluated or otherwise potentially affected by research proposed in response to this Solicitation must adivse the Foundation of that fact. The proposer may provide the Foundation with further data to show that any real or apparent conflict of interest will be removed or neutralized. Determination of the presence and seriousness of any organizational conflict of interest shall be included as an important criterion under the organizational and management subsection of the Evaluation Criteria Section.

RIGHTS OF INVENTIONS

Each NSF award in support of research is subject to appropriate patent clauses governing the disposition of rights of inventions conceived or first actually reduced to practice in the course of or under an award. Selection of the particular patent clause is made in accordance with procedures set forth in the NSF Patent Regulations, Volume 39, FEDERAL REGISTER No. 234 (December 4, 1974).

PROPRIETARY INFORMATION IN THE PROPOSAL

During the review process, proposals will be evaluated as previously described. If the proposal results in a Foundation award, the proposal becomes part of the record of transaction and becomes available to the public. Accordingly, salary schedules for named senior project personnel which are considered privileged should be clearly identified and included in a separate statement to accompany the proposal, which bears a legend similar to the following: "The Following is (proprietary) (specified) information which (name of proposing organization) request not be released to persons outside the Government, except for evaluation purposes."

NOTIFICATION OF INTENT TO SUBMIT

To insure adequate planning for review of proposals, potential proposers are requested to fill in the postcard attached on the back cover, entitled "Notification of Intention to Submit," being sure to note the research topic and category. This should be done when personnel are first committed to write the proposal. This is solely to facilitate proposal review and hence is not considered a commitment to submit a proposal, nor is it an essential prerequisite to submission of a formal proposal.

OTHER ITEMS

The following items will be clarified in the final published version of the Solicitation:

a. *Type of Awards.*—At present, the NSF expects to use the grant (as contrasted to contract) award process.

b. *Cost Sharing.*—Since awards will be made for the purpose of conducting research, NSF cost sharing provisions (as described in NSF 73-26) are expected to apply to awards.

c. *Fees.*—The issue of the appropriateness of the payment of fees to profit making organizations will be clarified in the final version.

MAILING INFORMATION

Proposals should be addressed:

Central Processing Section, National Science Foundation, Washington, D.C. 20050. Attn: Science Education Development and Research Division. Solicitation 77-

To insure equity, telephone calls and other contacts are discouraged under this Solicitation.

Twenty (20) copies of proposals must be received by 5 p.m., EST, _____, to be considered for award under this Program Solicitation. Proposals received after 5 p.m. _____ are late proposals. Late proposals shall not be considered unless the Foundation determines that such action would not unduly delay the awards and would be in the best interests of the Government.

Normally only later modifications lower in cost or offering other more favorable factors, and which do not require a technical reevaluation will be considered. Unless expressly stated in the modification, a later modification, if rejected, will not disqualify an offeror's timely proposal.

An organization's decision not to submit a proposal will not influence consideration of that organization for future solicitations by the Foundation.

[FR Doc.76-27952 Filed 9-22-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-39]

ACCIDENT REPORTS; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Aircraft accident report.—The crew's failure to remove a makeshift wooden flight control lock before takeoff caused the crash of a Canadair CL-44-6 September 27, 1975, according to National Transportation Safety Board report No. AAR-76-9 released September 16. Six persons board the Aerotransportes Entre Rios cargo plane died when it ran off the runway at Miami International Airport, Miami, Florida, crashed into a canal bank, exploded and burned.

Pipeline accident report and related recommendations.—Federal minimum standards for the handling of emergency telephone calls by natural gas distribution companies were urged by the Safety Board in its report on the investigation of a hotel explosion and fire in Fremont, Nebraska, which killed 20 persons last January 10. The report, NTSB-PAR-76-6, was released September 15. The Board determined that the probable cause of the accident was the contraction, due to cold temperatures, of a 2-inch polyethylene plastic main within a 4-inch casing. The contraction of the plastic main caused the pipe to pull out of the inadequately connected compression coupling.

Last February 24, after investigation, the Safety Board issued recommendations P-76-3 and P-76-4 urging the Nebraska Natural Gas Company, owner and operator of the Fremont gas system, to test its system for any other pipe pullouts and to monitor all plastic pipe joints which were made with short compression couplings and therefore susceptible to pullout. (See 41 FR 9423, March 4, 1976.) A recent telephone call to the Safety Board from the State Fire Marshal indicates that the Nebraska utility has carried out the testing and monitoring.

Also released by the Safety Board on September 15 were three separate letters containing 15 additional recommendations resulting from investigation of this accident: five, Nos. P-76-43 through P-76-47, to the U.S. Department of Transportation; seven, Nos. P-76-48 through P-76-55, to the Nebraska Natural Gas Company; and two, Nos. P-76-56 and P-76-57, to the Mayor of Fremont. These recommendations, all designated "Class II" for priority followup, seek improved installation of plastic pipe and better natural gas emergency procedures. The recommendations to the Secretary of Transportation call for any necessary Federal regulatory action after a study of the problem of plastic-to-steel pipe connections in gas systems.

Pipeline accident report and related recommendations.—Investigation of the

August 2, 1975, rupture of an 8-inch pipeline near Romulus, Michigan, was also reported on by the Safety Board last week. The Board found in report No. NTSB-PAR-76-7, released September 17, that propane escaped from the rupture, sprayed into the air, vaporized, and then ignited; flames 500 feet high engulfed a 600-foot-diameter area. The fire burned nine persons, destroyed four houses and damaged three others, burned 12 vehicles, and consumed more than 2,000 barrels of propane.

Probable cause of this accident, according to the Safety Board, was the propagation of surface cracks in a section of the pipe, which had been dented and gouged previously. The cracks propagated when a valve which had been closed against the pipeline stream caused an abnormally high pressure to develop at the leak site. Contributing to the accident was the inadequate inspection during construction.

As a result of its investigation, the Board has asked the pipeline industry to emphasize to employees the need for close and continuous inspection of any new construction activity done near existing pipelines. The Board notes that undetected or unreported damage can lay the groundwork for later disastrous accidents.

By separate letters, also issued September 17, the Board specifically recommended that:

Sun Pipe Line Company, owner of the ruptured pipeline, (1) Instruct its personnel more adequately in inspection techniques and procedures and emphasize the potential hazards of undetected, unreported, construction damage to an operating pipeline (P-76-58); (2) Reevaluate its propane cavern operating procedures and emphasize to its terminal personnel the potential hazards created by a line blockage (P-76-59); and (3) Study the possible use, at its terminals and pump stations, of lockout equipment which shuts down a pipeline system unless all valves are positioned properly and full clearance to operate has been obtained (P-76-60).

American Petroleum Institute (1) Advise its member companies that operate similar pipeline facilities to reassess their station and terminal operating procedures in light of this accident (P-76-61); and (2) Reemphasize to appropriate personnel the importance of thorough and continuous inspection during construction to prevent, or to report, damage to pipeline facilities by outside parties (P-76-62). All are Class II recommendations, for priority followup.

Letters in response to Safety Board recommendations were received last week from:

Federal Aviation Administration. Letter of September 8 responds to recommendations A-76-80 and A-76-81, which sought improvements in the positioning of flight attendants' seatbelts. (See 41 FR 24639, June 17, 1976.) In responding to the first recommendation, FAA on investigation found no record of medical test data which substantiates that detrimental effects would be sustained by occupants using seatbelts at angles representative of the Boeing 727. FAA is not aware of any accident injuries attributable to use of seatbelts of which the angle with the seat pan is outside the range recommended by the Board (45 to 55 degrees) and, according to FAA, there is no record of adverse service experience. Based on the results of these investigations, FAA concludes that a critical unsafe condition does not exist and that issuance of an airworthiness directive is not warranted.

Concerning recommendation A-76-81, FAA states that flight attendant seat restraint systems on all other air carrier aircraft have been examined, including those of the wide-bodied jumbo jets. Results of this examination and supporting service history indicate that the tiedowns are properly positioned, and FAA indicates that no further action is contemplated.

Federal Railroad Administration. Letter of September 8 concerns recommendation H-74-29 which was issued following Board investigation of an automobile intrusion onto the electrified tracks of the Long Island Railroad at Garden City, New York, August 8, 1973. The recommendation asked for development of procedures and equipment by which emergency rescue personnel can safely short circuit the electrified tracks when there is a need for immediate power shutdown to facilitate rescue operations. The FRA letter refers to a conference last April 9 at the office of the Chief Engineer of the Long Island Railroad when emergency procedures involving catenary and third-rail power systems were discussed. FRA notes that officials responsible for electric power, signals, and communications stated that they would not permit nonrailroad persons to attempt to short circuit the third-rail power supply during emergency rescue operations because of safety factors involved.

The FRA letter lists various emergency procedures used by Long Island Railroad, and states that these procedures and the fault sensor systems developed by the company appear to be reliable methods to shut down third-rail power in the event of an intrusion such as occurred in Garden City. FRA believes that these actions will improve the safety in this area.

Safety Board reply to recommendation response.—Board letter of September 16 is in answer to U.S. Coast Guard letter of August 17. (See 41 FR 37166, September 2, 1976.) The letter provides current status information concerning the 13 recommendations discussed at the USCG/NTSB quarterly meeting held July 13. Recommendations M-69-53, M-70-2, M-71-4, M-76-10, M-74-15, and M-75-18 will remain open pending completion of indicated action. Recommendations M-74-16 and M-75-4 have been closed and Coast Guard so notified on August 20. Recommendations M-74-10, M-74-14, and M-75-8 will remain open, and the Safety Board will further comment thereon. The Board is presently contemplating closing recommendations M-75-9 and M-75-11.

The accident reports and the safety recommendation letters are available to the general public; single copies may be obtained without charge. Copies of the letters responding to recommendations, and Safety Board replies thereto, may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C.

Multiple copies of the accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

Dated: SEPTEMBER 20, 1976.

MARGARET L. FISHER,
Federal Register Liaison Officer.

[FR Doc.76-27935 Filed 9-22-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. MA-7-76]

MARINE ACCIDENT—ASTORIA, OREGON

Accident Investigation Hearing

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 9 a.m. (local time), September 28, 1976, in the Pacific Room of the Thunderbird Motel in Astoria, Oregon.

The public hearing will be held in connection with the Safety Board's investigation of an accident involving the sinking of a charter fishing boat, the PEARL C, while under tow by a U.S. Coast Guard vessel in the Columbia River, near Astoria, Oregon on September 13, 1976.

WEBSTER B. TODD,
Chairman.

SEPTEMBER 21, 1976.

[FR Doc.76-28079 Filed 9-22-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Extension of Time Period To Comment on or Request a Hearing as to an Application for Unlisted Trading Privileges

SEPTEMBER 15, 1976.

On August 4, 1976 the Chicago Board Options Exchange, Inc. ("CBOE") filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(C) of the Securities Exchange Act of 1934 (the "Act") and Rule 12f-1 thereunder, for unlisted trading privileges in the securities of the companies as set forth below, which securities are registered with the Commission pursuant to Section 12 or which would be required to be so registered except for the exemption from registration provided in subsection (g)(2)(B) or (g)(2)(G) of Section 12 of the Act.

American Express Co., common stock, $.60 par value, File No. 7-4848.
Anheuser-Busch, Inc., common stock, $1.00 par value, File No. 7-4849.
Combined Insurance Company of America, common stock, $1.00 par value, File No. 7-4850.
Connecticut General Insurance Corp., common stock, $2.50 par value, File No. 7-4851.
NCNB Corp., common stock, $2.50 par value, File No. 7-4852.
Pennzoil Offshore Gas Operators, Inc., class B Stock,[1] $1.00 par value, File No. 7-4853.
Tampax Inc., common stock, $.25 par value, File No. 7-4854.

In its application for unlisted trading privileges in the foregoing securities, the CBOE stated that trading in these securities on the CBOE would be limited solely to transactions arising from the exercise of options contracts covering the securities. As such, the CBOE did not deem it necessary to submit information concerning public distribution and trading volume as required by Rule 12f-1.

Notice of the application was given by publication in the Federal Register (41 FR 35239 (August 20, 1976)), and September 10, 1976 was designated as the final date for the receipt of any comment on the application or any request for a hearing pursuant to Section 12(f)(2) of the Act. This and one other are first applications ever submitted pursuant to Section 12(f)(1)(C), and as a result, certain novel questions have been raised in this connection. With regard to the instant application, interested persons have requested that the Commission extend the foregoing deadline. The Commission believes that such an extension is in the public interest and, accordingly, hereby extends the period for comment on this application until October 12, 1976.

Upon receipt of a request, on or before October 12, 1976 from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which that party is interested, the nature of his interest in making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to the application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

[1] On November 1, 1976, the separate designations of the Class A and Class B will terminate and all such shares will thereafter be designated as common.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-27947 Filed 9-22-76;8:45 am]

[File No. 500-1]

DIMENSIONAL ENTERTAINMENT CORP.

Suspension of Trading

SEPTEMBER 9, 1976.

It apearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Dimensional Entertainment Corporation being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:30 a.m., (e.d.t.), on September 9, 1976 through September 18, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-27891 Filed 9-22-76;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA AND ORION CAPITAL CORP.

Suspension of Trading

SEPTEMBER 17, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Equity Funding Corporation of America, including Orion Capital Corporation, being traded on a national securities exchange or otherwise, is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from September 18, 1976 through September 27, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-27948 Filed 9-22-76;8:45 am]

[Rel. No. 19685, 70-5901]

KENTUCKY POWER CO. AND AMERICAN ELECTRIC POWER CO., INC.

Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding and Capital Contribution From Holding Company to Subsidiary

SEPTEMBER 17, 1976.

In the Matter of Kentucky Power Co., 15th Street and Carter Avenue, Ashland, Kentucky 41011, and American Electric Power Co., Inc., 2 Broadway, New York, New York 10004.

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), a registered holding company, and Kentucky Power Company ("Kentucky"), an electric utility subsidiary thereof, have filed an application-declaration and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(b) and 12 of the Act and Rules 45 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Kentucky proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $30,000,000 aggregate principal amount of its First Mortgage Bonds of a new series to mature in 2006. The interest rate (which will be expressed in a multiple of ⅛ of 1%) and the price to be paid to Kentucky for the Bonds (which shall not be less than 100% and shall not exceed 102¾%) will be determined by competitive bidding. The terms of the Bonds will preclude Kentucky from redeeming any such Bonds prior to November 1, 1981, if such redemption is for the purpose of refunding such Bonds through the use, directly or indirectly, of borrowed funds at an effective interest cost of less than the effective interest cost to Kentucky of such Bonds. The Bonds will be issued as a new series of First Mortgage Bonds under the Mortgage and Deed of Trust, dated as of May 1, 1949 made by Kentucky to Bankers Trust Company, New York City and Joseph C. Kennedy (G. E. Maier, Successor Individual Trustee), as Trustees, as supplemented and amended and a new indenture supplemental thereto.

AEP proposes, prior to or concurrently with the sale of the Bonds, to make one or more cash capital contributions aggregating $10,000,000 to Kentucky.

The proceeds from the cash capital contribution and the sale of the Bonds, together with other funds which may become available to Kentucky, are proposed to be applied, to the extent available, to payment of unsecured short-term indebtedness consisting of notes payable to banks and to construction expenditures. Kentucky states that on August 18, 1976, $11,000,000 of unsecured short-term debt was outstanding and it is estimated that not to exceed $15,000,000 of such unsecured short-term debt will be outstanding at the time of the sale of the new Bonds. Kentucky also states that its construction programs for the calendar years 1976 and 1977 are presently estimated to amount to approximately $38,000,000 in each year.

Kentucky estimates that it will incur, in connection with the proposed transactions, expenses and fees of $133,710,

such amount including $30,000 legal fees of counsel to Kentucky, $12,500 in certified public accountant fees, $14,500 charge of Trustee and $51,500 in total printing and engraving expenses. The fees and expenses of counsel for the successful bidder or bidders will be paid, except as otherwise provided in the Purchase Contract, by such bidder or bidders. A statement of the fees and expenses proposed to be charged by such counsel will be filed by amendment.

It is stated that the proposed issuance and sale of the Bonds must be expressly authorized by the Public Service Commission of Kentucky and that no other state commission, and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 14, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, and reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules and provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-27949 Filed 9-22-76;8:45 am]

PHILADELPHIA STOCK EXCHANGE, INC.

Applications for Unlisted Trading Privileges and of Opportunity for Hearing

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the securities of the companies as set forth below, which securities are listed and registered on one or more other national securities exchanges:

Giddings & Lewis Inc., common stock, $2 par value, File No. 7-4877.
Mid-Continent Telephone Corporation, common stock, no par value, File No. 7-4878.

Upon receipt of a request, on or before October 2, 1976 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly, the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-27950 Filed 9-22-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 04/04-5092]

FORSYTH COUNTY INVESTMENT CORP.

Filing of Application for Transfer of Control

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to 13 CFR 107.701 (1976) for the transfer of control of Forsyth County Investment Corporation (licensee), a small business investment company licensed by SBA on July 14, 1970, and operating under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Licensee, a North Carolina corporation with its principal place of business located in Suite 309, Pepper Building, Fourth and Liberty Streets, Winston-Salem, North Carolina 27101, is presently owned 100 percent by the Forsyth County Economic Development Corporation (FCEDC), a nonprofit corporation located in the Pepper Building, Fourth and Liberty Streets, Winston-Salem, North Carolina 27101.

FCEDC is presently the holder of 19,500 shares of licensee's common stock having voting rights. These shares are to be converted into 19,500 shares of 4 percent Class B non-voting preferred stock of the licensee and 5,000 new shares of licensee's common stock having voting rights are to be issued to the following new stockholders:

Name and address	Number of shares	Percentage ownership
Lee Andrews, P.O. Box 21472, Greensboro, N.C. 27420.	500	10
Dr. Curtis Bowens, 605 Linwood Ave., Durham, N.C. 27701.	500	10
James F. Hansley, 4940-H Thales Rd., Winston-Salem, N.C. 27104.	500	10
Marion R. Harris, 4515 Bragg Blvd., Fayetteville, N.C. 28303.	500	10
Larnie G. Horton, Sr., 1301 Granada Dr., Raleigh, N.C. 27612.	500	10
J. Kenneth Lee, 107 North Murrow Blvd., P.O. Box 20027, Greensboro, N.C. 27420.	500	10
Howard T. Robinson, 419 G St., Washington, D.C. 20024.	500	10
David Wagner, P.O. Box 998, Winston-Salem, N.C. 27102.	500	10
Dr. Otis B. Michael, 208 Doctors Bldg., Asheville, N.C. 28801.	500	10
John W. Winters, 8001 Caddy Dr., Raleigh, N.C. 27603.	500	10

As a result of the change of control, each of the common stockholders will be a director and the following will be the officers of the licensee:

Larnie G. Horton, Sr., Chairman of the Board
James F. Hansley, President
John W. Winters, Vice President
David Wagner, Treasurer
Dr. H. Curtis Bowens, Secretary

Matters involved in SBA's consideration of the application include the general business reputation and character of the new stockholders and management, and the probability of successful operation of the licensee under their management in accordance with the Act and SBA Rules and Regulations.

Notice is further given that any person may, not later than October 8, 1976, submit to SBA in writing comments on the proposed transfer of control of the licensee. All such comments should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A similar notice shall be published by the licensee in a newspaper of general circulation in Winston-Salem, North Carolina.

(Catalog of Federal Domestic Assistance Program No. 59011 Small Business Investment Companies)

Dated: September 15, 1976.

GERALD L. FEIGEN,
Acting Deputy Associate Administrator for Investment.

[FR Doc.76-27914 Filed 9-22-76;8:45 am]

[License No. 01/01-0276]

PRIME CAPITAL CORP.

Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Prime Capital Corporation (Prime), 10 Commercial Wharf South, Boston, Massachusetts 02110, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to § 107.1004 of the regulations governing small business investment companies (13 CFR 107.1004

(1976)), for approval of a conflict of interest transaction.

Dr. Amram Rasiel, Vice President, Clerk, a Director, and owner of 33⅓ percent of Prime's stock, is deemed an Associate of Prime pursuant to § 107.3(a) of the Small Business Administration (SBA) Regulations.

Dr. Rasiel is a Director of Adar Associates, Inc. (Adar), 11 B North Avenue, Burlington, Massachusetts 01803. He has been a Director of Adar since 1972, as a result of his former connection with T. A. Associates, an Adar shareholder. His association with T. A. Associates had terminated more than a year prior to Prime's investment in Adar, and Dr. Rasiel currently has no financial interest in T. A. Associates. Dr. Rasiel has remained a Director of Adar as an accommodation to Adar and T. A. Associates, and could be described as an "outside" Director.

Prime purchased a $10,000 five-year convertible debenture of Adar representing a five percent participation in the financing of Adar. Neither Dr. Rasiel nor Prime has ever had any financial interest in or dealings with any of the participants in the remaining 95 percent of the financing which was made on the same terms as the financing provided by Prime.

Since Dr. Rasiel is a Director of Adar, Adar is an Associate of Prime, and the financing falls within the purview of § 107.1004(b)(1) of SBA regulations and requires written approval of SBA.

Notice is further given that any person may, not later than October 8, 1976, submit to SBA written comments on the proposed transaction. Any such comments should be addressed to: Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in newspapers of general circulation in Burlington, Massachusetts, and Boston, Massachusetts.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: September 15, 1976.

GERALD L. FEIGEN,
Acting Deputy Associate Administrator for Investment.

[FR Doc.76-27844 Filed 9-22-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Federal Council on the Aging

RESEARCH AND MANPOWER COMMITTEE

Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93-29) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to Pub. L. 92-463 that the Council's Research and Manpower Committee will meet on Friday, October 15, 1976 from 2:30 p.m. to 9:00 p.m., and Saturday, October 16, 1976 from 9:00 a.m. to 6:00 p.m. in Room 548, New York Hilton Hotel, 1335 Avenue of the Americas, New York City, New York. The agenda will consist of: Review of Recommendations for Services to the Frail Elderly; Status of Health Manpower Project; and Review of Administration on Aging Research Strategy.

This meeting will be open for public observation.

Further information on the Council may be obtained from: Cleonice Tavani, Executive Director, Federal Council on the Aging, Washington, D.C. 20201, telephone: (202) 245-0441.

CLEONICE TAVANI,
Executive Director, Federal Council on the Aging.

SEPTEMBER 15, 1976.

[FR Doc.76-27858 Filed 9-22-76;8:45 am]

Food and Drug Administration

[Docket No. 76D-0395]

MARKETED NEW DRUGS WITHOUT APPROVED NEW DRUG APPLICATIONS

Availability of Guideline

The Food and Drug Administration (FDA) announces the availability of an administrative guideline for a systematic enforcement policy for implementing the order of the United States District Court for the District of Columbia in Hoffman-LaRoche, Inc. v. Weinberger, (Civil No. 75-0270, filed July 29, 1975), which held that FDA could not permit a new drug to be marketed without having an approved new drug application.

The Commissioner of Food and Drugs issued, in the FEDERAL REGISTER of June 20, 1975 (40 FR 26142), as part of a proposal, the agency's "Interim Enforcement Policy for Marketing Human Prescription Drug Products Covered by a DESI Notice." After review of the District Court's opinion and order in Hoffman-LaRoche, the Commissioner concluded that sections of the June 30, 1975 policy could be viewed as inconsistent with the order. He therefore issued a notice in the FEDERAL REGISTER of September 22, 1975 (40 FR 43531) withdrawing the interim enforcement policy, pending final formulation of the agency's regulatory policy.

The Commissioner now gives notice that an administrative guideline, "Marketed New Drugs Without Approved NDA's or ANDA's" has been developed by the FDA, Bureau of Drugs. The guideline sets forth the sequence for initiating regulatory action against new drug products

which are being marketed without approved full or abbreviated new drug applications.

The guideline is available for public examination during working hours, Monday through Friday, in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20852. Written requests for single copies may be sent to the Office of Compliance, (HFD–300), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Dated: September 20, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76–27968 Filed 9–21–76;10:50 am]

ADVISORY COMMITTEES

Meetings

This notice announces forthcoming meetings of the public advisory committees of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meetings and the methods by which interested persons may participate in the open public hearings conducted by the committees. The notice is issued under section 10(a)(1) and (2) of the Federal Advisory Commitee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)). The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Dental Drug Products Advisory Committee.	Oct. 8, 9 a.m., conference room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 3 p.m.; closed committee deliberations 3 p.m. to 4 p.m.; (HFD–160), Clarence C. Gilkes, D.D.S., 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3560.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in the practice of dentistry.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Presentation by Dr. Crout or Dr. Leventhal on new advisory committee procedures; and special considerations in protocols for studies involving chewing gums.

Closed committee deliberations. Discussion of NDA 17–728. This portion of the meeting will be closed to protect trade secret data (5 U.S.C. 552(b)(4)).

Committee name	Date, time, and place	Type of meeting and contact person
2. Physical Medicine Device Classification Panel.	Oct. 18 and 19, 9 a.m., Caurier Room, Diplomat Hotel, Hollywood, Fla.	Open public hearing Oct. 18, 9 a.m. to 10 a.m.; open committee discussion Oct. 18, 10 a.m. to 5 p.m., Oct. 19, 9 a.m. to 5 p.m.; (HFK–440), Johnsie W. Bailey, 8757 Georgia Ave., Silver Spring, Md. 20910, 301–427–7234.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to orthotic and prosthetic devices to Johnsie W. Bailey, Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Open committee discussion. Review recommendations of three Phase I devices: pneumatic structure, orthosis; stair climbing wheelchair, external neuromuscular stimulator for swing phase. Classify Phase II prosthetic devices: ankle/foot; hipjoint; knee joint; knee/shank/angle/foot assembly; shank; thigh; elbow; forearm; hand; hook; shoulder; wrist; stirrups; twisters; cane; crutch; walker; prosthetic accessories; fabrication materials; wheelchair accessories.

Committee name	Date, time, and place	Type of meeting and contact person
3. Arthritis Advisory Committee.	Oct. 21 and 22, 9 a.m., conference room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Oct. 21, 9 a.m. to 10 a.m.; open committee discussion Oct. 21, 10 a.m. to 12:30 p.m.; closed committee deliberations Oct. 21, 2 p.m. to 5 p.m.; open committee discussion Oct. 22, 9 a.m. to 5 p.m.; (HFD–150), C. H. Maxwell, M.D., 5600 Fishers Lane, Rockville, Md. 20852, 301–443–5197.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in arthritic conditions.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of current policy on open and closed committee sessions; conflict of interest; indomethacin in children; and NDA 7–663 (Potaba). Preliminary discussion of guidelines for anti-rheumatic drugs other than steroidal or nonsteroidal anti-inflammatory drugs. Recommendations in the warnings section of package inserts of nonsteroidal anti-inflammatory drugs for their use in patients with peptic ulcers and rheumatoid arthritis or osteo-arthritis.

Closed committee deliberations. Review of investigational new drugs (IND's) and new drug applications (NDA's) presently under consideration. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552(b)(4)).

Committee name	Date, time, and place	Type of meeting and contact person
4. Orthopedic Device Classification Panel.	Oct. 22, 9 a.m., room 1409, FB-8, 200 C St. SW., Washington, DC.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; (HFK-470), James G. Dillon, Ph. D., 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to orthopedic devices to James G. Dillon, Ph.D., Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Open committee discussion. Review recommendations of Phase I devices: diaphyseal substitution, custom; carpal prosthesis; elbow prosthesis; hemiarthroplasties; finger and toe prosthesis; ankle prosthesis; interpositional devices, acetabular components; total hip prosthesis; knee prosthesis, total shoulder prosthesis; total wrist prosthesis; upper humerus replacement prosthesis; ligament prosthesis; tendon, passive; orthopedic fasteners; fixation devices; intramedullary rods; electric fracture healing stimulator; internal extremity stimulator.

Classify Phase II noncritical devices: air pressure tourniqeuts; pneumatic hand instruments; calipers, depth gages; goniometers; protractors; power system, electric; power system, pneumatic; clamps; curettes; cutting instruments; drills, burrs and accessories; elevators; extractors and impactors; forceps, pliers and wrenches; guides; mallets; rasps, broaches and files; reamers; retractors; rongeurs; saws, strippers arthroscopes; dynamometers; arch supports; cervical collars; clamps; elastic supports; splints; supporting belts; trusess; ankle traction units; head halters; hip traction units; pelvic traction belts; traction splints.

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairmans' discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.C. 552(b) (4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves inter-agency or intra-agency memoranda or discussion and deliberations of matters that, if in writing would constitute such memoranda, and which would, therefore, be exempt from public disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussion portion of the meeting); review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration

of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have previously been made public, and presentation of any other data or information that is not exempt from public disclosure.

Dated: September 21, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.76-28155 Filed 9-22-76;10:57 am]

Health Services Administration

ADVISORY COMMITTEES

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory bodies scheduled to assemble during the month of October 1976:

Name. National Advisory Council on Migrant Health.
Date and time. October 13-15, 1976, 9:00 a.m.
Place. Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.
Open for entire meeting.
Purpose. The Committee is charged with advising, consulting with, and making recommendations to the Secretary and the Administrator, Health Services Administration, concerning the organization, operation, selection, and funding of Migrant Health Centers and other entities under grants and contracts under section 319 of the Public Health Service Act.
Agenda. The members of the Council will receive an orientation regarding the: (a) Mission and background of the Bureau of Community Health Services; (b) Role of the Migrant Health Program in the Bureau's Rural Health Initiative; (c) Role of the National Advisory Council; (d) Migrant Health responsibilities and requirements under Pub. L. 94-63; (e) FY 1977 and 1978 Budgets; and (f) FY 1977 Regional Allocation of Project's Funds.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Mr. Billy M. Sandlin, Room 7A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, Telephone (301) 443-1153.

Name. Interagency Committee on Emergency Medical Services.
Date and time. October 20, 1976, 9:00 a.m.
Place. Conference Rooms G & H, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.
Open for entire meeting.
Purpose. The Committee provides for the communication and exchange of information necessary to maintain the coordination and effectiveness among such Federal programs and activities and makes recommendations to the Secretary respecting the administration of grants and contracts under Title XII, including the making of regulations for the emergency medical systems program.
Agenda. The agenda will consist of: further discussion of items deferred for action at the last meeting, status of the extension legislation for Pub. L. 93-154 (The EMSS Act of 1973), including burn legislation, reports from the Work Groups of the IACEMS, consideration of a memorandum of understanding between DOT and HEW and emergency medical service projects.

The meeting is open to the public for observation. Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact John D. Reardon, Room 320, 6525 Belcrest Road, Hyattsville, Maryland 20782, Telephone (301) 436-6284. Public seating is limited to forty (40). Please contact at least 72 hours before the meeting.

Name. Maternal and Child Health Research Grants Review Committee.
Date and time. October 28-29, 1976, 9:00 a.m.
Place. Conference Room K, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.
Open Oct. 28, 9:00 a.m.-10:00 a.m.
Closed for remainder of meeting.
Purpose. The Committee is charged with the review of all research grant applications in the program areas of maternal and child health administered by the Bureau of Community Health Services.
Agenda. The Committee will be performing review of grant applications for Federal assistance. This meeting will be open to the public from 9:00 to 10:00 a.m. on October 28 for the Opening Remarks. The remainder of the meeting will be closed to the public for the review of grant applications, in accordance with the provisions set forth in section 552 (b)(5) and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Services Administration, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of the members, minutes of meeting, or other relevant information should contact Wilma L. West, Room 7-36, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, Telephone (301) 443-2340.

Agenda items are subject to change as priorities dictate.

Dated: September 15, 1976.

ARTHUR SCHWARTZ,
Acting Associate Administrator for Management.

[FR Doc.76-27829 Filed 9-22-76;8:45 am]

National Institutes of Health

ALLERGY AND IMMUNOLOGY RESEARCH COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Allergy and Immunology Research Committee, National Institute of Allergy and Infectious Diseases on November 4-5, 1976 at the National Institutes of Health, Building 31C, Conference Room 9, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to 10:00 a.m. on November 4 for the discussion of general policy matters and administrative reports. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting of the committee will be closed to the public from 10:00 a.m. on November 4 to adjournment on November 5 for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portions of the meeting involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, NIAID, National Institutes of Health, Building 31, Room 7A32, Bethesda, Maryland 20014, (301) 496-5717, will furnish rosters of committee members, summaries of the meetings, and other information pertaining to the meetings.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health.)

Dated: September 16, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-27852 Filed 9-22-76;8:45 am]

BEHAVIORAL SCIENCES RESEARCH CONTRACT REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Behavioral Sciences Research Contract Review Committee, National Institute of Child Health and Human Development, November 22-23, 1976, Landow Building, Room C-418, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 9:30 a.m. to 5:00 p.m. on November 22, and from 9:30 a.m. until 11:30 a.m. on November 23, for progress reports and program plans by the staff of the Behavioral Sciences Branch and discussion of major research needs in the social and Behavioral sciences relating to population. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 23 from 11:30 a.m. until adjournment, for the review, discussion and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A–04, National Institutes of Health—Bethesda, Maryland, Area Code 301, 496–1848, will provide a summary of the meeting and roster of committee members. Dr. Jerry W. Combs, Jr., Chief, Behavioral Sciences Branch, Center for Population Research, NICHD, Landow Building, Room C–725, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1174, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.864, National Institutes of Health.)

Dated: September 16, 1976

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–27857 Filed 9–22–76;8:45 am]

BIOMEDICAL LIBRARY REVIEW COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Biomedical Library Review Committee, National Library of Medicine, on November 3–4, 1976, from 8:30 a.m. to 5:00 p.m. on November 3, and from 8:30 a.m. to adjournment on November 4, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland.

This meeting will be open to the public from 8:30 to 11:00 a.m. on November 3 for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available. In accordance with provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 3, from 11:00 a.m. to 5:00 p.m. and from 8:30 a.m. to adjournment on November 4, for the review, discussion, and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Dr. Roger W. Dahlen, Executive Secretary of the Committee, and Chief, Division of Biomedical Information Support, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20014, Telephone Number: 301–496–4191, will furnish summaries of the meeting, rosters of committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program Nos. 13.348, 13.349, 13.351, 13.352, 13.881—National Institutes of Health.)

Dated: September 16, 1976

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–27851 Filed 9–22–76;8:45 am]

COMPREHENSIVE SICKLE CELL CENTERS (CSCC) AD HOC REVIEW COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Comprehensive Sickle Cell Centers (CSCC) ad hoc Review Committee, National Heart, Lung, and Blood Institute, November 17, 1976, Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland 20014 and November 18–19, 1976, National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public on November 17, 1976 from 8:00 p.m. to approximately 10:00 p.m. to discuss administrative details and the criteria to be used in the review of the Comprehensive Sickle Cell Centers (CSCC) applications. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting of the Comprehensive Sickle Cell Centers (CSCC) ad hoc Review Committee will be closed to the public on November 18 and 19, 1976, from 8:00 a.m. to adjournment on both days, for the review, discussion, and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Building 31, Room 5A03, Bethesda, Maryland 20014, telephone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members. Michael A. Oxman, Ph.D., Executive Secretary, NHLBI, NIH, Westwood Building, Room 548, telephone (301) 496–7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.839, National Institutes of Health.)

Dated: September 16, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–27852 Filed 9–22–76;8:45 am]

DENTAL CARIES PROGRAM ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Dental Caries Program Advisory Committee, National Institute of Dental Research, November 8–9, 1976, National Institutes of Health, Building 30, Conference Room 117, Bethesda, Maryland.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on November 8, and from 9:00 a.m. to adjournment on November 9, to discuss research progress and ongoing plans and programs of the National Caries Program. Attendance by the public will be limited to space available.

Dr. James P. Carlos, Associate Director, National Caries Program, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 528, Bethesda, Maryland 20014, (phone number 301–496–7239), will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

Dated: September 17, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–27853 Filed 9–22–76;8:45 am]

GENERAL CLINICAL RESEARCH CENTERS COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the General Clinical Research Centers Committee on November 15 and 16, 1976, from 9:00 a.m. to 5:00 p.m., at the National Institutes of Health, Building 31, Conference Room 9, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to 10:00 a.m. on November 15, 1976, to discuss administrative reports. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting of the Committee will be closed to the public on November 15 from 10:00 a.m. to 5:00 p.m. and on November 16 from 9:00 a.m. to 5:00 p.m. for the review, discussion and evaluation of initial pending, renewal, and supplemental grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of Committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, Na-

tional Institutes of Health, Building 31, Room 5B39, Bethesda, Maryland 20014, telephone (307) 496-5545, will furnish rosters of Committee members, summaries of the meetings, and other information pertaining to the meetings.

(Catalog of Federal Domestic Assistance Program No. 13.333, National Institutes of Health)

Dated: September 16, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-27854 Filed 9-22-76;8:45 am]

MATERNAL AND CHILD HEALTH RESEARCH COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Maternal and Child Health Research Committee, National Institute of Child Health and Human Development, on November 16-17, 1976, Building 31, Conference Room 10, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. to 12:00 noon on November 17 to discuss general business of the Committee and for reports from the Director, NICHD, Director, Center for Research for Mothers and Children, Program Director for Pregnancy and Infancy Branch, Acting Program Director for Human Learning and Behavior Branch, Acting Program Director for Developmental Biology and Nutrition Branch, and the Executive Secretary of the Committee. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4); 552(b)(5), and 552(b)(6), Title 5, U.S. Code and 10(d) of P.L. 92-463, the meeting will be closed to the public from 8:00 p.m. to 10:30 p.m. on November 16 and from 12:00 noon to adjournment on November 17 for the review, discussion and evaluation of individual initial pending grant applications. The closed portion of the meeting will involve solely the internal expression of views and judgments of the committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries, and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1848, will provide a summary of the meeting and a roster of committee members. Dr. Nancy Felipe Russo, Executive Secretary of the Maternal and Child Health Research Committee, NICHD, Room C-717, Landow Building, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-5575, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.865, National Institutes of Health.)

Dated: September 16, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-27855 Filed 9-22-76;8:45 am]

MEDICAL LABORATORY SCIENCES REVIEW COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Medical Laboratory Sciences Review Committee, October 13-14, 1976, Building 31C, Conference Room 9, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public on October 13, 1976, from 9 a.m. to 5 p.m. and October 14, 1976, from 9 a.m. to 12 noon for opening remarks, contract progress reports, and general discussion. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public on October 14, 1976, from 12 noon to 5 p.m., for the review, discussion, evaluation, and ranking of National Research Service Award applications and possible fellowship applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, Room 909, Bethesda, Maryland 20014, Telephone: 301-496-7301, will provide a summary of the meeting and a roster of committee members. Dr. Robert S. Melville, Executive Secretary, Medical Laboratory Sciences Review Committee, Westwood Building, Room 954, Bethesda, Maryland 20014, Telephone: 301-496-7081, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-860, National Institute of General Medical Sciences, National Institutes of Health.)

Dated: September 16, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-27850 Filed 9-22-76;8:45 am]

Office for Civil Rights

NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Proposed Annual Operating Plan for FY 1977

Pursuant to paragraph 18 of the National Plan for Compliance Activities published concurrently with this notice, the Office for Civil Rights is issuing its proposed FY 1977 Annual Operating Plan for public comment. The plan, set forth in detail, in the accompanying charts establishes the number of complaint investigations, compliance reviews and other activities which will be conducted by each of OCR's ten regional offices and the amount of investigator time which will be allocated to each activity.

This marks the first time that OCR has issued for public comment one document which covers all of its compliance activities. OCR believes that the plan will provide the public with a comprehensive overview of how OCR proposes to allocate its resources in 1977, and that this will lead to better public understanding of the OCR compliance program.

I. OCR Jurisdiction

OCR is responsible for enforcing the following anti-discrimination authorities:

(a) Title VI of the Civil Rights Act of 1964, which bars discrimination on the basis of race, color and national origin in Federally assisted programs.

(b) Title IX of the Education Amendments of 1972, which bars discrimination on the basis of sex in Federally assisted educational programs.

(c) Sections 799A and 845 of the Public Health Service Act, which bars discrimination on the basis of sex in Federally assisted health professions training programs.

(d) Section 504 of the Rehabilitation Act of 1973, which bars discrimination on the basis of a handicap in Federally assisted programs.

(e) Executive Order 11246, as amended, which bars employment discrimination on the basis of race, color, religion, sex and national origin by Federal contractors.

OCR enforces these authorities in elementary and secondary schools, institutions of higher education, health and social service agencies, research agencies, membership organizations and construction contractors.

II. Development of the Plan

The development of the plan has been guided by OCR's two primary operational objectives—the elimination of the backlog of unresolved complaints and the conduct of an effective compliance program.

The development of the plan has also been influenced by the amount of staff available to carry out OCR's work, and the Order issued in June 1976 by the U.S. District Court in the case of *Adams* v. *Mathews*.

OCR has determined that its present regional staff and the new staff anticipated under the FY 1977 appropriation, will be able to devote 539 professional person years to compliance work in FY 1977. This figure has set an upper limit on what OCR can realistically expect to accomplish in FY 1977.

In FY 1977, section 504 (handicapped) complaint investigations will be assigned to headquarters staff with responsibility for development of standards and procedures, pending issuance of the final 504 regulation and completion of the detailed complaint investigation procedures for section 504. OCR projects that it will receive 349 complaints in the coming fiscal year and estimates investigations will require approximately 29 person years.

The Adams Order imposes requirements on OCR with respect to elementary and secondary education in the 17 southern and border states. These include the prompt elimination of the backlog of elementary and secondary education complaints. However, in order to maintain a uniform program nationally, OCR has implemented a National Plan which incorporates the provisions of the Adams Order and extends them to the 33 northern and western states as well. OCR's National Plan is being published concurrently with this Operating Plan.

To develop this plan, OCR conducted a complete inventory of the complaint investigations and compliance reviews in progress and projected in each of its regional offices. OCR also assessed the average time necessary for completing comprehensive investigations and negotiations in each of the areas of activity shown in the inventory. Then, those activities which must be performed in accordance with the National Plan were selected from the inventory. Finally, to the extent that the available staff time permitted, OCR selected the highest priority activities mandated by other authorities for inclusion in the Operating Plan.

III. Comments

OCR solicits comments from the public on its Proposed Annual Operating Plan for FY 1977. These comments should be received no later than October 26, 1976, and should be addressed to:

Director, Office for Civil Rights, Department of Health, Education and Welfare, Washington, D.C. 20201.

OCR will review its proposed plan in the light of the comments it receives and, within the limitations discussed above, will revise its plan to reflect suggestions which have merit. Commentators who recommended that OCR undertake activities in addition to those proposed in the plan are urged to indicate the specific activity they would displace, together with the reason for their position. Persons seeking clarification of any of the provisons of the proposed plan may contact the Office for Planning and Program Coordination, Office for Civil Rights, Department of Health, Education and Welfare, Washington, D.C. 20201. Telephone 202–245–6917.

Dated: September 15, 1976.

Martin H. Gerry,
Director, Office for Civil Rights.

Office for Civil Rights, Department of Health, Education, and Welfare—proposed OCR annual operating plan for fiscal year 1977, all regions—summary of staffing, Sept. 15, 1976

	Number
I. Staff required to carry out the AOP (in person years):	
A. Investigative staff:	
1. Complaints (see pp. 2 and 3 for details)	287
2. Compliance reviews and other activities (see pp. 4–6 for details)	146
Subtotal	433
B. Other professional staff:	
1. Supervisors (1 for every 6 investigators)	70
2. Managers (1 for every 6 supervisors)	14
3. Noninvestigative professional and paraprofessionals (1 for every 20 investigators) for general correspondence, technical assistance, work with other HEW offices, public affairs and administrative activities.	22
Subtotal	106
Total professional staff	539
C. Clerical staff (1 for every 4 professionals)	135
Total, all staff	674
II. Positions available:	
A. Positions filled as of Aug. 31, 1976	543
B. Positions expected to be filled after Aug. 31, 1976	
1. Permanent	181
2. Temporary	*88
Total	812

Note.—The staff requirement in pt. I is less than the available positions in pt. II in order to provide time for the recruitment, processing, formal and on-the-job training of the new staff.

Proposed OCR annual operating plan for fiscal year 1977, all regions

COMPLAINT INVESTIGATIONS

[Pursuant to title VI, title IX, Public Health Service Act and Executive Order 11246]

	Inventory	Actions	Person days per action	Person years required
I. Backlogged complaints:				
A. Elementary and secondary education	611	611	20	54.7
B. Higher education	650	327	40	58.4
Subtotal	1,261	938		113.1
II. Carryover complaints:				
A. Elementary and secondary education	374	374	11	23.6
B. Higher education	254	254	27	37.4
C. Health and social services	109	109	16	6.2
D. Educational TV	5	5	14	.4
Subtotal	742	742		67.6
III. Fiscal year 1977 complaints:				
A. Elementary and secondary education	1,050	1,050	20	92.2
B. Higher education	372	[1] 64	40	11.8
C. Health and social services	304	[1] 18	15	1.6
D. Educational TV	7			
Subtotal	1,733	1,132		105.6
Total	3,736	2,812		286.3

	Inventory	Actions	Person years required
Complaints restated by services and employment:			
I. Backlogged complaints:			
A. Services	667	534	60.4
B. Employment	594	404	52.7
Subtotal	1,261	938	113.1
II. Carryover complaints:			
A. Services	482	482	40.6
B. Employment	260	260	27.0
Subtotal	742	742	67.6
III. Fiscal year 1977 complaints:			
A. Services	1,119	718	66.7
B. Employment	614	414	38.9
Subtotal	1,733	1,132	105.6
Total, all complaints	3,736	2,812	286.3
Recapitulation:			
1. Services	2,268	1,734	167.7
2. Employment	1,468	1,078	118.6
Total, all complaints	3,736	2,812	286.3
Complaints restated by type of Institution:			
I. Elementary and secondary education:			
A. Services	1,326	1,326	111.1
B. Employment	709	709	59.4
Subtotal	2,035	2,035	170.5
II. Higher education:			
A. Services	588	299	50.0
B. Employment	688	346	57.6
Subtotal	1,276	645	107.6
III. Health and social services:			
A. Services	353	109	6.6
B. Employment	60	18	1.2
Subtotal	413	127	7.8
IV. Educational TV:			
A. Services	1		0
B. Employment	11	5	.4
Subtotal	12	5	.4
Total, all complaints	3,736	2,812	286.3

[1] Emergency complaints only.

COMPLIANCE REVIEWS AND OTHER ACTIVITIES

	Actions	Person days per action	Person years required
I. Elementary and secondary education: [1]			
Services:			
A. Completing reviews in progress on Oct. 1, 1976:			
1. Lau reviews (title VI)	129	8–28	8.4
2. Comprehensive urban reviews (VI, IX, and 504).	4	(2)	32.0
3. ± 20 pct districts (title VI)	6	5/10	.2
4. Title IX reviews	39	21	4.5
5. State administered schools (VI, IX, 504)	1	36	.2
6. State voc/tech systems (VI, IX, 504)	1	100	.6
7. Local voc/tech schools (VI, IX, 504)	1	10	.1
8. Other title VI reviews	53	17	5.0
9. ESAA ineligible districts	44	10/20	3.9
Subtotal			54.9
B. New reviews:			
1. Lau reviews (title VI)	151	40	26.4
2. State voc/tech systems (VI, IX, 540)	4	100	1.4
3. Local voc/tech schools (VI, IX, 504)	16	20	1.4
4. State administered schools (VI, IX, 504)	9	20	.8
5. ESAA ineligible districts	45	10/20	2.3
Subtotal			32.3
C. Administrative hearings	92	20/40	11.4
Employment:			
D. Completing reviews in progress on Oct. 1, 1976:			
1. Teacher erosion cases (title VI)	22	3	.4
Subtotal			99.0
II. Higher education: [3]			
Services:			
A. Monitoring desegregating university systems (title VI).	8	270	12.0
Employment:			
B. Completing affirmative action plan reviews in progress on Oct. 1, 1976 (Executive Order 11246).	29	10	1.6
C. New preaward reviews of affirmative action plans (Executive Order 11246).	52	15	4.4
Subtotal			18.0
III. Health and social services:			
Services:			
A. Completing reviews in progress on Oct. 1, 1976:			
1. Pregrant clearances (title VI)	133	1.4	1.0
2. State agency reviews (title VI)	8	27	1.2
3. Other compliance reviews (title VI)	49	5	1.4
B. New actions:			
1. Pregrant clearances (title VI)	2,456	0.35	5.1
2. Departmental Indian health initiative (title VI).	(2)	(2)	.5
C. Health cases in litigation (title VI)	2	(2)	2.0
Subtotal			11.2
IV. Other institutions and agencies:			
Employment:			
A. Monitoring construction projects in plan areas (Executive Order 11246).	108	22	13.5
B. Preawa d reviews of affirmative action plans (other than higher education institutions) (Executive Order 11246).	17	15	1.6
Subtotal			15.1
Total, all compliance reviews			143.3
Recapitulation for compliance reviews and other activities:			
Services			121.8
Employment			21.5
Total, all compliance reviews			143.3

[1] The comprehensive urban, title IX, State administered schools, State voc/tech systems and local voc/tech schools reviews also affect employment.

[2] Not available.

[3] Approximately 10 pct of the work under monitoring desegregating university systems relates to employment matters.

Notes to proposed OCR annual operating plan for fiscal year 1977: (1) Backlogged complaints refer to complaints received in prior years for which the investigation has not started on Oct. 1, 1976, or for which there has been a significant delay in the investigation. (2) Carryover complaints refer to complaints received in prior years which will be under investigation on Oct. 1, 1976, and will be completed without delay. (3) Fiscal year complaints refer to complete complaints which OCR expects to receive in fiscal year 1977. (4) Complaint investigations and activities do not include sec. 504 complaints. They will be investigated by headquarters staff. (5) Higher education and health and social services complaints received in fiscal year 1977 will be investigated in fiscal year 1977 on an emergency basis only. (6) Person days refers to the amount of investigator time which OCR has allocated for the direct investigation, negotiation, and, if necessary, preparation of the case for the issue of a notice of opportunity for hearing. It does not include supervisory, clerical, and attorney time, nor does it include time for other investigator activities, such as training or administrative work. (7) Person years—For investigators, a person year consists of 216 working days (the time available for work after deducting weekends, holidays, and leave time). These 216 d are allocated as follows: 180 d for the direct compliance work described on p 2–6, 20 d for training; 5 d for reorganization; and 11 d for administrative matters and indirect compliance work such as correspondence and technical assistance.

Office for Civil Rights, Department of Health, Education, and Welfare—proposed OCR annual operating plan for fiscal year 1977, region I—summary of staffing, Sept. 15, 1976

	Number
I. Staff required to carry out the AOP (in person years):	
A. Investigative staff:	
1. Complaints (see p. 3 for details)	12
2. Compliance reviews and other activities (see p. 4 and 5 for details)	3
Subtotal	15
B. Other professional staff:	
1. Supervisors (1 for every 6 investigators)	3
2. Managers (1 for every 6 supervisors)	1
3. Noninvestigative professionals and paraprofessionals (1 for every 20 investigators) for general correspondence, technical assistance, work with other HEW offices, public affairs and administrative activities	1
Subtotal	5
Total, professional staff	20
C. Clerical staff (1 for every 4 professionals)	5
Total, all staff	25
II. Positions available:	
A. Positions filled as of Aug. 31, 1976	33
B. Positions expected to be filled after Aug. 31, 1976:	
1. Permanent	0
2. Temporary	0
Total	33

NOTE.—OCR projects that in fiscal year 1978 the work of this regional office will require a staff at least as large as the staff now employed. To avoid the lost time and expense which would be caused by a permanent transfer of staff to other regional offices and the subsequent refilling of these positions in fiscal year 1978, OCR will leave this office at its current level for fiscal year 1977. Staff members not required to carry out the activities stated in this plan will perform the following work: (1) Conducting complaint investigations and compliance reviews for the 6 regional offices now understaffed; (2) conducting higher education and health and social services investigations of complaints from this region which would otherwise be backlogged for investigation in fiscal year 1978; (3) conducting pilot reviews and investigations for the purpose of testing new compliance programs and procedures before they are introduced on a national basis in fiscal year 1978.

Proposed OCR annual operating plan for fiscal year 1977, region I

COMPLAINT INVESTIGATIONS

[Pursuant to title VI, title IX, Public Health Service Act and Executive Order 11246]

	Inventory	Actions	Person days per action	Person years required
I. Backlogged complaints:				
A. Elementary and secondary education	1	1	20	0.1
B. Higher education	19	9	40	1.7
Subtotal	20	10		1.8
II. Carryover complaints:				
A. Elementary and secondary education	21	21	14	1.6
B. Higher education	15	15	23	1.9
C. Health and social services	9	9	18	.9
Subtotal	45	45		4.4
III. Fiscal year 1977 complaints:				
A. Elementary and secondary education	52	52	20	4.4
B. Higher education	20	[1] 3	40	.6
C. Heath and social services	12	[1] 1	15	.1
Subtotal	84	56		5.1
Total, all compalints	149	111		11.3
Recapitulation:				
A. Elementary and secondary education	74	74		6.1
B. Higher education	54	27		4.2
C. Health and social services	21	10		1.3
Total, all complaints	149	111		11.3

[1] Emergency complaints only.

COMPLIANCE REVIEWS AND OTHER ACTIVITIES

	Actions	Person days per action	Person years required
I. Elementary and secondary education:[1]			
Services:			
A. Completing reviews in progress on Oct. 1, 1976:			
1. Title IX reviews	3	17	0.3
2. ESAA ineligible district	1	10	.1
Subtotal			.4
B. New reviews:			
1. State voc/tech system (VI, IX, 504)	1	100	.2
2. Local voc/tech schools	2	20	.1
3. ESAA ineligible districts	2	10	.1
Subtotal			.4
Total			.8
II. Higher education:			
Employment:			
A. Completing affirmative action plan reviews in progress on Oct. 1, 1976 (Executive Order 11246).	7	10	.4
B. New preaward reviews on affirmative action plans (Executive Order 11246).	4	15	.3
Total			.7
III. Health and social services:			
Services:			
A. Completing reviews in progress on Oct. 1, 1976:			
a. Pregnant clearances (title VI)	10	1	.1
B. New actions:			
a. Pregnant clearances (title VI)	118	.35	.2
Total			.3
IV. Other institutions and agencies:			
Employment:			
A. Monitoring construction projects in plan areas (Executive Order 11246)	8	22	1.0
B. Preaward reviews of affirmative action plans (other than higher education institutions) (Executive Order 11246)	2	15	.2
Subtotal			1.2
Total, all compliance reviews			3.0
Recapitulation for compliance reviews and other activities:			
Services			1.1
Employment			1.9
Total, all compliance reviews			3.0

[1] The title IX, State voc/tech systems and local voc/tech schools reviews also affect employment.

Office for Civil Rights, Department of Health, Education, and Welfare—proposed OCR annual operating plan for fiscal year 1977, region II—summary of staffing, Sept. 15, 1976

I. Staff required to carry out the AOP (in person years):	
A. Investigative staff:	
1. Complaints (see p. 2 for details)	25
2. Compliance reviews and other activities (see pp. 3 and 4 for details)	12
Subtotal	37
B. Other professional staff:	
1. Supervisors (1 for every 6 investigators)	6
2. Managers (1 for every 6 supervisors)	1
3. Noninvestigative professionals and paraprofessionals (1 for every 20 investigators) for general correspondence, technical assistance, work with other HEW offices, public affairs and administrative activities.	2
Subtotal	9
Total, professional staff	46
C. Clerical staff (1 for every 4 professionals)	12
Total, all staff	58
II. Positions available:	
A. Positions filled as of Aug. 31, 1976	57
B. Positions expected to be filled after Aug. 31, 1976:	
1. Permanent	2
2. Temporary	(1)
Total	59

[1] There will be 40 temporary employees in the 1st quarter working on the comprehensive urban review for New York City schools.

NOTE.—The staff requirement in pt. I is less than the positions available in pt. II in order to provide time for the recruitment, processing, formal, and on-the-job training of the new staff.

Proposed OCR annual operating plan for fiscal year 1977, region II

COMPLAINT INVESTIGATIONS

[Pursuant to title VI, title IX, Public Health Service Act and Executive Order 11246]

	Inventory	Actions	Person days per action	Person years required
I. Backlogged complaints:				
A. Elementary and secondary education	97	97	20	8.6
B. Higher education	85	40	40	7.1
Subtotal	182	137		15.7
II. Carryover complaints:				
A. Elementary and secondary education				
B. Higher education	23	23	26	3.3
C. Health and social services	1	1	8	
Subtotal	24	24		3.3
III. Fiscal year 1977 complaints:				
A. Elementary and secondary education	65	65	20	5.7
B. Higher education	26	[1] 4	40	.6
C. Health and social services	9	[1] 1	15	.1
Subtotal	100	70		6.4
Total all complaints	306	231		25.4
Recapitulation:				
A. Elementary and secondary educaiion	162	162		14.3
B. Higher education	134	67		11.0
C. Health and social services	10	2		.1
Total	306	231		25.4

[1] Emergency complaints only.

COMPLIANCE REVIEWS AND OTHER ACTIVITIES

	Actions	Person days per action	Person years required
I. Elementary and secondary education: [1]			
Services:			
A. Completing reviews in progress on Oct. 1, 1976:			
1. Comprehensive urban review (VI, IX, and 504).	1	(2)	8.0
B. New reviews:			
1. ESAA ineligible districts	10	10	.6
Subtotal			8.6
II. Higher education:			
Employment:			
A. Completing affirmative action plan reviews in progress on Oct. 1, 1976 (Executive Order 11246).	5	10	.3
B. New preaward reviews on affirmative action plans (Executive Order 11246).	7	15	.4
Subtotal			.7
III. Health and social services:			
Services:			
A. Completing reviews in progress on Oct. 1, 1976:			
1. Compliance reviews (title VI)	2	18	.2
B. New actions:			
1. Pregrant clearances (title VI)	170	.35	.4
C. Social service case in litigation (title VI)	1	(2)	.5
Subtotal			1.1
IV. Other institutions and agencies:			
Employment:			
A. Monitoring construction projects in plan areas (Executive Order 11246).	8	22	1.0
B. Preaward review of affirmative action plans (other than higher education institutions) (Executive Order 11246).	1	15	.1
Subtotal			1.1
Total, all compliance reviews			11.5
Recapitulation for compliance reviews and other activities:			
Services			9.7
Employment			1.8
Total, all compliance reviews			11.5

[1] The comprehensive urban review also affects employment
[2] Not available.

Office for Civil Rights, Department of Health, Education, and Welfare—proposed OCR annual operating plan for fiscal year 1977, region III—summary of staffing, Sept. 15, 1976

	Number
I. Staff required to carry out the AOP (in person years):	
A. Investigative staff:	
1. Complaints (see p. 2 for details)	25
2. Compliance reviews and other activities (see pp. 3-5 for details)	20
Subtotal	45
B. Other professional staff:	
1. Supervisors (1 for every 6 investigators)	7
2. Managers (1 for every 6 supervisors)	1
3. Noninvestigative professionals and paraprofessionals (1 for every 20 investigators) for general correspondence, technical assistance, work with other HEW offices, public affairs and administrative activities.	2
Subtotal	10
Total, professional staff	55
C. Clerical staff (1 for every 4 professionals)	14
Total, all staff	69
II. Positions available:	
A. Positions filled as of Aug. 31, 1976	59
B. Positions expected to be filled after Aug. 31, 1976:	
1. Permanent	12
2. Temporary	5
Total	76

NOTE.—The staff requirement in pt. I is less than the positions available in pt. II in order to provide time for the recruitment, processing, formal and on-the-job training of the new staff.

Proposed OCR annual operating plan for fiscal year 1977, region III

COMPLAINT INVESTIGATIONS

[Pursuant to title VI, title IX, Public Health Service Act and Executive Order 11246]

	Inventory	Actions	Person days per action	Person years required
I. Backlogged complaints:				
A. Elementary and secondary education	46	46	20	4.1
B. Higher education	81	42	40	7.5
Subtotal	127	88		11.6
II. Carryover complaints:				
A. Elementary and secondary education	8	8	14	.6
B. Higher education	18	18	27	2.7
C. Health and social services	9	9	16	.3
Subtotal	35	35		3.6
III. Fiscal year 1977 complaints:				
A. Elementary and secondary education	90	90	20	7.7
B. Higher education	30	[1] 5	40	1.0
C. Health and social services	72	[1] 3	15	.3
Subtotal	192	98		9.0
Total, all complaints	354	221		24.2
Recapitulation:				
A. Elementary and secondary education	144	144		12.4
B. Higher education	129	65		11.2
C. Health and social services	81	12		.6
Total, all complaints	354	221		24.2

[1] Emergency complaints only.

COMPLIANCE REVIEWS AND OTHER ACTIVITIES

	Actions	Person days per action	Person years required
I. Elementary and secondary education:[1]			
Services:			
A. Completing reviews in progress on Oct. 1, 1976			
1. Lau reviews (title VI)	4	22	0.5
2. Comprehensive urban review (VI, IX, and 504)	1	(2)	8.0
3. Title IX reviews	2	20	.2
4. State administered school (VI, IX, 504)	1	36	.2
Subtotal			8.9
B. New reviews:			
1. State voc/tech system (VI, IX, 504)	1	100	.6
2. Local voc/tech schools (VI, IX, 504)	2	20	.2
3. ESAA ineligible districts	10	10	.6
Subtotal			1.4
C. Administrative hearings	8	20	.8
Subtotal			11.1
II. Higher education:[3]			
Services:			
A. Monitoring desegregating university systems (title VI).	3	270	4.5
Employment:			
B. Completing affirmative action plan review in progress on Oct. 1, 1976 (Executive Order 11246).	1	10	
C. New preaward reviews on affirmative action plans (Executive Order 11246).	10	15	.9
Subtotal			5.4
III. Health and social services:			
Services:			
A. Completing reviews in progress on Oct. 1, 1976:			
1. Pregrant clearances (title VI)	10	.2	
2. State agency review (title VI)	1	36	.2
3. Other compliance review (title VI)	1	36	.2
B. New actions:			
1. Pregrant clearances (title VI)	172	.35	.4
Subtotal			.8
IV. Other institutions and agencies:			
Employment:			
A. Monitoring construction projects in plan areas (Executive Order 11246).	20	22	2.5
B. Preaward reviews of affirmative action plans (other than higher education institutions) (Executive Order 11246).	2	15	.2
Subtotal			2.7
Total, all compliance reviews			20.0
Recapitulation for compliance reviews and other activities:			
Services			16.4
Employment			3.6
Total, all compliance reviews			20.0

[1] The comprehensive urban, title IX, state administered schools, state voc/tech systems, and local voc/tech schools reviews also affect employment.
[2] Not available.
[3] Approximately 10 pct of the work under monitoring desegregating university systems relates to employment matters.

Office for Civil Rights, Department of Health, Education, and Welfare—proposed OCR annual operating plan for fiscal year 1977, region IV—summary of staffing, Sept. 15, 1976

	Number
I. Staff required to carry out the AOP (in person years):	
A. Investigative staff:	
1. Complaints (see p. 2 for details)	41
2. Compliance reviews and other activities (see pp. 3-5 for details)	15
Subtotal	56
B. Other professional staff:	
1. Supervisors (1 for every 6 investigators)	9
2. Managers (1 for every 6 supervisors)	1
3. Noninvestigative professionals and paraprofessionals (1 for every 20 investigators) for general correspondence, technical assistance, work with other HEW offices, public affairs and administrative activities	3
Subtotal	13
Total, professional staff	69
C. Clerical staff (1 for every 4 professionals)	17
Total, all staff	86
II. Positions available:	
A. Positions filled as of Aug. 31, 1976	82
B. Positions expected to be filled after Aug. 31, 1976:	
1. Permanent	7
2. Temporary	0
Total	89

NOTE.—The staff requirement in pt. I is less than the positions available in pt. II in order to provide time for the recruitment, processing, formal and on-the-job training of the new staff.

Proposed OCR annual operating plan for fiscal year 1977, region IV

COMPLAINT INVESTIGATIONS

[Pursuant to title VI, title IX, Public Health Service Act and Executive Order 11246]

	Inventory	Actions	Person days per action	Person years required
I. Backlogged complaints:				
A. Elementary and secondary education	63	63	20	5.6
B. Higher education	83	36	40	6.4
Subtotal	146	99		12.0
II. Carryover complaints:				
A. Elementary and secondary education	47	47	10	2.7
B. Higher education	44	44	28	6.9
C. Health and social services	41	41	11	2.4
D. Educational TV	5	5	14	.4
Subtotal	137	137		12.4
III. Fiscal year 1977 complaints:				
A. Elementary and secondary education	169	169	20	14.5
B. Higher education	50	[1] 9	40	1.6
C. Health and social services	60	[1] 2	15	.2
D. Educational TV	7			
Subtotal	286	180		16.3
Total, all complaints	569	416		40.7
Recapitulation:				
A. Elementary and secondary education	279	279		22.8
B. Higher education	177	89		14.9
C. Health and social services	101	43		2.6
D. Educational TV	12	5		.4
Total, all complaints	569	416		40.7

[1] Emergency complaints only.

COMPLIANCE REVIEWS AND OTHER ACTIVITIES

	Actions	Person days per action	Person years required
I. Elementary and secondary education: [1]			
Services:			
A. Completing reviews in progress on Oct. 1, 1976:			
1. ±20 pct district (title VI)	1	10	0.1
2. Title IX reviews	6	10	.3
3. State voc/tech system (VI, IX, 504)	1	100	.6
4. Local voc/tech school (VI, IX, 504)	1	10	.1
5. Other title VI reviews	26	2-10	.5
6. ESAA ineligible districts	12	10/20	1.2
Subtotal			2.8
B. New reviews:			
1. State voc/tech system (VI, IX, 504)	1	100	.2
2. Local voc/tech schools (VI, IX, 504)	4	20	.4
3. State administered schools (VI, IX, 504)	3	20	.2
4. ESAA ineligible districts	4	10/20	.2
Subtotal			1.0
C. Administrative hearings	25	20	2.6
Subtotal			6.4
II. Higher education: [2]			
Services:			
A. Monitoring desegregating university systems (title VI)	3	270	4.5
Employment:			
B. Completing affirmative action plan reviews in progress on October 1, 1976 (Executive Order 11246)	3	10	.2
C. New preaward reviews on affirmative action plans (Executive Order 11246)	4	15	.3
Subtotal			5.0
III. Health and social services:			
Services:			
A. Completing reviews in progress on October 1, 1976:			
1. Pregrant clearances (title VI)	79	2	.9
2. Other compliance reviews (title VI)	46	4	1.0
B. New actions:			
a. Pregrant clearances (title VI)	245	.35	.5
Subtotal			2.4

Footnotes at end of table.

REGION IV—*Compliance reviews and other activities*—Continued

	Actions	Person days per action	Person years required
IV. Other institutions and agencies:			
Employment:			
A. Monitoring construction projects in plan areas (Executive Order 11246)	8	22	1.0
B. Preaward review of affirmative action plan (other than higher education institutions) (Executive (Executive Order 11246)	1	15	.1
Subtotal			1.1
Total, all compliance reviews			14.9
Recapitulation for compliance reviews and other activities:			
Services			13.3
Employment			1.6
Total, all compliance reviews			14.9

[1] The title IX, State administered schools, State voc/tech systems and local voc/tech school reviews also affect employment.
[2] Approximately 10 pct of the work under monitoring desegregating university systems relates to employment matters.

Office for Civil Rights, Department of Health, Education, and Welfare—proposed OCR annual operating plan for fiscal year 1977, region V—summary of staffing, Sept. 15, 1976

I. Staff required to carry out the AOP (in person years):	
A. Investigative staff:	
1. Complaints (see p. 2 for details)	45
2. Compliance reviews and other activities (see pp. 3 and 4 for details)	16
Subtotal	61
B. Other professional staff:	
1. Supervisors (1 for every 6 investigators)	10
2. Managers (1 for every 6 supervisors)	2
3. Noninvestigative professionals and paraprofessionals. (1 for every 20 investigators) for general correspondence, technical assistance, work with other HEW offices, public affairs and administrative activities	3
Subtotal	15
Total, professional staff	76
C. Clerical staff (1 for every 4 professionals)	19
Total, all staff	95
II. Positions available:	
A. Positions filled as of Aug. 31, 1976	70
B. Positions expected to be filled after Aug. 31, 1976:	
1. Permanent	33
2. Temporary	10
Total	113

NOTE.—The staff requirement in pt. I is less than the positions available in pt. II in order to provide time for the recruitment, processing, formal and on-the-job training of the new staff.

Proposed OCR annual operating plan for fiscal year 1977, region V

COMPLAINT INVESTIGATIONS

[Pursuant to title VI, title IX, Public Health Service Act and Executive Order 11246]

	Inventory	Actions	Person days per action	Person years requ red
I. Backlogged complaints:				
A. Elementary and secondary education	97	97	20	8.7
B. Higher education	139	77	40	13.7
Subtotal	236	174		22.4
II. Carryover complaints:				
A. Elementary and secondary education	48	48	12	3.3
B. Higher education	29	29	30	4.9
C. Health and social services	6	6	9	.3
Subtotal	83	83		8.5
III. Fiscal year 1977 complaints:				
A. Elementary and secondary education	138	138	20	11.8
B. Higher education	70	[1] 13	40	2.5
C. Health and social services	16	[1] 3	15	.2
Subtotal	224	154		14.5
Total, all complaints	543	411		45.4
Recapitulation:				
A. Elementary and secondary education	283	283		23.8
B. Higher education	238	119		21.1
C. Health and social services	22	9		.5
Total, all complaints	543	411		45.4

[1] Emergency complaints only.

COMPLIANCE REVIEWS AND OTHER ACTIVITIES

	Actions	Person days per action	Person years required
I. Elementary and secondary education:[1]			
Services:			
A. Completing reviews in progress on Oct. 1, 1976:			
1. Lau reviews (title VI)	3	23	0.4
2. Comprehensive urban review (VI, IX and 504)	1	(2)	8.0
3. Other title VI reviews	2	37	.4
4. ESAA ineligible district	1		
Subtotal			8.8
B. New reviews:			
1. Local voc/tech schools	2	20	.2
2. ESAA ineligible districts	6	10	.3
Subtotal			.5
C. Administrative Hearings	3	40	.7
Subtotal			10.0
II. Higher education:			
Employment:			
A. Completing affirmative action plan reviews in progress on Oct. 1, 1976 (Executive Order 11246).	2	10	.1
B. New preaward reviews on affirmative action plans (Executive Order 11246).	8	15	.7
Subtotal			.8
III. Health and social services:			
Services:			
A. Completing reviews in progress on Oct. 1, 1976:			
1. State agency reviews	3	43	.4
B. New actions:			
1. Pregrant clearances (title VI)	894	.35	1.8
Subtotal			2.2
IV. Other institutions and agencies:			
Employment:			
A. Monitoring construction projects in plan areas (Executive Order 11246)	20	22	2.5
B. Preaward review of affirmative action plans (other than higher education institutions) (Executive Order 11246)	1	15	.1
Subtotal			2.6
Total, all compliance reviews			15.6
Recapitulation for compliance reviews and other activities:			
Services			12.2
Employment			3.4
Total, all compliance reviews			15.6

[1] The comprehensive urban and local voc/tech school reviews also affect employment.
[2] Not available.

Office for Civil Rights, Department of Health, Education, and Welfare—proposed OCR annual operating plan for fiscal year 1977, region VI—summary of staffing, Sept. 15, 1976

I. Staff required to carry out the AOP (in person years):	
A. Investigative staff:	
1. Complaints (see p. 2 for details)	63
2. Compliance reviews and other activities (see pp 3-5 for details)	35
Subtotal	98
B. Other professional staff:	
1. Supervisors (1 for every 6 investigators)	16
2. Managers (1 for every 6 supervisors)	3
3. Noninvestigative professionals and paraprofessionals (1 for every 20 investigators) for general correspondence, technical assistance, work with other HEW offices, public affairs and administrative activities	5
Subtotal	24
Total, professional staff	122
C. Clerical staff (1 for every 4 professionals)	30
Total, all staff	152
II. Positions available:	
A. Positions filled as of Aug. 31, 1976	70
B. Positions expected to be filled after Aug. 31, 1976:	
1. Permanent	80
2. Temporary	50
Total	210

NOTE.—The staff requirement in pt. I is less than the positions available in pt. II in order to provide time for the recruitment, processing, formal and on-the-job training of the new staff.

Proposed OCR annual operating plan for fiscal year 1977, region VI

COMPLAINT INVESTIGATIONS

[Pursuant to title VI, title IX, Public Health Service Act and Executive Order 11246]

	Inventory	Actions	Person days per action	Person years required
I. Backlogged compliants:				
A. Elementary and secondary education	159	159	20	14.1
B. Higher education	91	55	40	9.8
Subtotal	250	214		23.9
II. Carryover complaints:				
A. Elementary and secondary education	147	147	11	8.9
B. Higher education	10	10	31	1.7
C. Health and social services	16	16	9	.8
Subtotal	173	173		11.4
III. Fiscal year 1977 complaints:				
A. Elementary and secondary education	298	298	20	26.2
B. Higher education	42	[1] 7	40	1.5
C. Health and social services	62	[1] 3	15	.3
Subtotal	402	308		28.0
Total, all complaints	825	695		63.3
Recapitulation:				
A. Elementary and secondary education	604	604		49.2
B. Higher education	143	72		13.0
C. Health and social services	78	19		1.1
Total, all complaints	825	695		63.3

[1] Emergency complaints only.

COMPLIANCE REVIEWS AND OTHER ACTIVITIES

	Actions	Person days per action	Person years required
I. Elementary and secondary education: [1]			
Services:			
A. Completing reviews in progress on Oct. 1, 1976:			
1. Lau reviews (title VI)	25	19	2.6
2. ±20 percent districts (title VI)	5	5	.1
3. Title IX reviews	22	30	3.1
4. Other title VI reviews	18	36	3.5
5. ESAA ineligible districts	29	10/20	2.5
Subtotal			11.8
B. New reviews:			
1. Lau reviews (title VI)	61	40	10.4
2. ESAA ineligible districts	5	10	.1
Subtotal			10.5
C. Administrative hearings	42	20	4.3
Employment:			
D. Completing reviews in progress on Oct. 1, 1976:			
1. Teacher erosion cases (title VI)	22	3	.4
Subtotal			27.0
II. Higher education:			
Services:			
A. Monitoring desegregating university systems (title VI)	2	270	3.0
Employment:			
B. Completing affirmative action plan reviews in progress on Oct. 1, 1976 (Executive Order 11246)	7	10	.4
C. New preaward reviews on affirmative action plans (Executive Order 11246)	6	15	.5
Subtotal			3.9
III. Health and social services:			
Services:			
A. Completing reviews in progress on Oct. 1, 1976:			
1. Pregrant clearances (title VI)	14	0.35	
B. New actions:			
1. Pre-grant clearances (title VI)	114	0.35	.2
2. Departmental Indian health initiative (title VI)			.5
C. Health ease in litigation (title VI)			1.5
Subtotal			2.2
IV. Other institutions and agencies:			
Employment:			
A. Monitoring construction projects in plan areas (Executive Order 11246)	8	22	1.0
B. Preaward reviews of affirmative action plans (other than higher education institutions) (Executive Order 11246)	5	15	.4
Subtotal			1.4
Total, all compliance reviews			34.5
Recapitulation for compliance reviews and other activities:			
Services			31.8
Employment			2.7
Total, all compliance reviews			34.5

[1] The title IX reviews also affect employment.
[2] Approximately 10 percent of the work under monitoring desegregating university systems relates to employment matters.

Office for Civil Rights, Department of Health, Education, and Welfare—proposed OCR annual operating plan for fiscal year 1977, region VII—summary of staffing, Sept. 15, 1976

I. Staff required to carry out the AOP (in person years):	
A. Investigative staff:	
1. Complaints (see p. 3 for details)	17
2. Compliance reviews and other activities (see pp. 4 and 5 for details)	3
Subtotal	20
B. Other professional staff:	
1. Supervisors (1 for every 6 investigators)	3
2. Managers (1 for every 6 supervisors)	1
3. Noninvestigative professionals and paraprofessionals (1 for every 20 investigators) for general correspondence, technical assistance, work with other HEW offices, public affairs and administrative activities	1
Subtotal	5
Total, professional staff	25
C. Clerical staff (1 for every 4 professionals)	6
Total, all staff	31
II. Positions available:	
A. Positions filled as of Aug. 31, 1976	37
B. Positions expected to be filled after Aug. 31, 1976:	
1. Permanent	0
2. Temporary	0
Total	37

NOTE.—OCR projects that in fiscal year 1978 the work of this regional office will require a staff at least as large as the staff now employed. To avoid the lost time and expense which would be caused by a permanent transfer to staff to other regional offices and the subsequent refilling of these positions in fiscal year 1978, OCR will leave this office at its current level for fiscal year 1977. Staff members not required to carry out the activities stated in this plan will perform the following work: (1) Conducting complaint investigations and compliance reviews for the 6 regional offices now understaffed; (2) conducting higher education and health and social services investigations of complaints from this region which would otherwise be backlogged for investigation in fiscal year 1978; (3) conducting pilot reviews and investigations for the purpose of testing new compliance programs and procedures before they are introduced on a national basis in fiscal year 1978.

Proposed OCR annual operating plan for fiscal year 1977, region VII

COMPLAINT INVESTIGATIONS

[Pursuant to title VI, title IX, Public Health Service Act and Executive Order 11246]

	Inventory	Actions	Person days per action	Person years required
I. Backlogged complaints:				
A. Elementary and secondary education	34	34	20	3.0
B. Higher education	52	15	40	2.7
Subtotal	86	49		5.7
II. Carryover complaints:				
A. Elementary and secondary education				
B. Higher education	46	46	22	5.6
C. Health and social services	2	2	9	.1
Subtotal	48	48		5.7
III. Fiscal year 1977 complaints:				
A. Elementary and secondary education	45	45	20	4.1
B. Higher education	36	[1] 6	40	1.1
C. Health and social services	5	[1] 1	15	.1
Subtotal	86	52		5.3
Total, all complaints	220	149		16.7
Recapitulation:				
A. Elementary and secondary education	79	79		7.1
B. Higher education	134	67		9.4
C. Health and social services	7	3		.2
Total, all complaints	220	149		16.7

[1] Emergency complaints only.

COMPLIANCE REVIEWS AND OTHER ACTIVITIES

	Actions	Person days per action	Person years required
I. Elementary and secondary education:[1]			
Services:			
A. Completing reviews in progress on Oct. 1, 1976:			
1. Lau reviews (title VI)	2	20	0.2
2. Other title VI reviews	2	36	.4
Subtotal			.6
B. New reviews:			
1. State voc/tech system (VI, IX, 504)	1	100	.4
2. Local voc/tech schools (VI, IX, 504)	2	20	.1
3. State administered school (VI, IX, 504)	1	20	.1
4. ESAA ineligible districts	4	10	.2
Subtotal			.8
C. Administrative hearings	2	40	.4
Subtotal			1.8
II. Higher education:			
Employment:			
New preaward reviews on affirmative action plans (Executive Order 11246)	4	15	.4
III. Health and social services:			
Services:			
New actions: Pregrant clearances (title VI)	200	.35	.4
IV. Other institutions and agencies:			
Employment:			
A. Monitoring construction projects in plan areas (Executive Order 11246)	4	22	.5
B. Preaward reviews of affirmative action plans (other than higher education institutions) (Executive Order 11246)	1	15	.1
Subtotal			.6
Total, all compliance reviews			3.2
Recapitulation for compliance reviews and other activities:			
Services			2.2
Employment			1.0
Total, all compliance reviews			3.2

[1] The State administered school, state voc/tech system and local voc/tech school reviews also affect employment.

Office for Civil Rights, Department of Health, Education, and Welfare—proposed OCR annual operating plan for fiscal year 1977, region VIII—summary of staffing, Sept. 15, 1976

	Number
I. Staff required to carry out the AOP (in person years):	
A. Investigative staff:	
1. Complaints (see p. 3 for details)	11
2. Compliance reviews and other activities (see pp. 4 and 5 for details)	3
Subtotal	14
B. Other professional staff:	
1. Supervisors (1 for every 6 investigators)	2
2. Managers (1 for every 6 supervisors)	1
3. Noninvestigative professionals and paraprofessionals (1 for every 20 investigators) for general correspondence, technical assistance, work with other HEW offices, public affairs and administrative activities	1
Subtotal	4
Total, professional staff	18
C. Clerical staff (1 for every 4 professionals)	5
Total, all staff	23
II. Positions available:	
A. Positions filled as of Aug. 31, 1976	33
B. Positions expected to be filled after Aug. 31, 1976:	
1. Permanent	0
2. Temporary	0
Total	33

NOTE. OCR projects that in fiscal year 1978 the work of this regional office will require a staff at least as large as the staff now employed. To avoid the lost time and expense which would be caused by a permanent transfer of staff to other regional offices and the subsequent refilling of these positions in fiscal year 1978, OCR will leave this office at its current level for fiscal year 1977. Staff members not required to carry out the activities stated in this plan will perform the following work: (1) Conducting complaint investigations and compliance reviews for the 6 regional offices now understaffed. (2) conducting higher education and health and social services investigations of complaints from this region which would otherwise be backlogged for investigation in fiscal year 1978, (3) conducting pilot reviews and investigations for the purpose of testing new compliance programs and procedures before they are introduced on a national basis in fiscal year 1978.

Proposed OCR annual operating plan for fiscal year 1977, region VIII

COMPLAINT INVESTIGATIONS

[Pursuant to title VI, title IX, Public Health Service Act and Executive Order 11246]

	Inventory	Actions	Person days per action	Person years required
I. Backlogged complaints:				
A. Elementary and secondary education	10	10	20	1.0
B. Higher education	4	0		
Subtotal	14	10		1.0
II. Carryover complaints:				
A. Elementary and secondary education	16	16	14	1.2
B. Higher education	18	18	31	3.1
C. Health and social services	9	9	12	.6
Subtotal	43	43		4.9
III. Fiscal year 1977 complaints:				
A. Elementary and secondary	50	50	20	4.4
B. Higher education	10	[1] 2	40	.5
C. Health and social services	16	[1] 1	15	.1
Subtotal	76	53		5.0
Total, all complaints	133	106		10.9
Recapitulation:				
A. Elementary and secondary education	76	76		6.6
B. Higher education	32	20		3.6
C. Health and social services	25	10		.7
Total	133	106		10.9

[1] Emergency complaints only.

COMPLIANCE REVIEWS AND OTHER ACTIVITIES

	Actions	Person Days Per Action	Person Years Required
I. Elementary and secondary education division: [1]			
Services:			
A. Completing reviews in progress on Oct. 1, 1976:			
1. Title IX reviews	2	10	0.1
B. New reviews:			
1. Local voc/tech schools (VI, IX, 504)	2	20	.2
2. State administered schools (VI, IX, 504)	3	20	.3
3. ESAA ineligible districts	2		.1
Subtotal			.6
C. Administrative hearings	4	40	.9
Subtotal			1.6
II. Higher education:			
Employment:			
A. Completing affirmative action plan reviews in progress on Oct. 1, 1976 (Executive Order 11246)	4	10	.2
B. New preaward reviews on affirmative action plans (Executive Order 11246)	1	15	.1
Subtotal			.3
III. Health and social services:			
Services:			
New actions: 1. Pregrant clearances (title VI)	200	.35	.4
IV. Other institutions and agencies:			
Employment:			
Preaward reviews of affirmative action plans (other than higher education) (Executive Order 11246)	1	15	.1
Total, all compliance reviews			2.4
Recapitulation for compliance reviews and other activities:			
Services			2.0
Employment			.4
Total, all compliance reviews			2.4

[1] The title IX, State administered schools and local voc/tech school reviews also affect employment.

Office for Civil Rights, Department of Health, Education, and Welfare—proposed OCR annual operating plan for fiscal year 1977, region IX—summary of staffing, Sept. 15, 1976

	Number
I. Staff required to carry out the AOP (in person years):	
A. Investigative staff:	
1. Complaints (see p. 2 for details)	33
2. Compliance reviews and other activities (see pp. 3 and 4 for details)	35
Subtotal	68
B. Other professional staff:	
1. Supervisors (1 for every 6 investigators)	11
2. Managers (1 for every 6 supervisors)	2
3. Noninvestigative professionals and paraprofessionals (1 for every 20 investigators) for general correspondence, technical assistance, work with other HEW offices, public affairs and administrative activities	3
Subtotal	16
Total, professional staff	84
C. Clerical staff (1 for every 4 professionals)	21
Total, all staff	105
II. Positions available:	
A. Positions filled as of Aug. 31, 1976	70
B. Positions expected to be filled after Aug. 31, 1976:	
1. Permanent	37
2. Temporary	23
Total	130

[1] The staff requirement in pt. I is less than the positions available in pt. II in order to provide time for the recruitment, processing formal and on-the-job training of the new staff.

Proposed OCR annual operating plan for fiscal year 1977, region IX

COMPLAINT INVESTIGATIONS

[Pursuant to title VI, title IX, Public Health Service Act and Executive Order 11246]

	Inventory	Actions	Person days per action	Person years required
I. Backlogged complaints:				
A. Elementary and secondary education	85	85	20	7.7
B. Higher education	55	31	40	5.5
Subtotal	140	116		13.2
II. Carryover complaints:				
A. Elementary and secondary education	18	18	9	.9
B. Higher education	39	39	28	6.1
C. Health and social services	10	10	11	.6
Subtotal	67	67		7.6
III. Fiscal year 1977 complaints:				
A. Elementary and secondary education	109	109	20	10.5
B. Higher education	68	[1] 12	40	2.0
C. Health and social services	40	[1] 2	15	.1
Subtotal	217	123		12.6
Total, all complaints	424	306		33.4
Recapitulation:				
A. Elementary and secondary education	212	212		19.1
B. Higher education	162	82		13.6
C. Health and social services	50	12		.7
Total, all complaints	424	306		33.4

[1] Emergency complaints only.

COMPLIANCE REVIEWS AND OTHER ACTIVITIES

	Actions	Person days per action	Person years required
I. Elementary and secondary education:[1]			
Services:			
A. Completing reviews in progress on Oct. 1, 1976:			
1. Lau reviews (title VI)	90	8	3.9
2. Comprehensive urban reviews (VI, IX, and 504)	1	(2)	8.0
3. Title IX reviews	1	36	.2
4. Other title VI reviews	4	1	
5. ESSA ineligible reviews	1	10	.1
Subtotal			12.2
B. New reviews:			
1. Lau reviews (title VI)	90	40	16.0
C. Administrative hearings	6	40	1.3
Subtotal			29.5
II. Higher education:			
Employment: New preaward reviews of affirmative action plans (Executive Order 11246)	6	15	.6

REGION IX—*Compliance reviews and other activities*—Continued

	Actions	Person days per action	Person years required
III. Health and social services:			
Services:			
A. Completing reviews in progress on Oct. 1, 1976:			
1. Pregrant clearances (title VI)	20	.3	
2. State agency reviews (title VI)	4	26	.6
B. New actions:			
1. Pregrant clearances (title VI)	268	.35	.6
Subtotal			1.2
IV. Other institutions and agencies:			
Employment:			
A. Monitoring construction projects in plan areas (Executive Order 11246)	24	22	3.0
B. Preaward reviews of affirmative action plans (other than higher education institutions) (Executive Order 11246)	2	15	.2
Subtotal			3.2
Total, all compliance reviews			34.5
Recapitulation for compliance reviews and other activities:			
Services			30.7
Employment			3.8
Total, all compliance reviews			34.5

[1] The comprehensive urban and title IX reviews also affect employment.
[2] Not available.

Office for Civil Rights, Department of Health, Education and Welfare—proposed OCR annual operating plan for fiscal year 1977, region X—summary of staffing, Sept. 15, 1976

	Number
I. Staff required to carry out the AOP (in person years):	
A. Investigative staff:	
1. Complaints (see p. 3 for details)	15
2. Compliance reviews and other activities (see pp. 4 and 5 for details)	4
Subtotal	19
B. Other progessional staff:	
1. Supervisors (1 for every 6 investigstors)	3
2. Managers (1 for every 6 supervisors)	1
3. Noninvestigative professionals and paraprofessionals (1 for every 20 investigators) for general correspondence, technical assistance, work with other HEW offices, public affairs and administrative activities	1
Subtotal	5
Total, professional staff	24
C. Clerical staff (1 for every 4 professionals)	6
Total, all staff	30
II. Positions available:	
A. Positions filled as of Aug. 31, 1976	31
B. Positions expected to be filled after Aug. 31, 1976:	
1. Permanent	1
2. Temporary	0
Total	32

NOTE.—OCR projects that in fiscal year 1978 the work of this regional office will require a staff at least as large as the staff now employed. To avoid the lost time and expense which would be caused by a permanent transfer of staff to other regional offices and the subsequent refilling of these positions in fiscal year 1978, OCR will leave this office at its current level for fiscal year 1977. Staff members not required to carry out the activities stated in this plan will perform the following work: (1) Conducting complaint investigations and compliance reviews for the 6 regional offices now understaffed; (2) conducting higher education and health and social services investigations of complaints from this region which would otherwise be backlogged for investigation in fiscal year 1978; (3) conducting pilot reviews and investigations for the purpose of testing new compliance programs and procedures before they are introduced on a national basis in fiscal year 1978.

Proposed OCR annual operating plant for fiscal year 1977, region X

COMPLAINT INVESTIGATIONS

[Pursuant to title VI, title IX, Public Health Service Act and Executive Order 11246]

	Inventory	Actions	Person days per action	Person years required
I. Backlogged complaints:				
A. Elementary and secondary education	19	19	20	1.8
B. Higher education	41	22	40	4.0
Subtotal	60	41		5.8
II. Carryover complaints:				
A. Elementary and secondary education	69	69	11	4.4
B. Higher education	12	12	18	1.2
C. Health and social services	6	6	6	.2
Subtotal	87	87		5.8
III. Fiscal year 1977 complaints:				
A. Elementary and secondary education	34	34	20	2.9
B. Higher education	20	[1] 3	40	.4
C. Health and social services	12	[1] 1	15	.1
Subtotal	66	38		3.4
Total, all complaints	213	166		15.0
Recapitulation:				
A. Elementary and secondary education	122	122		9.1
B. Higher education	73	37		5.6
C. Health and social services	18	7		.3
Total, all complaints	213	166		15.0

[1] Emergency complaints only.

COMPLIANCE REVIEWS AND OTHER ACTIVITIES

	Actions	Person days per action	Person years required
I. Elementary and secondary education: [1]			
Services:			
A. Completing reviews in progress on Oct. 1, 1976:			
1. Lau reviews (title VI)	5	28	0.8
2. Title IX reviews	3	20	.3
3. Other title VI review	1	29	.2
Subtotal			1.3
B. New reviews:			
1. Local voc/tech schools (VI, IX, 504)	2	20	.2
2. State administered schools (VI, IX, 504)	2	20	.2
3. ESAA ineligible districts	2	10	.1
Subtotal			.5
C. Administrative hearings	2	40	.4
Subtotal			2.2
II. Higher education:			
Employment:			
New preaward reviews of affirmative action plans (Executive Order 11246)	2	15	.2
III. Health and social services:			
Services:			
New actions: 1. Pregrant clearances (title VI)	75	0.35	.2
IV. Other institutions and agencies:			
Employment:			
A. Monitoring construction projects in plan areas (Executive Order 11246)	8	22	1.0
B. Preaward reviews of affirmative action plans (other than higher education institutions) (Executive Order 11246)	1	15	.1
Subtotal			1.1
Total, all compliance reviews			3.7
Recapitulation for compliance reviews and other activities:			
Services			2.4
Employment			1.3
Total, all compliance reviews			3.7

[1] The title IX, local voc/tech schools, and State administered school reviews also affect employment.

NATIONAL PLAN FOR COMPLIANCE ACTIVITIES IN ELEMENTARY AND SECONDARY EDUCATION

The Office for Civil Rights, Department of Health, Education, and Welfare, hereby announces that it will conduct its civil rights enforcement responsibilities, as they relate to institutions and systems of elementary and secondary education, on a nationwide basis in accordance with the provisions of the National Plan set forth below.

The National Plan incorporates the applicable definitions, procedures and timeframes developed by the Department in the course of the lawsuit *Adams* v. *Mathews* and adopted therein by court order. _____ F. Supp. _____ (D.C. D.C., June 14, 1976). The National Plan, however, is broader in scope than the Adams Order in two respects. The Adams Order addresses only the enforcement of Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 and pertains only to elementary and secondary school systems in 17 southern and border states. In order to promote a uniform and balanced approach to its civil rights efforts, the Office for Civil Rights has determined to apply the appropriate provisions of the Adams Order to its activities affecting the same institutions in all fifty states. Additionaly, the Office will apply the terms of the National Plan to its investigations of discrimination against the physically and mentally handicapped, pursuant to section 504 of the Rehabilitation Act of 1973. It should be noted, however, that pending the issuance of a final regulation for section 504, the Office for Civil Rights will not make a finding of noncompliance in those situations in which the activity giving rise to a complaint under section 504 is not a clear violation of the statute and the clarification provided by the implementing regulation is necessary for a recipient to be properly informed of its responsibilities.

As set forth in paragraph 18 of the National Plan, prior to the commencement of each fiscal year, the Office for Civil Rights will publish its annual operating plan identifying the number and type of investigations to be conducted by the ten regional civil rights offices within the timeframes established in the National Plan. Public comment on the annual operating plan will be solicited and after such comment is received and evaluated, OCR will publish a final annual plan. The proposed annual operating plan for FY 77 is being published concurrently with this plan.

It is our present intention to develop an additional plan, similar in purpose and design to this Plan, covering postsecondary education. That plan will be published in the FEDERAL REGISTER as soon as it is available.

I. DEFINITIONS

For purposes of this plan:

1. A "complaint" is defined as a written allegation that an elementary and secondary school level (including state-administered vocational and other schools) recipient of Department of Health, Education, and Welfare (HEW) funds has violated Title VI of the Civil Rights Act of 1964 (herein "Title VI"), Title IX of the Education Amendments of 1972 (herein "Title IX"), Section 504 of the Rehabilitation Act of 1973 (herein "Section 504"), or Regulations promulgated thereunder. A "complete complaint" is one which identifies in writing: (a) the complainant by name and address; (b) those injured by the alleged discrimination; (c) the names and addresses of those claiming injury where they number three or fewer persons; (d) the institution or individual alleged to have discriminated by name and address; (e) the approximate date or dates on which the alleged discriminatory acts occurred; and (f) sufficient information concerning the alleged discrimination to permit HEW to commence an investigation.

2. A "compliance review" is an investigation or review (other than one limited to the investigation of a specific complaint) of an elementary and secondary school level recipient undertaken by HEW in order to determine whether the recipient is in compliance with Title VI, Title IX, or Section 504. Compliance reviews will also include reviews of state-administered schools, and post-grant reviews of a recipient undertaken by HEW pursuant to the Emergency School Aid Act of 1972.

II. PROCEDURES FOR HANDLING COMPLAINTS

3. Within 15 calendar days of receipt of a complaint HEW will notify the complainant in writing whether the complaint is complete and of the timeframes and procedures applicable to the processing of a complaint. If the complaint is complete, the date when the investigation of the complaint is scheduled to begin will be set forth. If the complaint is not complete, HEW will notify the complainant of the elements of a complete complaint, the particular elements missing in the complaint filed, the information and steps needed to complete the complaint and the date by which further information necessary to complete the complaint must be received. HEW will also notify the complainant of the right to request written, preliminary findings of the investigation and of the specific facts upon which such findings are based, and of the right to request a copy of all HEW's correspondence to the recipient pertaining to HEW's determination with respect to the complaint as to whether a violation has occurred.

4. Upon receipt of a complete complaint, HEW will notify the recipient in writing of the nature of the complaint, the time frames and procedures for processing complaints, and, if an on-site investigation is contemplated, the date scheduled for the investigation of the complaint.

5. During the investigation of the complaint, HEW will contact the complainants and witnesses having information relevant and material to determining whether a violation has occurred, and afford complainants a full opportunity to present all evidence in support of the complaint. On request, HEW will also inform complainants in writing of the preliminary findings of the investigation and of the specific facts upon which the preliminary findings are based, and afford complainants an opportunity to present additional evidence prior to resolution of the complaint.

6. Once HEW determines whether a violation has occurred, it will notify the complainant of the determination, and upon request, will provide the complainant with a copy of all its correspondence sent to the recipient pertaining to HEW's determination with respect to the complaint. HEW will inform complainants of any negotiations for proposed corrective action and afford complainants an opportunity to comment thereon. If corrective action is secured, HEW will notify complainants of the corrective action taken.

7. If a complaint has been determined to be incomplete, and the complaint is not completed within 60 days from the receipt of the original complaint, HEW will promptly notify the complainant in writing that the complaint will be closed because of incompleteness unless the complaint is completed within an additional 120 days of the notification. Requests to resubmit complaints which were closed because of incompleteness will be granted by the Director of the Office for Civil Rights or its designee for good cause shown.

III. TIME FRAMES CONCERNING COMPLAINTS

8. HEW will investigate and resolve all complaints within the following time frames:

a. Within 15 calendar days of receipt of a complaint, HEW shall determine whether it is complete as defined in paragraph 1 above.

b. *Complete Complaints.* (1) If the initial complaint is complete, HEW shall conduct a prompt investigation and determine whether a violation has occurred. Such finding will be made in writing within 105 days from receipt of the complaint.

(2) If a violation has occurred, HEW will seek corrective action through negotiations. If such corrective action is not secured within 195 days of receipt of the complaint, HEW will initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law no later than 225 days after receipt of the complaint.

c. *Incomplete Complaints.* (1) Upon receipt of the completed complaint, HEW will conduct a prompt investigation to determine whether a violation has occurred. Such finding will be made no more than 90 days from receipt of the completed complaint.

(2) If HEW determines that a violation has occurred, it will seek corrective action through negotiation. If such corrective action is not secured within 180 days after receipt of the completed complaint, HEW will initiate formal enforce-

ment action no later than 210 days after receipt of the completed complaint.

9. Emergency Complaints. (a) If a complete complaint alleges facts which indicate that injury of an emergency nature (such as loss of job or removal from school) is likely to occur or has occurred, and that an expedited investigation and prompt remedial action is likely to prevent the injury from occurring or is likely to minimize the harm which has occurred, HEW will determine the merits of the complaint within 60 days of its receipt. If a violation has occurred, HEW will seek corrective action within 60 additional days. If corrective action cannot be secured, HEW will initiate formal enforcement action no later than 150 days after receipt of the complaint.

(b) When a complaint is incomplete and alleges facts which indicate that the discriminatory injury may be of an emergency nature as defined in paragraph 9(a), HEW will attempt to secure, within 15 days from receipt of the original complaint, additional information required to complete the complaint. Thereafter, upon completion of the complaint, HEW will follow the procedures in paragraph 9(a) above if the facts alleged show it is an emergency complaint, or paragraph 8 above if the complaint alleges facts which do not require emergency time frames.

IV. Witness Unavailability Caused By Summer Recess

10. If a witness whose testimony is material and relevant to the allegation is unavailable by reason of a summer recess, so that HEW is unable to complete an investigation within the time frames specified in paragraphs 8 or 9 as applicable, or a compliance review within the time frame specified in paragraph 12, HEW will notify the complainant that such time frame cannot reasonably be met. HEW will also provide a specified date for completion of the investigation, or review, which will be no more than 60 days after the end of such summer recess (30 days for emergency complaints).

V. Excessive Complaint Workload Exception

11. When the Director of the Office for Civil Rights determines that the resources in any region of OCR are inadequate to comply with paragraph 8 above, the Director may, on a temporary basis, authorize exceptions to the time frames governing the processing of complaints in that region in accordance with the following conditions:

(a) Not more than 20 percent of the complaints received in any fiscal year will be excepted from processing in accordance with paragraph 8 above.

(b) Complaints of an emergency nature, as defined in paragraph 9 above, will not be excepted from processing in accordance with the time frames established in paragraph 9.

(c) HEW will select non-emergency complaints for exception to the time frames by subject category (Title VI—race; Title VI—national origin; Title IX; Section 504) in proportion to the number of non-emergency complaints in each category received in the previous fiscal year.

(d) In each quarter of the fiscal year following the fiscal year during which the temporary suspension of complaint time frames occurred, HEW will eliminate at least 25 percent of the backlog created by the temporary suspension in accordance with the following conditions:

(1) HEW will process complaints received in that quarter according to the time frames set forth in paragraphs 8 or 9 above;

(2) Additionally, in each quarter of the fiscal year, HEW will process at least 25 percent of the backlog of complaints existing at the beginning of the fiscal year in accordance with the time frames set forth in paragraph 8. In eliminating the backlog, HEW will take up backlogged complaints in the chronological order in which they were received.

(3) One-half of the backlogged complaints so processed will be considered received on the first day of each quarter in which they are processed, and one-half of the backlogged complaints so processed will be considered received on the 45th day of the quarter in which they are processed.

VI. Compliance Review Time Frames

12. (a) Within 90 days of the date that a compliance review commences, HEW will determine whether the recipient is in compliance with its civil rights responsibilities which are the subject of the review. If the recipient is not in compliance, HEW will attempt to secure voluntary compliance within 180 days of the commencement of the review. If compliance cannot be secured voluntarily, HEW will initiate formal enforcement action proceedings within 210 days of the commencement of the review. If an on-site investigation is scheduled, the time frames set forth in this paragraph will run from the date that OCR investigators commence the investigation at the site of the recipient institution.

(b) In exceptional cases, not to exceed 10 percent or 10 of the compliance reviews scheduled for a fiscal year, whichever is larger, the Director may determine that the time frames in subparagraph (a) cannot be met because of unusual circumstances and may specify an additional period of time within which the review will be completed.

13. In the course of the compliance review, HEW will afford parents, students, and employees of the recipient a full opportunity within 45 days of the commencement of the review, or such further time as the Director may designate in accordance with paragraph 12 (b) above, to present information to HEW regarding the subject matter under review.

VII. ESAA Districts

14. When a recipient seeking assistance under the Emergency School Aid Act of 1972 (herein "ESAA") is found ineligible for assistance by HEW because of a civil rights violation, HEW will enforce Title VI in accordance with the following schedule:

(a) Within 45 days from the date that a local school district is found ineligible for federal funding under ESAA, if the school district does not apply for a waiver, or within 30 days from the date that a local school district is denied a waiver of ineligibility for federal funding under ESAA, HEW will communicate with the school district and require that it present evidence to explain or rebut the presumption that it is in non-compliance with Title VI. HEW will require that such explanation or rebuttal be submitted within an additional 30 days, that is, 75 days after the date that the school district is found ineligible for ESAA or within 60 days after the date that a local school district is denied a waiver of ineligibility for ESAA.

(b) If it is determined that a school district has not presented evidence which explains or rebuts the presumption of non-compliance with Title VI, HEW will seek compliance through voluntary means for an additional period not to exceed 80 days;

(c) If such voluntary compliance is not secured, HEW will initiate formal enforcement action within 185 days after a school district is found ineligible for federal funding under ESAA or within 170 days after a school district has been denied a waiver of ineligibility for federal funding under ESAA.

15. In all ESAA post-grant reviews which HEW conducts, HEW will review the recipients' compliance with Title VI and Title IX within the time frames set forth in paragraph 14 above.

VIII. Fiscal Year 1977

16. HEW projects that it will have a substantial backlog of complaints on October 1, 1976, the date that fiscal year 1977 commences. HEW will eliminate the backlog during fiscal year 1977 as follows:

(a) In each quarter of fiscal year 1977, HEW will process the complaints received in that quarter in accordance with the time frames set forth in Part III above;

(b) In addition, in the first quarter of fiscal year 1977, HEW will process 10 percent of the backlog existing on October 1, 1976; in the second quarter of fiscal year 1977, HEW will process 30 percent of that backlog; in the third quarter, HEW will process 30 percent of that backlog; and in the fourth quarter, the remaining 30 percent. All such backlogged complaints will be processed in accordance with the time frames set forth in Part III above.

(c) Backlogged complaints to be investigated shall be selected in proportion

to the number of complaints received in each subject category (i.e., Title VI—race; Title VI—national origin; Title IX; Section 504) in each region in the previous fiscal year.

(d) Within each subject category, HEW will take up the backlogged complaints in the chronological order in which they were received. One-half of the backlogged complaints so processed will be considered received on the first day of each quarter in which they are processed, and one-half of those backlogged complaints will be considered received on the 45th day of the quarter in which they are processed.

IX. Complaints Alleging Discrimination on More Than One Ground

17. When a complaint alleges discrimination on more than one ground (e.g., on the basis of both race and sex), the complaint will be counted as a proportional fraction of a complaint for each subject category (i.e., Title VI—race; Title VI—national origin; Title IX; Section 504) in which it falls.

X. Publishing Annual Plans

18. Each year at least 60 days in advance of the fiscal year commencing with fiscal year 1978, HEW will publish a proposed annual operating plan for the coming fiscal year permitting members of the public to comment thereon. HEW will publish a proposed operating plan for fiscal year 1977 as early as possible in advance of the coming fiscal year. After public comment has been received and evaluated, HEW will publish a final annual plan by the close of the first quarter of the fiscal year.

XI. Surveys of School Districts

19. In the first quarter of fiscal year 1977, HEW intends to conduct a survey of 100% of all elementary and secondary schools which receive or benefit from federal financial assistance. HEW also intends to conduct such surveys in alternate fiscal years with submissions due in October. Such surveys shall request the submission of information and data adequate to determine which compliance reviews will be conducted, and to facilitate the processing of complaints and the identification of possible Civil Rights violations. In the years when such surveys are not conducted, HEW intends to require that all school districts maintain such information and data. HEW will require each surveyed school district to keep copies of completed surveys on file and make them available to the public on request. For those years that such surveys are submitted to HEW, it will also make the surveys which it collects available to the public on request.

XII. Notice to Public

20. Within a reasonable time after the effective date of this document, HEW will publish in English and Spanish and disseminate to members of the general public, forms and instructions which will facilitate the filing of complete complaints but the use of such forms will not be mandatory.

[FR Doc.76-27597 Filed 9-22-76;8:45 am]

Office of Education

TITLE I—AUDIT APPEAL

Acceptance of Application for Appeal

Notice is hereby given that, pursuant to the Notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972, as amended by 41 FR 28568, July 12, 1976), an application for an appeal before the Board has been received from the State of North Carolina and it has met the jurisdictional requirements of Section 5 of the Notice establishing the Board. The appeal involves the allowability of specified expenditures of funds under the Title I Elementary and Secondary Education Act program from July 1, 1965, through February 28, 1970, by the State Education Agency. The amount involved in the subject audit appeal is $554,961. The LEA's involved are Edgecombe County, Halifax County, Martin County and Winston-Salem/Forsyth County. (Audit Control No. 20001-03, Docket 6-(8)-74).

The prehearing conference will be held at 10:30 a.m. on November 16, 1976, in Room 4173, 400 Maryland Avenue, S.W., Washington, D.C.

Section 7 (c) of the Notice setting up the Board provides:

(c) *Intervention by third parties.* (1) Interested third parties may, upon application to the Board Chairman, intervene in proceedings conducted under this notice. Such application must indicate to the satisfaction of the Board Chairman that the intervenor has information relative to the specific issues raised by the final audit determination and that such information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subparagraph (1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine other witnesses, and to be represented by counsel.

All such applications for intervention will be considered if received on or before November 1, 1976.

(20 U.S.C. 241a, 1232c.)

(Catalog of Federal Domestic Assistance Numbers 13.427, Educationally Deprived Children—Handicapped (P.L. 89-313); 13.428, Educationally Deprived Children—Local Educational Agencies; 13.429, Educationally Deprived Children—Migrants; 13.430, Educationally Deprived Children—State Administration; 13.431, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children.)

Dated: September 17, 1976.

William F. Pierce,
Acting U.S. Commissioner of Education.

[FR Doc.76-27898 Filed 9-22-76;8:45 am]

TITLE I AUDIT APPEAL

Acceptance of Application for Appeal

Notice is hereby given that, pursuant to the Notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972, as amended by 41 FR 28568, July 12, 1976), an application for an appeal before the Board has been received from the State of Mississippi and it has met the jurisdictional requirements of Section 5 of the Notice establishing the Board. The appeal involves the allowability of specified expenditures of funds under the Title I Elementary and Secondary Education Act program from July 1, 1969, through January 31, 1973, by the State Education Agency. The amount involved in the subject audit appeal is $1,363,665. The LEA's involved are Bolivar, Jefferson Davis, Madison, Greenwood, Quitman Consolidated, Hinds, Lawrence, Tate, Coffeeville Consolidated, North Panola Consolidated and Tunica Counties. (Audit Control No. 50003-04, Docket 1-(16)-76).

The prehearing conference will be held at 10:30 a.m. on November 30, 1976, in Room 4173, 400 Maryland Avenue, S.W., Washington, D.C.

Section 7(c) of the Notice setting up the Board provides:

(c) Intervention by third parties. (1) Interested third parties may, upon application to the Board Chairman, intervene in proceedings conducted under this notice. Such application must indicate to the satisfaction of the Board Chairman that the intervenor has information relative to the specific issues raised by the final audit determination and that such information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subparagraph (1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine other witnesses, and to be represented by counsel.

All such applications for intervention will be considered if received on or before November 15, 1976.

(20 U.S.C. 241a, 1232c.)

(Catalog of Federal Domestic Assistance Numbers 13.427, Educationally Deprived Children—Handicapped (Pub. L. 89-313); 13.428, Educationally Deprived Children—Local Educational Agencies; 13.429, Educationally Deprived Children — Migrants; 13.430, Educationally Deprived Children—State Administration; 13.431, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children.)

Dated: September 17, 1976.

William F. Pierce,
Acting U.S. Commissioner of Education.

[FR Doc.76-27899 Filed 9-22-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 150]

ASSIGNMENT OF HEARINGS

SEPTEMBER 20, 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 19227 (Sub No. 224), Leonard Bros. Trucking Co., Inc. now assigned September 24, 1976 at Dallas, Texas is now cancelled, application dismissed.

MC 128273 (Sub No. 218), Midwestern Distribution, Inc. now assigned December 2, 1976 at San Francisco, California is cancelled, application dismissed.

MC 138253 (Sub-No. 2), Monfort Transportation Company, now assigned September 27, 1976, at Denver, Colo. is postponed indefinitely.

MC 111729 (Sub No. 571), Purolator Courier Corp. now assigned October 16, 1976 at Omaha, Nebraska and will be held in the Lincoln Room, Omaha Hilton Hotel, 1616 Dodge Street.

MC 119792 (Sub No. 54), Chicago Southern Transportation Company now assigned December 9, 1976 at Chicago, Illinois is cancelled, application dismissed.

MC 118468 (Sub-No. 45), Umthun Trucking Co., now assigned September 20, 1976, at New Orleans, La. is canceled and application dismissed.

MC 120657 (Sub-No. 6), Dugan Truck Line, Inc., now being assigned November 9, 1976, (1 day), at Topeka, Kansas, in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-27953 Filed 9-22-76;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 20, 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 on or before October 8, 1976.

FSA No. 43237—*Vinyl Chloride from Geismar, Louisiana.* Filed by Southwestern Freight Bureau, Agent, (No. B-633), for interested rail carriers. Rates on vinyl chloride, in tank-car loads, as described in the application, from Geismar, Louisiana, to Burlington, Flemington and Stevens, N.J.

Grounds for relief—Market competition.

Tariff—Supplement 12 to Southwestern Freight Bureau, Agent, tariff 12-J, I.C.C. No. 5219. Rates are published to become effective on October 16, 1976.

FSA No. 43238—*Wooden Dowels from Montoya, Texas.* Filed by Southwestern Freight Bureau, Agent, (No. B-625), for interested rail carriers. Rates on dowels, wooden, painted, lacquered or shellacked, in carloads, as described in the application, from Montoya, Texas, to points in southern territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 23 to Southwestern Freight Bureau, Agent, tariff SW/S-196-D, I.C.C. No. 5140. Rates are published to become effective on October 23, 1976.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.76-27954 Filed 9-22-76;8:45 am]

[Notice 32]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before October 26, 1976. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76565, filed May 4, 1976. Transferee: A. E. Wilcox & Sons Trucking, Inc., 302 Gale Street, Watertown, N.Y. 13601. Transferor: Arthur E. Wilcox and Mary O. Wilcox doing business as A. E. Wilcox & Sons Trucking, 302 Gale Street, Watertown, N.Y. 13601. Applicant's representative: Anderson Wise, Attorney-at-Law, 216 Washington St., Watertown, N.Y. 13601. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC-133284, issued May 7, 1970, as follows: Newsprint, from points in New York located on the United States-Canada Boundary line, to Cleveland, Ohio. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-76580, filed June 16, 1976. Transferee: Pasquale Corso, 79 Glen Road, Cranston, Rhode Island 02910. Transferor: Angelo Del Sordo, doing business as Del's Transportation Company, 7 Summer St., New Bedford, Mass. 02719. Applicant's representative: Warren Boothman, 131 Airport Road, Warwick, Rhode Island 02889. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC-118056 and Sub-No. 2 and Sub-No. 5, issued by the Commission, December 23, 1960, May 16, 1966 and June 18, 1973, respectively, as follows: Bananas, from New York, N.Y., and Weehawken, N.J., to Providence, R.I., and New Bedford, Mass.; bananas, from Port Newark, N.J., to Providence, R.I.; and bananas, from Albany, N.Y., and Baltimore, Md., to Providence, R.I. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-76644, filed August 25, 1976. Transferee: McClay Incorporated, 10602 Horton Avenue, Downey, California 90241. Transferor: PCP Transportation Company, a corporation, 9500 South Norwalk Blvd., Santa Fe Springs, California 90670. Applicants' representative: Herbert Johnson, 10602 Horton Avenue, Downey, California 90241. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in permits Nos. MC 119241, MC 119241 (Sub-No. 1), MC 119241 (Sub-No. 2), MC 119241 (Sub-No. 3), MC 119241 (Sub-No. 5), and MC 119241 (Sub-No. 6), issued July 1, 1960, April 13, 1962, October 19, 1964, July 9, 1964, July 7, 1968, and May 26, 1969, respectively, as follows: Clay pipe, from Santa Fe Springs, Corona and Stockton, Calif., to points in Arizona, Nevada and the Los Angeles Harbor, Calif., Commercial Zone; concrete utility vaults and burial vaults, from Santa Ana, Calif., to points in Arizona and Nevada; brick and flue lining, from Alberhill and Santa Fe Springs, Calif., to points in Arizona, Nevada, and the Los Angeles Harbor, Calif., Commercial Zone; sacked fire clay, from Santa Fe Springs, Calif., to points in Arizona, Nevada, and the Los Angeles Harbor, Calif., Commercial Zone; returned shipments of clay pipe, and clay

pipe fittings, brick flue lining and sacked fire clay, from Phoenix, Ariz., to Santa Fe Springs, Corona, Stockton, and Alberhill, Calif.; clay tile, from points in the Los Angeles Harbor, Calif., Commercial Zone, to points in California, Arizona, and Nevada; and clay pipe, from Santa Fe Springs and Stockton, Calif., to points in Arizona, Nevada, and the Los Angeles Harbor, Calif., Commercial Zone. Transferee persently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76647, filed August 27, 1976. Transferee: J. Ronald Evans doing business as P. & E. Trucking, 1463 Anderson Road, Pittsburgh, Pa. 15209. Transferor: J. Ronald Evans and Paul C. Plunkard doing business as P. & E. Trucking, 1463 Anderson Road, Pittsburgh, Pa. 15209. Applicants' representative: Arthur J. Disken, Attorney-at-Law, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 140041, issued August 27, 1976, as follows: Pulpboard and fiberboard, from the facilities of Stone Container Corp., at Coshocton, Ohio, to Greensburg, Pa.; and waste cardboard and waste paper, from the facilities of Davidow Sons Co., at Pittsburgh, Pa. to Coshocton, Ohio. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76659, filed September 9, 1976. Transferee: Schmidt Furniture & Moving Co., Inc., 3356 North Green Bay Avenue, Milwaukee, Wisconsin 53212. Transferor: Elliott Van & Storage Co., Inc., 1526 North 31st Street, Milwaukee, Wisconsin 53208. Applicants' representative: David Gerlach, Attorney at Law, 140 North Avenue, Hartland, Wisconsin 53029. Authority sought for purchase by transferee o fthe operating rights of transferor, as set forth in Certificate No. MC 80279, issued October 2, 1959, as follows: Household goods, as defined by the Commission, between points in Milwaukee County, Wis., on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76678, filed July 30, 1976. Transferee: L.B.D., INC., doing business as Associated Freight Lines, 841 Folger Avenue, Berkeley, California 94710. Transferor: Best-Way Freight Lines of Arizona, 841 Folger Avenue, Berkeley, California 94710. Applicants' representative: Marvin Handler, Attorney at Law, 100 Pine Street, San Francisco, California 94111. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates Nos. MC 57254 (Sub-No. 11) and MC 57254 (Sub-No. 13), issued June 24, 1970 and July 21, 1976, respectively, as follows: General commodities, with exceptions, over regular routes, between specified points in California, serving all intermediate points. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC-FC-76684, filed September 10, 1976. Transferee: Ronald Shreiner, R.D. #1, Lebanon, Pennsylvania 17042. Transferor: Glenn H. Brower, South Hills, Lewistown, Pennsylvania 17044. Applicants' representative: John M. Musselman, Attorney at Law, P.O. Box 1146, 410 North Third Street, Harrisburg, Pennsylvania 17108. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 128801 issued April 4, 1975, as follows: Fresh and frozen meats, from points in Iowa (except Denison, Sioux City, and Dubuque), Kansas, Missouri (except Rockport), Nebraska (except Scottsbluff), and South Dakota, to Philadelphia, Pa.; and from Scottsbluff, Nebr., Denison and Sioux City, Iowa, and Rockport, Mo., to Philadelphia, Pa. The operations authorized are limited to a transportation service to be performed under a continuing contract, or contracts, with Servetnick & Sons, of Philadelphia, Pa. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76693, filed August 9, 1976. Transferee: Spartan Express, Inc., a South Carolina Corporation, I-85 & Highway 101, P.O. Box 529, Greer, South Carolina 29651. Transferor: Spartan Express, Inc., a North Carolina Corporation, I-85 & Highway 101, P.O. Box 529, Greer, South Carolina 29651. Applicants' representative: George W. Clapp, Registered Practitioner, 109 Hartsville Street, P.O. Box 836, Taylors, South Carolina 29687. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-62824, issued January 5, 1976, as follows: General commodities, with exceptions, between points in North Carolina, South Carolina, Augusta, Ga., and Danville, Va., restricted against the transportation of motion picture film, supplies and commodities used in the operation of motion picture theatres when transported to or from places of exhibition. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76702, filed August 11, 1976. Transferee: Daryle Lamonica Freight Lines, Inc., 6621 Arctic Spur Road, Anchorage, Alaska 99501. Transferor: Arctic Motor Freight, Inc., Box 6243, Anchorage, Alaska 99502. Applicants' representatives: John M. Stern, Jr., Attorney at Law, P.O. Box 1672, Anchorage, Alaska 99510. Joseph G. Dail, Jr., Attorney at Law, P.O. Box 567, McLean, Virginia 22101. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates Nos. MC 118452 (Sub-No. 2) and MC 118452 (Sub-No. 5), issued December 28, 1964 and September 18, 1968, respectively, as follows: General commodities, with exceptions, between points in Alaska, except points east of an imaginary line constituting a southward extension of the United States (Alaska)-Canada (Yukon Territory) Boundary line other than Haines, Alaska, and between points in Alaska (except points in Zone 1 other than Haines, Alaska); commodities in bulk, between points in Zone 3 (only when utilized in the construction, repairing or removal of private or public facilities or structures), between points in Zone 5 (except Zone 5A), and between points in Zone 5 (except Zone 5A) on the one hand, and, on the other, points in Zones 3 and 4; and Drilling mud compounds, in bulk, between points in Alaska. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC-FC-76707, filed August 18, 1976. Transferee: Hipkins Truck Service, Inc., 1445 City Line Avenue, Suite 1B, Overbrook Hills, Pennsylvania 19151. Transferor: Lewis O. Hipkins, Jr., doing business as Hipkins Truck Service, 1124 E. Palmer Street, Philadelphia, Pennsylvania 19125. Applicants' representative: Z. Edward Heller, Attorney at Law, 515 Swede Street, Norristown, Pennsylvania 19401. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC-3889 issued May 25, 1954, as follows: General commodities, with exceptions, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., Baltimore, Md., and points in Delaware and New Jersey, limited to a service wherein motor vehicles accompanied by drivers employed by the said carrier and who operate such vehicles, are assigned shippers under continuing contract, for such exclusive use of such shippers in transporting such shipper's property. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC-FC-76719, filed August 26, 1976. Transferee: Raymond L. Shaffer, doing business as Raymond L. Shaffer Trucking, R.D. #2, New Providence, Pennsylvania 17560. Transferor: Charles A. Sensenig, R.D. #1, Parkesburg, Pennsylvania 19365. Applicants' representative: Michael A. Georgelis, Esq., 11th Floor, Griest Building, 8 N. Queen Street, Lancaster, Pennsylvania 17603. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-134393 issued August 21, 1974, as follows: Feed, from Linfield, Pa., to Baltimore, Md., and

points in New Jersey, and Delaware within 50 miles of Linfield, Pa.; fertilizer, from Baltimore, Md., to Linfield, Pa., and points in Chester County, Pa.; and fertilizer, in bulk, in spreader-type vehicles, and in bags, in van-type vehicles, from Downingtown, Pa., to points in Delaware, Maryland, and New Jersey, within 50 miles of Downingtown, Pa. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76726, filed September 2, 1976. Transferee: Graham Transfer, Inc., Rt. 2, Main Street, Linden, Tennessee 37096. Transferor: J. C. Beasley, Rt. 2, Main Street, Linden, Tennessee 37096. Applicants' representative: Roland M. Lowell, Attorney at Law, 618 United American Bank Building, Nashville, Tennessee 37219. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-140123 (Sub-No. 2), issued March 17, 1976, as follows: Railroad ties, and railroad crossing blank, from points in Trigg County, Ky., to points in Illinois, Indiana, Mississippi, and Tennessee; and from points in Dickson, Hickman, Humphreys, Lawrence, Lewis, Perry, Wayne, and Williamson Counties, Tenn., to points in Kentucky, Illinois, and Indiana. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76728, filed September 14, 1976. Transferee: William F. Frerichs and Robert L. Frerichs, a partnership, doing business as Frerichs Freight Lines, 209 Clara, Belleville, Illinois 62221. Transferor: Laura W. Frerichs, doing business as Frerichs Freight Lines, 120 North 30th Street, Belleville, Illinois 62221. Applicants' attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Missouri 63101. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC 9411 and MC 9411 (Sub-No. 2), issued April 28, 1958 and March 11, 1969, respectively, as follows: General commodities, with specified exceptions, over irregular routes, between St. Louis, Mo., on the one hand, and, on the other, Moro, Litchfield, Hillsboro, Panama, Trenton, and Belleville, Ill.; and pulpboard and fibreboard containers, from the plantsite of the Weyerhaeuser Company at Belleville, Ill., to Evansville, Ind., and points in Missouri (except St. Louis and Kansas City, Mo., and points in their respective commercial zones as defined by the Commission). Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-27955 Filed 9-22-76;8:45 am]

[Volume No. 49]

PERMANENT AUTHORITY PETITIONS AND APPLICATIONS

Permanent authority petitions and applications; finance matters (including temporary authorities); railroad abandonments; alternate route deviation letter-notices; and intrastate applications concurrently seeking authority on interstate or foreign commerce.

SEPTEMBER 17, 1976.

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner in no representative is named.

No. MC 30844 (Sub-No. 553) (Notice of filing of petition to remove restriction) filed August 31, 1976. Petitioner: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, Iowa 50704. Petitioner's representative: Thomas J. Beener (same address as applicant). Petitioner holds a motor *common carrier* Certificate in No. MC 30844 (Sub No. 553), issued June 14, 1976, authorizing transportation over irregular routes, of *medical and surgical supplies*, in vehicles equipped with mechanical refrigeration, from Broken Bow, Holdredge, Columbus, and Santee Indian Reservation at or near Niobrara, Nebr., to Atlanta, Ga.; Dallas, Tex.; and Parsipanny, N.J. By the instant petition, petitioner seeks to delete the restriction "in vehicles equipped with mechanical refrigeration" from the above authority.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

The following grants of operating rights authorities are republished by Order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR § 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 123361 (Sub-No. 2) (Republication) filed November 26, 1975, and published in the FEDERAL REGISTER issue of January 15, 1976, and republished this issue. Applicant: CANTWELL MOTOR SERVICE, INC., 1718 Pontiac Rd., East St. Louis, Ill. 62203. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. An Supplemental Order of the Commission, Review Board Number 3, dated July 23, 1976, and served August 3, 1976, finds that the present and future public convenience and necessity require operaiton by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, transporting, *Meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in sections A, B, and C to Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), between St. Louis, Mo., on the one hand, and, on the other, points in Vigo, Sullivan, Knox, Gibson, Posey, and Vanderburgh Counties, Ind., points in Peoria, Woodford, Tazewell, and McLean Counties, Ill., and those points in Illinois on and south of U.S. Highway 136, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is (1) to broaden applicant's commodity description to include "dairy products"; and (2) to indicate applicant's commodity exception.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL

REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 720 (Sub-No. 15) (Correction) filed July 19, 1976, published in the FEDERAL REGISTER issue of August 26, 1976, and republished as corrected this issue. Applicant: BIRD TRUCKING COMPANY, INC., Box 227, Waupun, Wis. 53968. Applicant's representative: Anthony C. Vance, 1300 Old Chain Bridge Road, McLean, Va. 22101. Authority sought to opearte as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in wholesale, retail, chain grocery, and food business houses (except commodities in bulk), between Hodgkins, Ill., on the one hand, and, on the other, points in Brown, Calumet, Columbia, Dane, Dodge, Door, Fond du Lac, Green, Green Lake, Jefferson, Kenosha, Kewaunee, Manitowoc, Marquette, Milwaukee, (except Milwaukee, Wis. and points within its commercial zone), Outagamie, Ozaukee, Portage, Racine, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago and Wood Counties, Wis., restricted to traffic originating at or destined to facilities of Couzens warehouse & Distributors, Inc., Hodgkins, Ill.

NOTE.—The purpose of this republication is to correct the above requested authority. If a hearing is deemed necessary, the applicant requests it be held in either Milwaukee, Wis. or Washington, D.C.

No. 2368 (Sub-No. 59) filed August 17, 1976. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Rd., P.O. Box 495, Richmond, Va. 23204. Applicant's representative: William T. Marshburn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils, animal oil products, byproducts and blends*, in bulk, in tank vehicles, between Portsmouth, Va., on the one hand, and, on the other, points in Delaware, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Richmond, Va.

No. MC 2860 (Sub-No. 151), filed August 6, 1976. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Robert W. Gerson, 1400 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, building wall* and *insulating board materials, plastic products and materials, mineral wool* and *mineral wool products, insulated air ducts, insulating materials, glass fibre rovings and strands, and glass fibre mats and matting* (except commodities in bulk), From the plant sites, storage and warehouse facilities of Certain-Teed Products Corporation located in Clarke County, Ga., to points in Delaware, Illinois, Maryland, Missouri, New Jersey, Ohio, Pennsylvania and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 4405 (Sub-No. 534) (Partial Correction), filed July 22, 1976 published in the FEDERAL REGISTER issue of August 26, 1976, republished as corrected this issue. Applicant: DEALERS TRANSIT, INC., 220 E. 170th Street, Lansing, Ill. 60438. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *tractors*, in secondary movements, in driveaway service when drawing trailers and trailer chassis in initial movements, from Opole, Minn., to points in Arizona, Nevada, Oregon and Vermont.

NOTE.—The purpose of this partial republication is to correct the commodity description in part (2) of this proceeding. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 5619 (Sub-No. 6), filed August 2, 1976. Applicant: CLEVELAND GENERAL TRANSPORT CO., INC., 1 Van Street, Staten Island, N.Y. 10310. Applicant's representative: Edward F. Bowes, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum and gypsum products, and materials and supplies*, used in the installation and distribution thereof, from the plantsite and warehouse of Georgia-Pacific Corporation, at or near Wilmington, Del., to points in Maine, New Hampshire, Ohio, Vermont and West Virginia; and (2) *plasterboard joint system, and materials and supplies*, used in the installation and distribution thereof, from the plantsite and warehouse of Georgia-Pacific Corporation, at or near Milford (Caroline County), Va., to points in Maine, New Hampshire, Vermont and West Virgina, under contract with Georgia-Pacific Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 8515 (Sub-No. 11) filed August 20, 1976. Applicant: TOBLER TRANSFER, INC., P.O. Box 339, Peru, Ill. 61354. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment), (1) Serving the plantsite and facilities of Outboard Marine Corporation, located at Beloit, Wis., as an off-route point in connection with applicant's presently authorized operations; and (2) Between Beloit, Wis., and Rockford, Ill., serving no intermediate points; From Beloit, Wis., over U.S. Highway 51 to Rockford, Ill., and return over the same route, restricted to the transportation of shipments originating at to destined to the plantsite and facilities of Outboard Marine Corporation, located at Beloit, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 10955 (Sub-No. 14) filed August 17, 1976. Applicant: RENNER MOTOR LINES, INC., 622 West Waterloo Road, Akron, Ohio 44314. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber and rubber*

products, from the plantsite of Rex-Hide, Inc. located at or near Grafton, W. Va., to points in Maryland, Ohio and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 11207 (Sub-No. 376) filed August 10, 1976. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, 702 World Center Building, 918 Sixteenth Street, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel*, from Gulfport, Miss., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn. or Birmingham, Ala.

No. MC 11207 (Sub-No. 377) filed August 26, 1976. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-electric reflective traffic control products, glass abrasive products, and equipment, machinery, materials and supplies* used in the manufacture thereof, (except commodities in bulk and commodities which because of size or weight require the use of special equipment), between the plantsites and warehouses of Cataphote Division, Ferro Corporation, located at or near Flowood, Rankin County, Miss., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, North Carolina, Oklahoma, South Carolina, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss. or Birmingham, Ala.

No. MC 11220 (Sub-No. 149) filed July 19, 1976. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, P.O. Box 59, Memphis, Tenn. 38101. Applicant's representative: James J. Emigh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Chattanooga, Tenn. and Atlanta, Ga., serving Chattanooga and Atlanta for purposes of joinder only, and serving all intermediate and off-route points in that part of Georgia on and west of a line beginning at the Georgia-Florida state line and extending along U.S. Highway 41 to Atlanta, Ga., and thence along U.S. Highway 29 to the Georgia-South Carolina state line, except Atlanta and points in Carroll, Clayton, Cobb, DeKalb, Douglas, Fulton and Haralson Counties, Ga.: From Chattanooga, Tenn. over U.S. Highway 41 (also Interstate Highway 75) to Atlanta, Ga., and return over the same route, restricted such that the regular route operations proposed above shall not be severable, by sale or otherwise, from the regular and irregular route authority described in MC-11220 (Sub-No. 134).

NOTE.—The authority sought to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. Applicant states that it presently holds authority to serve all of the points involved in this proceeding. The sole purpose of this application is to secure authority to perform service through Chattanooga, Tenn. and Atlanta, Ga., in serving the involved points. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn., or Washington, D.C.

No. MC 26396 (Sub-No. 134) filed August 10, 1976. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, Box 990, Livingston, Mont. 59047. Applicant's representative: Larry E. Waters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, plastic and iron fittings and connections, valves, hydrants, and gaskets and related commodities* used in the installation of plastic pipe and conduit, from the facilities of Clow Corporation, located at or near Columbia, Mo., to points in the United States in and west of Iowa, Kansas, Nebraska, Oklahoma, Texas and Wisconsin.

NOTE.—Applicant holds contract carrier authority in No. MC 136777 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont.

No. MC 26396 (Sub-No. 135) filed August 12, 1976. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, Box 990, Livingston, Mont. 59047. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials*, and *supplies and accessories* used in the installation thereof, from the plantsite of Royal Brand Roofing, Inc., located at or near Phillipsburg, Kans., to points in Idaho, Montana, Utah and Wyoming.

NOTE.—Applicant holds contract carrier authority in No. MC 136777 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 26825 (Sub-No. 14), filed August 23, 1976. Applicant: ANDREWS VAN LINES, INC., Seventh and Park Avenue, P.O. Box 1609, Norfolk, Nebr. 68701. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous scrap metal*, from points in Iowa, Illinois, Minnesota, Missouri, Kansas, North Dakota, South Dakota, Wisconsin and Wyoming, to the plantsite of Nucor Steel Division, of Nucor Corporation, located at or near Norfolk, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 29613 (Sub-No. 8), filed July 23, 1976. Applicant: JAYNE'S MOTOR FREIGHT, INC., 860 North Avenue, East, Elizabeth, N.J. 07201. Applicant's representative: Robert W. Hagemann (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), (1) between Newark, N.J., on the one hand, and, on the other, points in Dutchess, Orange and Putnam Counties, N.Y.; and (2) between points in Dutchess, Orange, and Putnam Counties, N.Y., on the one hand, and, on the other, points in Connecticut, west of U.S. Highway 5, including points on the indicated portion of the highway specified.

NOTE.—Applicant states it proposes: (a) to tack (1) and (2) above with each other at Dutchess, Orange and Putnam Counties, N.Y., to provide service between points in Newark, N.J., on the one hand, and on the other, points in Connecticut west of U.S. Highway 5, including points on the indicated portion of the highway specified; (b) to tack the requested authority above with its existing authority in MC 29613 at Newark, N.J., to provide service on the requested commodities between points in Dutchess, Orange and Putnam Counties, N.Y., on the one hand, and, on the other, points in Passaic, Bergen, Essex, Hudson, Union, Morris, Sussex, Somerset, Hunterdon, Middlesex, Monmouth, Mercer, and Ocean Counties, N.J.

(c) to tack the above requested authority with its existing authority in MC 29613 at Newark, N.J., to provide service on the requested commodities between points in Dutchess, Orange and Putnam Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the New Jersey-New York State line at Jersey City, N.J., and extending along U.S. Highway 1 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 70, thence along New Jersey Highway 70 through Camden, N.J., thence along the New Jersey-Pennsylvania State line, to the New York State line (except Point Pleasant, Bay Head, and Lakewood, N.J., and points in Monmouth County, N.J., on and east of U.S. Highway 9; (d) to tack the requested authority above with its existing authority in MC 29613 (Sub-No. 2) at Newark, N.J., to provide service on the requested commodities between points in Dutchess, Orange, and Putnam Counties, N.J., on the one hand, and, on the other points in Warren County, N.J.; (e) to tack the requested authority above with its existing authority in MC 29613 (Sub-No. 3) at Newark, N.J., to provide service on the requested commodities between points in Dutchess, Orange and Putnam Counties, N.Y., on the one hand, and on the other points in that part of Burlington County, N.J., on and north of New Jersey Highway 70. Common control may be involved. If a hearing is

deemed necessary, the applicant requests it be held at either Newark, N.J. or New York, N.Y.

No. MC 30204 (Sub-No. 35), filed August 10, 1976. Applicant: HEMINGWAY TRANSPORT INC., 438 Dartmouth Street, New Bedford, Mass. 02742. Applicant's representative: Thomas M. Auchincloss, Jr., 918 16th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Printing, scrap, and waste paper*, between the plantsite and warehouse facilities of Crane & Co., located at or near Dayton, Mass. and the U.S. Treasury Department Bureau of Engraving and Printing located at or near the District of Columbia serving no intermediate points: (1) from Dalton, Mass. over U.S. Highway 7 to junction U.S. Highway 90, thence over U.S. Highway 90 to junction U.S. Highway 91, for the purposes of joinder only; and (2) from Dalton, Mass. over U.S. Highway 20 to junction U.S. Highway 9, thence over U.S. Highway 9 to junction U.S. Highway 90, thence over U.S. Highway 90 to junction U.S. Highway 87, thence over U.S. Highway 87 to junction New Jersey State Highway 17, thence over New Jersey State Highway 17 to junction U.S. Highway 80, thence over U.S. Highway 80 to junction U.S. Highway 95, thence over U.S. Highway 95 to junction U.S. Highway 495, thence over U.S. Highway 495 to junction U.S. Highway 295 to the District of Columbia and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 572), filed August 2, 1976. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: Larry Strickler, 2125 Commercial Street, Waterloo, Iowa 50702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants, and foodstuffs* (except hides and commodities in bulk), from the plant site and/or warehouse facilities utilized by Geo. A. Hormel & Co. located at or near Knoxville, Iowa, to points in Michigan, New York, Ohio, and Pennsylvania, restricted to traffic originating at the named origin and destined to the named states; and (2) *meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment, and supplies* (except hides and commodities in bulk), from points in Michigan, New York, Ohio, and Pennsylvania, to the plant site and/or warehouse facilities utilized by Geo. A. Hormel & Co. located at or near Knoxville, Iowa, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Washington, D.C.

No. MC 35807 (Sub-No. 61), filed August 30, 1976. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: D. E. Wells (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency*, between Richmond, Va., Charlotte, N.C., Baltimore, Md., and the District of Columbia, under a continuing contract, or contracts, with Department of the Treasury, Bureau of Government Financial Operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 50307 Sub-No. 81), filed August 30, 1976. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York City, N.Y. 10001. Applicant's representative: Herbert Burstein, 2373 One World Trade Center, New York, N.Y. 10048. Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* and *materials, supplies and equipment* used in the manufacture of wearing apparel, between Blairstown, N.J. and points in Pennsylvania, New York and New Jersey.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 54444 (Sub-No. 6), filed August 12, 1976. Applicant: MAIN EXPRESS & STORAGE CO., 5938 S. 13 St., Milwaukee, Wis. 53221. Applicant's representative: Rolfe E. Hanson, 121 W. Doty St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between General Mitchell Field, Milwaukee County, Wis., and points within Racine, Kenosha, Waukesha, Washington and Ozaukee Counties, Wis., restricted to shipments having an immediately prior or subsequent movement by air.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 64932 (Sub-No. 564), filed August 10, 1976. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: Carl L. Steiner, 39 LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Maleic anhydride*, in bulk, in tank vehicles, from the plantsite of Ashland Chemical Company, at or near Neal, W. Va., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 64932 (Sub-No. 566), filed August 17, 1976. Applicant: ROGERS CARTAGE COMPANY, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: Carl L. Steiner, 39 South La Salle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Therminol*, in bulk, in tank vehicles, from the facilities of Findett Services, Inc., located at St. Charles, Mo., to the facilities of Goodyear Tire & Rubber Co. located at Mt. Pleasant, W. Va.; and (2) *re-claimed therminol*, in bulk, in tank vehicles, from the facilities of Goodyear Tire & Rubber Co. located at Mt. Pleasant, W. Va., to the facilities of Findett Services, Inc. located at St. Charles, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 78118 (Sub-No. 28), filed August 11, 1976. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, Pa. 17602. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products and materials, equipment, supplies and advertising matter* relating thereto, from the plantsite and warehouses of Hulburt Oil & Grease Co. located at Philadelphia, Pa., to points in that part of West Virginia on and north of U.S. Highway 50 and, points in that part of Ohio on and south of U.S. Highway 30 and points on and east of Interstate Highway 77.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 82492 (Sub-No. 136), filed August 6, 1976. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Rd., Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Bradford, Karns City and Petrolia, Pa., to points in Illinois and Indiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 82841 (Sub-No. 184), filed August 6, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Rd., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel footwalks*, from Gulfport, Miss., to points in Alabama, Florida, Georgia, Louisiana, Mississippi and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn. or New Orleans, La.

No. MC 82841 (Sub-No. 185), filed August 6, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Rd., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Union City, Ga., to points in Indiana, New Jersey, New York, Ohio and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 82841 (Sub-No. 187), filed August 6, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha. Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Rd., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, from Austin, Tex., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Austin, Tex.

No. MC 82841 (Sub-No. 192), filed August 16, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pre-cut buildings, supplies and materials* used in the erection and construction thereof; and (2) *building sections and building panels*, from the plantsite of Pan Abode, Inc. located at or near Reneton, Wash., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 82841 (Sub-No. 193), filed August 24, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precast and prestressed concrete products, precast aggregate panels, and precast brick panels;* and (2) *commodities* used in the manufacture and distribution of the commodities in (1) (except commodities in bulk), (1) from Douglas and Sarpy Counties, Nebr., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, and South Dakota; and (2) from points in the states mentioned in (1) above to Douglas and Sarpy Counties, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 89723 (Sub-No. 64), filed July 29, 1976. Applicant: MISSOURI PACIFIC TRUCK LINES, INC. (MPTL), 210 No. 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robt. S. Davis, 2008 Missouri Pacific Building, 210 North 13th Street, St. Louis, Mo. 63103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, serving (1) the plantsite and facilities of the Wolf Creek Generating Plant located at or near New Strawn, Kans., as an off-route point in connection with applicant's presently authorized regular route operations; (2) alternate routes for operating convenience only serving no intermediate points as follows: (A) between the junction of U.S. Highway 169 and Interstate Highway 35, located at or near Olathe, Kans. and the site of the Wolf Creek Generating Plant at or near New Strawn, Kans.: from the junction of U.S. Highway 169 and Interstate Highway 35, at or near Olathe, Kans., over Interstate Highway 35 to junction with U.S. Highway 75, thence over U.S. Highway 75 to junction with access road to the Wolf Creek Generating Plant located at or near New Strawn, Kans., thence over said access road to the site of the Wolf Creek Generating Plant; and (B) between the junction of Kansas Highway 57 and U.S. Highway 75 and the Wolf Creek Generating Plant located at or near New Strawn, Kans.: from the junction of Kansas Highway 57 and U.S. Highway 75 over Highway 75 to the access road to the site of the Wolf Creek Generating Plant, thence over said access road to the site of the Wolf Creek Generating Plant and return over the same routes, restricted (1) to auxiliary or supplemental service to the Missouri Pacific Railroad Company, (2) shipments may be handled at motor carrier rates on Missouri Pacific Truck Lines, Inc., billing.

Substitution of Missouri Pacific Railroad Company rail services for motor service is authorized between points which cannot be served by highway because of restrictions in this Certificate. No rail traffic shall be transported by carrier in all-highway service at a rate lower than if it had moved on a motor carrier bill of lading, (3) no shipments shall be transported by said carrier as a common carrier by motor vehicle between any of the key points, or through or to or from more than one of the said points presently restricted in its existing certificates, (4) all contractual arrangements between the said carrier and the said railroad shall be reported to this Commission and shall be subject to revision, if the Commission finds it to be necessary, in order that such arrangements shall be fair and equitable to the parties, and (5) such further conditions as the Commission, in the future, may find necessary to impose in order to insure that said carrier's operations by vehicle are restricted to service which is auxiliary to, or supplemental of, the rail service of the said railroad.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Wichita, Kans.

No. MC 93840 (Sub-No. 23), filed August 11, 1976. Applicant: W. W. GLESS, d/b/a GLESS BROS., P.O. Box 216, Blue Grass, Iowa 52726. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, from Buffalo, Iowa to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa or Chicago, Ill.

No. MC 93903 (Sub-No. 12), filed August 13, 1976. Applicant: ANDERSON'S TRUCKING CORPORATION, P.O. Box 709, Englishtown, N.J. 07726. Applicant's representative: Nathaniel H. Yohalem, Sutton Metro Park, Woodbridge, N.J. 07095. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete poles, light and telephone poles, connectors, grout* and *other accessories* used in the installation thereof, between East Brunswick, N.J. and points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, under a continuing contract or contracts with Interpace Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 94350 (Sub-No. 365), filed July 22, 1976. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, in sections, mounted on wheeled undercarriages, from points in Adams, Elkhart, Henry, Kosciusko, and Marshall Counties, Ind., to points in Colorado, Connecticut, Delaware, Illinois, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode, Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary the applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 960), filed August 13, 1976. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, and *articles distributed by meat packinghouses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Land O'Frost, Inc., located in Searcy, Ark., to points in the United States (except Alaska and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary the applicant requests it be held at either Chicago, Ill., or Washington, D.C. and/or Tampa, Fla.

No. MC 99213 (Sub-No. 20), filed August 11, 1976. Applicant: VIRGINIA FREIGHT LINES, North Main St., Kilmarnock, Va. 22482. Applicant's representative: J. S. Venable, P.O. Box 728, Kilmarnock, Va. 22482. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish solubles*, in tank trailers, from Cambridge, Md., to points in New York, North Carolina, Pennsylvania, and Virginia.

NOTE—If a hearing is deemed necessary, the applicant requests it be held at Baltimore, Md. or Washington, D.C.

No. MC 100666 (Sub-No. 329), filed August 13, 1976. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products*, and *forest and wood products*, from points in Oregon and Washington to points in and east of Colorado, Nebraska, New Mexico, North Dakota and South Dakota.

NOTE—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo., or Dallas, Tex.

No. MC 102616 (Sub-No. 921), filed August 11, 1976. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillon Road, P.O. Box 5555, Akron, Ohio 44313. Applicant's representative: David E. McAllister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mucosa*, in bulk, in tank vehicles, from points in Iowa, Illinois, Indiana, Kentucky, North Carolina, Ohio, Tennessee, Virginia and Wisconsin, to Franklin, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Chicago, Ill.

No. MC 104523 (Sub-No. 64), filed August 23, 1976. Applicant: HOUSTON TRUCK LINE, INC., P.O. Box 17, Friend, Nebr. 68359. Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bentonite, processed clay and foundry molding sand treating compound* (except in bulk, in other than pneumatic tank vehicles), from Belle Fourche, S. Dak., and Upton, Wyo., to points in Colorado, Illinois, Kansas, Missouri, Nebraska, Oklahoma, and Texas; and (2) *bentonite, processed clay and lignite*, from Lovell, Wyo., to points in Colorado, Illinois, Kansas, Missouri, Nebraska, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 106398 (Sub-No. 753), filed August 11, 1976. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pickup trucks, trucks, and mini-vans* in secondary movements, in truckaway service, from the plant sites and warehouse facilities of Midas International Corp., and its Divisions located at points in Elkhart County, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 106398 (Sub-No. 754), filed August 23, 1976. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass reinforced plywood panels*, from Washington Court House, Ohio, to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Idaho, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Cincinnati, Ohio.

No. MC 106674 (Sub-No. 204), filed August 9, 1976. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk), from the warehouse and storage facilities utilized by GAF Corporation, located in Vanderburg County, Ind., to points in Arkansas, Illinois, Kentucky, Mississippi, Missouri, North Carolina, Ohio, Tennessee, Virginia and West Virginia, restricted to the transportation of traffic originating at and destined to the above-named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 106674 (Sub-No. 207), filed August 12, 1976. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonis* from Walton, Ind. to points in Michigan and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Indianapolis, Ind.

No. MC 107012 (Sub-No. 228) (Correction), filed July 15, 1976, published in the FR issue of August 19, 1976, republished as corrected this issue. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sporting goods and recreational and physical fitness equipment, and games and toys*, from Newark, N.J., and Compton, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of this republication is to indicate the origin point as being Newark, N.J. in lieu of Newark, N.Y.

No. MC 107295 (Sub-No. 823), filed August 9, 1976. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials*, and *siding* (except iron and steel, and except commodities in bulk), from Pulaski County, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 107295 (Sub-No. 824), filed August 16, 1976. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard and paper*, from Nashville, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107478 (Sub-No. 25), filed August 27, 1976. Applicant: OLD DOMINION FREIGHT LINE, P.O. Box 2006, High Point, N.C. 27261. Applicant's representative: J. T. Coon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and fruit and flavored drinks* (except in bulk, in tank vehicles), from Spartanburg, S.C., to points in Alabama, Florida, Georgia, Maryland, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Greenville, S.C. or Washington, D.C.

No. MC 107496 (Sub-No. 1043), filed August 18, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sewage, sewage sludge, and water*, in bulk, from Rothschild, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or St. Paul, Minn.

No. MC 107515 (Sub-No. 1021), filed August 11, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30329. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sensitized blueprint* and *reproductive paper* in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in Alabama, Florida, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee.

NOTE.—Applicant holds contract carrier authority in MC 126436 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or St. Paul, Minn.

No. MC 108449 (Sub-No. 396), filed August 11, 1976. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Barnesville and Benson, Minn., to points in Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 109064 (Sub-No. 31), filed August 26, 1976. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., 3301 East Loop, 820 South, P.O. Box 367, Fort Worth, Tex. 76112. Applicant's representative: J. G. Dail, Jr., 6810 Fleetwood Road, P.O. Box 567, McLean, Va. 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and facilities of National Pipe and Tube Company, a division of National Steel Corporation, located in Liberty County, Tex., to points in the United States (except Alaska, Hawaii, and Texas); and (2) *materials, equipment and supplies* used in the manufacture, processing, and distribution of iron and steel articles (except commodities in bulk), from points in the United States (except Alaska, Hawaii, and Texas) to the plantsite and facilities of National Pipe and Tube Company, a division of National Steel Corporation, located in Liberty County, Tex., restricted to traffic originating at or destined to the plantsite and facilities of National Pipe and Tube Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston or Dallas, Tex.

No. MC 109365 (Sub-No. 40) (Amendment), filed July 28, 1976, published in the FEDERAL REGISTER issue of September 2, 1976, and republished as amended this issue. Applicant: RONALD A. PATTERSON, doing business as ANTHONY & PATTERSON TRUCK LINE, P.O. Box 15, Ashdown, Ark. 71822. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products and wood pulp;* and (2) *materials and supplies* used in the manufacture or conversion of those commodities specified in (1) above, between points in Washington and West Feliciana Parishes, La., on the one hand, and on the other, points in the United States (except Alaska and Hawaii), restricted in (1) and (2) above against the transportation of commodities in bulk, in tank vehicles.

NOTE.—The purpose of this republication is to modify the commodity and territorial description. If a hearing is deemed necessary, the applicant requests it be held at either New Orleans or Baton Rouge, La.

No. MC 109397 (Sub-No. 337), filed August 5, 1976. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock crusher equipment*, from the plantsite of Hewitt-Robbins, Inc., located in Richland County, S.C., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charleston, S.C. or Washington, D.C.

No. MC 109397 (Sub-No. 338), filed August 12, 1976. Applicant: TRI-STATE MOTOR TRANSIT CO., Business I-44, 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: *Uranium hexafluoride (UF 6)*, between Sargents, Ohio and Apollo, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 109533 (Sub-No. 79), filed August 13, 1976. Applicant: OVERNITE TRANSPORTATION COMPANY, 1000 Semmes Ave., Richmond, Va. 23224. Applicant's representative: Eugene T. Liipfert, 1660 L St., NW., Suite 1100, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, tranpsorting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Armstrong Cork Company, located at or near East Hempfield Township, Pa., as an off-route point in connection with carrier's presently authorized regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lancaster, Pa. or Washington, D.C.

No. MC 109689 (Sub-No. 301), filed August 17, 1976. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State St., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, from Gila County (Tonto Basin), Ariz., to points in Salt Lake, Davis, Tooele, Box Elder and Weber Counties, Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 110410 (Sub-No. 19), filed August 9, 1976. Applicant: BENTON BROS. FILM EXPRESS, INC., 168 Baker Street, NW., Atlanta, Ga. 30313. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Atlanta, Conyers, Lithonia, Norcross, Stone Mountain and Tucker, Ga.; Jacksonville, Tampa, Orlando and Miami, Fla., on the one hand, and, on the other, points in Florida; points in Georgia on and south of U.S. Highway 278 between Augusta and Union Point (except Union Point), south of U.S. Highway 278 between Union Point and Atlanta, Ga., and east of U.S. Highway 19; and Charlotte, N.C.; New Orleans, La., and Florence, Ala., restricted against the transportation of packages or articles weighing more than 100 pounds each or weighing in the aggregate, more than 350 pounds, from one

consignor to one consignee on any one day.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga. or Tampa or Miami, Fla.

No. MC 110525 (Sub-No. 1165), filed August 12, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Maleic Anhydride*, in bulk, in tank vehicles, from the plantsite of Ashland Chemical Company, located at Neal, W. Va., to points in Indiana, New Hampshire, New York and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 1166), filed August 20, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Copperhill, Tenn., to points in that part of Mississippi on and north of Interstate Highway 20.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 110563 (Sub-No. 184) (Correction) filed July 8, 1976, published in the FEDERAL REGISTER issue of August 19, 1976, republished as corrected this issue. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food produets, and food ingredients* in mechanically refrigerated equipment (except in bulk), from the plant and warehouse facilities owned and operated by Archer Daniels Midland Company, located in Decatur, Ill.; also, shipping products for Wilsey Foods, Inc., and others to points located in Colorado, Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia.

NOTE.—The purpose of this republication is to indicate applicant's correct name, which was previously published in error. If a hearing is deemed necessary, the applicant request it be held at either Chicago, Ill., or St. Louis, Mo.

No. MC 110988 (Sub-No. 335) filed August 16, 1976. Applicant SCHNEIDER TANK LINES, INC., 200 West Cecil St., Neenah, Wis. 54956. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chromic acid solution*, in bulk, from Ripley, Tenn., to Milwaukee, Wis.; (2) *nitric acid*, in bulk, from Henderson, Ky. and Louisiana, Mo., to Milwaukee, Wis.; and (3) *sulphuric acid*, in bulk, from Fort Madison and Dubuque, Iowa, to Milwaukee, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 111170 (Sub-No. 233) filed August 9, 1976. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, 2811 N. West Ave., El Dorado, Ark. 71730. Applicant's representative: Don A. Smith, P.O. Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Vinyl Bromide*, in bulk, from Ethyl Corp. plant, at Magnolia, Ark., to Williamsburg, Va.; (B) *asphalt and asphalt emulsions*, in bulk, from Springdale, Ark., to points in Kansas, Missouri and Oklahoma; and (C) *liquid feed supplement*, in bulk, from Sallisaw, Okla., to points in Arkansas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 111397 (Sub-No. 117) filed August 9, 1976. Applicant: DAVIS TRANSPORT, INC., 1345 South 4th Street, Paducah, Ky. 42001. Applicant's representative: H. S. Melton, Jr., P.O. Box 1407, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granulated slag*, in bulk and bags, between Memphis, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Chicago, Ill.

No. MC 111434 (Sub-No. 92) filed August 9, 1976. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, Colo. 80216. Applicant's representative: J. Albert Sebald, 1700 Western Federal Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Rapid City, S. Dak., to points in Colorado and Kansas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Rapid City, S. Dak.

No. MC 112304 (Sub-No. 111) filed August 3, 1976. Applicant: ACE DORAN HAULING & RIGGING CO., a Corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cast iron pipe, fittings, valves, fire hydrants, and materials and supplies* used in the installation thereof, from the plantsite and shipping facilities of the Clow Corporation, located at Coshocton, Ohio, to points in the United States, including Alaska, but excluding Hawaii, and; (2) *equipment, materials and supplies* (except bulk commodities) used in the manufacture and processing of the commodities named in (1) above, from points in the United States, including Alaska but excluding Hawaii, to Coshocton, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be heard on a consolidated record with Anderson Trucking Service, Inc., MC 95876, and Sawyer Transport, Inc., MC 123407 at either Washington, D.C. or Chicago, Ill.

No. MC 112304 (Sub-No. 112) filed August 6, 1976. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reinforced concrete products, and accessories and parts*, from Gallatin County, Ky., to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 113119 (Sub-No. 12) filed August 20, 1976. Applicant: C. S. I., INC., doing business as CONTRACT SERVICE, INC., Trewigtown Road, Colmar, Pa. 18915. Applicant's representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products and materials, supplies and equipment* used in the manufacture and distribution thereof, between the plantsite of Union Camp Corporation at or near New Hope, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, West Virginia, Ohio and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113495 (Sub-No. 78) (Correction) filed June 22, 1976, published in the FEDERAL REGISTER issues of July 29, and August 26, 1976, and republished as corrected this issue. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), (b) *equipment* designed for use in conjunction with trailers; (c) *agricultural, in-*

dustrial, and construction machinery and equipment; (d) *trailers* designed for the transportation of the commodities named in (a), (b), and (c) (except trailers designed to be drawn by passenger automobiles); (e) *attachments* for the commodities named in (a), (b), (c), and (d) above; (f) *internal combustion engines;* and (g) *parts* of the commodities named in (a), (b), (c), (d), (e), and (f) above, from the plants, warehouse sites and experimental farms of Deere & Company located at points in Black Hawk, Dubuque, Polk and Wapello Counties, Iowa, Rock Island County, Ill., and Dodge County, Wis., and from Philadelphia, Pa., Baltimore, Md., Atlanta, Ga., and Wilmington, N.C., to points in Alabama, Delaware, Georgia, Florida,, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia and West Virginia; and (2) *returned shipments* of the commodities described above, from the destination named in (1) above, to the origin points named in (1) above.

NOTE.—The purpose of this republication is to correct the territorial description which was published in error. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Charlotte, N.C.

No. MC 113855 (Sub-No. 357) filed August 9, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft loading and maintenance equipment*, from points in Monterey County, Calif., to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 113908 (Sub-No. 382) filed August 23, 1976. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale St., P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, vinegar, stock, vinegar stock concentrate, apple juice, cider and cider stock*, in bulk, from Belding, Mich., to points in Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., Chicago, Ill. or Washington, D.C.

No. MC 114194 (Sub-No. 190) filed August 11, 1976. Applicant; KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean products*, in bulk, from Cairo, Ill., to points in Alabama, Arkansas, Arizona, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City or St. Louis, Mo.

No. MC 114290 (Sub-No. 82) filed August 9, 1976. Applicant: EXLEY EXPRESS, INC., 2610 S.E. 8th Avenue, Portland, Oreg. 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices and fruit flavored drinks*, in paper cartons, from Anaheim, Calif., to points in Oregon and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 114552 (Sub-No. 121) filed August 20, 1976. Applicant: SENN TRUCKING COMPANY, P.O. Box 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, paneling, composition board, and molding*, from Chesapeake, Va., to points in West Virginia, Kentucky, Ohio, Michigan and Indiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114896 (Sub-No. 40) (Correction) filed July 27, 1976, published in the FEDERAL REGISTER issue of September 2, 1976, republished corrected this issue. Applicant: PUROLATOR SECURITY, INC., 1111 W. Mockingbird Lane, Suite 1401, Dallas, Tex. 75247. Applicant's representative: John M. Delany, 3333 New Hyde Park Rd., New Hyde Park, N.Y. 11040. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Currency*, between Washington, D.C., Richmond, Va., Charlotte, N.C. and Baltimore, Md., under a continuing contract, or contracts, with the Department of the Treasury.

NOTE.—The purpose of this republication is to correct the territorial description. If a hearing is deemed necessary, the applicant requests it be held at Washintgon, D.C.

No. MC 115092 (Sub-No. 47) filed August 2, 1976. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, 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: (1) *Particleboard*, from Navajo (McKinley County), N. Mex., to points in and west of Arkansas, Illinois, Indiana, Louisiana, Michigan, Missouri and Ohio, including Alaska but excluding Hawaii; and (2) *Lumber and lumber products*, from Navajo (McKinley County), N. Mex., to points in Arizona, California, Colorado, Nevada, Texas and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Albuquerque, N. Mex. or Phoenix, Ariz.

No. MC 115311 (Sub-No. 195) filed August 12, 1976. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, composition board, paneling, gypsum board, veneer and forest products*, from points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia, to points in the United States on and east of U.S. Highway 85.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 115654 (Sub-No. 56) filed August 12, 1976. Applicant: TENNESSEE CARTAGE CO., INC., Candy Lane, P.O. Box 23193, Nashville, Tenn. 37202. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *frozen meats and foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of The Beare Company, at or near Jackson, Tenn., and Humboldt, Tenn., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Ohio and Tennessee; and (2) *meats, meat byproducts, packinghouse products, dairy products, and foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Jay-El Products, Inc., located at or near Knoxville, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Ohio and Tennessee.

NOTE—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 115730 (Sub-No. 17) filed August 12, 1976. Applicant: THE MICKOW CORP., 113 East 1st St., Ankeny, Iowa 50021. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and metal articles* (except commodities, the transportation of which, because of size or weight, require the use of special equipment), from points in Illinois and Indiana, to the plantsite of Standard Metal Fabricating Company, located at Omaha, Nebr., and Commerce City, Colo., restricted to traffic destined to the named destinations.

NOTE—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Washington, D.C.

No. MC 116004 (Sub-No. 40), filed August 23, 1976. Applicant: TEXAS OKLAHOMA EXPRESS, INC., 2222 E. Grauwyler, Irving, Tex. 75062. Applicant's representative: Doris Hughes, P.O. Box 47112, Dallas, Tex. 75247. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the facilities of Midland Glass Company, Inc. located at or near Henryetta, Okla., to points in the United States (except Alaska, Hawaii and Oklahoma).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex. or Oklahoma City, Okla.

No. MC 116073 (Sub-No. 333), filed August 16, 1976. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, Minn. 5650. Applicant's representative: Donald F. Cross, 918 16th St., NW., Suite 700, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles (excluding recreational vehicles such as travel trailers and campers), in initial movements, and buildings, complete or in sections, mounted on wheeled undercarriages (excluding modular units and prefabricated buildings), in initial movements from origins which are points of manufacture, from points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Indiana, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia and Wisconsin to points in the United States (including Alaska but excluding Hawaii); and (2) *trailers* designed to be drawn by passenger automobiles (excluding recreational vehicles such as travel trailers and campers) in secondary movements, and *buildings*, complete or in sections, mounted on wheeled undercarriages (excluding modular units and prefabricated buildings), in secondary movements from origins other than points of manufacture, from points in Alabama, California, Florida, Georgia, Kansas, Indiana, Louisiana, Mississippi, North Carolina, Oregon, South Carolina and Texas to points in the United States (including Alaska but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.; Jacksonville, Fla. and Washington, D.C.

No. MC 116300 (Sub-No. 27), filed August 27, 1976. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, Miss. 39635. Applicant's representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid bleach and fabric finish* (except in bulk), from Marion, Ala., to points in Louisiana, Mississippi and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss. or New Orleans, La.

No. MC 116763 (Sub-No. 352), filed August 16, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, P.O. Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and preserved foodstuffs* (except in bulk, in tank vehicles), from Gulfport, Miss., to points in Georgia, Illinois, North Carolina, South Carolina, and Tennessee; and (2) *canned animal food*, from Gulfport, Miss., to points in Georgia, Illinois, Kentucky, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 116763 (Sub-No. 353), filed August 5, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H.M. Richters, P.O. Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed, sold, used, distributed or dealt in by manufacturers and converters of paper and paper products (except commodities in bulk), from the facilities of Union Camp Corporation, located at or near Franklin, Va., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 116763 (Sub-No. 354), filed August 19, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, P.O. Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, prepared and preserved foodstuffs* (except in bulk), from Greenville, Tenn., to points in Alabama, Florida and Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 116763 (Sub-No. 355), filed August 23, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, P.O. Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Laredo, Tex. to points in the United States (except Alaska, Hawaii and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 116859 (Sub-No. 16), filed August 16, 1976. Applicant: CLARK TRANSFER, INC., P.O. Box 190, Burlington, N.J. 08016. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motion picture film and articles*, associated with the exhibition of motion pictures, between points in Cook County, Ill.; points in Marion County, Ind.; and Cincinnati, Ohio, and points in its Commercial Zone.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117068 (Sub-No. 68), filed August 25, 1976. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., North Highway 63, P.O. Box 6418, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, plastic and iron fittings and connections, valves, hydrants*, and *gaskets* and *related commodities* used in the installation of plastic pipe and plastic conduit (except commodities used in the discovery, development, production and distribution of natural gas and petroleum, as described in *Mercer Ext.-Oilfield Commodities*, 74 M.C.C. 459), from the plantsite and storage facilities of the Clow Corporation, located at or near Columbia, Mo., to points in Colorado, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 117119 (Sub-No. 595), filed August 12, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Margarine, cooking and salad oil, lard, and shortening* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Swift Edible Oil, Division of Swift and Company, located at Bradley and Kankakee, Ill., to points in California, Nevada and Utah, restricted to traffic originating at the named origins and destined to points in the states named.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 117815 (Sub-No. 251), filed July 30, 1976. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from Denison, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 117836 (Sub-No. 12), filed August 16, 1976. Applicant: H. J. NOLL, 1014 Daisy St., Houston, Tex. 77012. Applicant's representative: Joe G. Fender, 1150 Pennzoil Place, 711 Louisiana, Houston, Tex. 77001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Galveston, Tex., to Albuquerque, N. Mex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albuquerque, N. Mex.

No. MC 117940 (Sub-No. 179) (Amendment), filed June 28, 1976, published in the FEDERAL REGISTER issues of August 5, 1976, and August 19, 1976, republished as amended this issue. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by discount, variety and clothing stores (except commodities in bulk) and foodstuffs in mixed loads with such commodities as are dealt in by discount, variety and clothing stores from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia to points in Illinois, Michigan and Ohio, and Highland, Ind., restricted to traffic originating at named origins and destined to facilities utilized by Robert Hall Clothes in named destination states.

NOTE.—The purpose of this republication is to amend the requested authority in this proceeding. Applicant holds contract carrier authority in No. MC 114789 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 117940 (Sub-No. 185), filed August 11, 1976. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals* (except in bulk), from Des Moines, Iowa, and the plantsite and warehouse facilities of Monsanto Company, located at or near Muscatine, Iowa, to the ports of entry on the International Boundary Line between the United States and Canada located at North Dakota (Portal, Northgate or Fortuna), restricted to foreign commerce only.

NOTE.—Applicant holds contract carrier authority in No. MC-114789 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Minneapolis, Minn.

No. MC 118202 (Sub-No. 62), filed August 19, 1976. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, ffom Sioux Falls, S. Dak., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, the District of Columbia, and Denver, Colo., restricted to traffic originating at the warehouse and storage facilities utilized by Midwest Food Corporation, located at or near Sioux Falls, S. Dak.

NOTE.—Applicant states an application is now pending to convert its contract carrier authority to common carrier authority in No. MC 134631 and subs thereunder. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 119634 (Sub-No. 19), filed August 19, 1976. Applicant: DICK IRVIN, INC., 218 12th Avenue North, P.O. Box F, Shelby, Mont. 59474. Applicant's representative: Joe Gerbase, 100 Transwestern Bldg., 404 North 31st St., Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed sulphur*, in bags, from ports of entry on the International Boundary line between the United States and Canada in Montana, to points in California, Colorado, Idaho, Illinois, Iowa, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Billings or Great Falls, Mont.

No. MC 119789 (Sub-No. 298), filed August 13, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite of Mid-Continent Underground Storage, located at or near Kansas City, Kans., to North Little Rock, Ark., and points in Georgia, Kentucky, Tennessee, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cincinnati, Ohio or Kansas City, Kans.

No. MC 119988 (Sub-No. 98), filed August 16, 1976. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's repersentative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by retail auto and home supply stores; and (2) *materials, equipment and supplies* utilized in the distribution thereof (except commodities in bulk), between points in Texas, on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Oklahoma, Nebraska, New Mexico and Utah.

NOTE.—Applicant holds contract carrier authority in No. MC 140271 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 120761 (Sub-No. 13), filed August 9, 1976. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Road, P.O. Box 13302, Fort Worth, Tex. 76118. Applicant's representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waste and refuse handling equipment;* and (2) *materials and supplies* used in the manufacture of waste and refuse handling equipment, between points in Bosque and Johnson Counties, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 120973 (Sub-No. 2), filed August 20, 1976. Applicant: ANDRE LEFEBVRE, doing business as MERCHANTS EXPRESS, 606 Alfred Road, Biddeford, Maine 04005. Applicant's representative: John J. Flaherty, 443 Congress St., Portland, Oreg. 04111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Biddeford, Maine and Springvale, Maine, serving all intermediate points and the off-route points of Arundel and Lyman, Maine: From Biddeford, Maine over Maine Highway 111 to junction of Maine Highway 111 and U.S. Highway 202 at Alfred, thence over U.S. Highway 202 to Sanford, Maine, thence over Maine Highway 109 to Springvale, Maine, and return over the same routes.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Maine.

No. MC 121142 (Sub-No. 14) (Correction) filed July 13, 1976, published in the

FEDERAL REGISTER issue of August 12, 1976, and republished, as corrected this issue. Applicant: J & G EXPRESS, INC., 189 Julienne St., P.O. Box 1637, Jackson, Miss. 39205. Applicant's representative: James N. Clay, III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Regular routes: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between Greenville, Miss. and Jackson, Miss.: From Greenville over U.S. Highway 82 to Winona, thence south over U.S. Highway 51 and Interstate Highway 55 to Jackson, serving all intermediate points on U.S. Highway 82 and as off-route points those in Carroll, Leflore, Montgomery, Sunflower and Washington Counties; (B) ALTERNATE ROUTE: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between Greenville, Miss. and Jackson, Miss.: From Greenville south over Mississippi Highway 1 to junction with U.S. Highway 61, thence south over U.S. Highway 61 to junction with Interstate Highway 20, thence east over Interstate Highway 20 to Jackson, serving no intermediate points as an alternate route only; and (C) Irregular routes: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Greenville and Rosedale, Miss., on the one hand, and, on the other, points in Bolivar, Carroll, Grenada, Leflore, Montgomery, Sunflower and Washington Counties, Miss., restricted in (C) above against traffic originating at, destined to or interchanged at Memphis, Tenn. and points within its commercial zone.

NOTE.—The purpose of this republication is to indicate the scope of the restriction, which was previously published in error. If a hearing is deemed necessary, the applicant requests it be held at Greenville, Greenwood, or Jackson, Miss.

No. MC 123407 (Sub-No. 324) filed August 25, 1976. Applicant: SAWYER TRANSPORT, INC., U.S. Highway 6, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sisal products*, from Laredo, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Austin or Houston, Tex.

No. MC 123476 (Sub-No. 25) (Correction) filed July 15, 1976, published in the FEDERAL REGISTER issue of August 19, 1976, and republished as corrected this issue. Applicant: CURTIS TRANSPORT, INC., 3616 Jeffco Blvd., P.O. Box 388, Arnold, Mo. 63010. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products, expanded plastic products, molded paper pulp products and paper products*, from Bridgeview, Ill., Hammond and Griffith, Ind. and St. Louis, Mo., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming and the District of Columbia.

NOTE.—The purpose of this republication is to include Wyoming as a destination point. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 123744 (Sub-No. 25) filed August 6, 1976. Applicant: BUTLER TRUCKING COMPANY, P.O. Box 88, Woodland, Pa. 16881. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, (1) from Altoona, Alexandria, Norristown, Philadelphia and York, Pa.; and New Cumberland, W. Va., to points in Alabama, Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Vriginia, West Virginia, Wisconsin, and the District of Columbia; and (2) from Philadelphia, Pa., and New Cumberland, W. Va., to points in Georgia, Florida, South Carolina and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Harrisburg, Pa.

No. MC 123872 (Sub-No. 53) filed August 30, 1976. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Box 2607, Hickory, N.C. 28601. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave., NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of The Rath Packing Company, located at or near Waterloo and Columbus Junction, Iowa, to points in Kentucky, North Carolina and South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, N.C., or Washington, D.C.

No. MC 124212 (Sub-No. 92) filed August 30, 1976. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland, Ohio 44130. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Diamond-Kosmos Cement Division, The Flintkote Company located at Evansville, Ind., to points in Illinois and Kentucky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124212 (Sub-No. 93) filed August 30, 1976. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland, Ohio 44130. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags, from the plant site of Lehigh Portland Cement Company located at Metaline Falls, Washington to points in Morrow County, Oreg.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124947 (Sub-No. 47), filed August 12, 1976. Applicant: MACHINERY TRANSPORTS, INC., Box 417, Stroud, Okla. 74079. Applicant's representative: Max G. Morgan, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composting machines and related parts, materials and supplies*, between the plantsite of Scarad Manufacturing Co., located near White Deer, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Amarillo, Tex. or Oklahoma City, Okla.

No. MC 124951 (Sub-No. 36), filed August 9, 1976. Applicant: WATHEN TRANSPORT, INC., P.O. Box 237, Henderson, Ky. 42101. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Aluminum and aluminum products;* (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), between the plant site and storage facilities of Anaconda Company, Aluminum Division, located at or near Sebree, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Ohio and Tennessee; and (B) (1) *recycled aluminum and*

aluminum in ingot form, dies, and products made therefrom; (2) *materials, equipment and supplies* (except commodities in bulk), used in the manufacture and distribution of the commodities named above, between Henderson, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Indiana, Illinois, Kentucky, Michigan, Mississippi, Missouri, New Mexico, Ohio, Oklahoma, Tennessee, West Virginia, Wisconsin and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Evansville, Ind., or Louisville, Ky.

No. MC 125533 (Sub-No. 15) filed August 17, 1976. Applicant: GEORGE W. KUGLER, INC., P.O. Box 6064, Ellot Station, 2800 East Waterloo Road, Akron, Ohio 44312. Applicant's representative: John P. McMahon, 100 East Broad Street, 18th Floor, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel conduit and metallic tubing, and fittings for iron and steel conduit and metallic tubing* (except pipe used in, or in connection with, the construction, operation, maintenance, servicing, or dismantling of pipe lines), from Carnegie, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 125950 (Sub-No. 11) filed August 9, 1976. Applicant: C. B. S. TRANSPORTATION, INC., 1207 Columbus Circle, Wilmington, N.C. 28401. Applicant's representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable containers*, from the facilities of Corbett Package Company, at Wilmington, N.C., and Pierpont-Corbett Box Company, at Savannah, Ga., to points in Tennessee on and west of U.S. Highway 231 (except points in Hamilton County, Tenn).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 126537 (Sub-No. 34) filed August 23, 1976. Applicant: KENT I. TURNER, KENNETH E. TURNER AND ERVIN L. TURNER, doing business as TURNER EXPEDITING SERVICE, P.O. Box 21333, Standiford Field, Louisville, Ky. 40221. Applicant's representative: George M. Catlett, 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, N.Y., on the one hand, and, on the other, the plantsite of American Grettings, Corporation, located at Cleveland, Ohio.

NOTE.—Applicant holds contract carrier authority in No. MC 129652, therefore dual operatons may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Cleveland or Columbus, Ohio.

No. MC 126555 (Sub-No. 43) filed August 9, 1976. Applicant: UNIVERSAL TRANSPORT, INC., Box 3000, Rapid City, S. Dak. 57701. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, (1) from points in Wyoming, to points in Nebraska; and (2) from points in Wyoming, to points in South Dakota, restricted in (2) against contractors' materials and supplies.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Rapid City, S. Dak., or Cheyenne, Wyo.

No. MC 126899 (Sub-No. 102), filed August 19, 1976. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, P.O. Box 3156, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, in containers, and empty malt beverage containers*, on return, (1) from Peoria, Ill., to Cambridge, Ohio; and (2) from Milwaukee, Wis., to Lorain and Cambridge, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Columbus or Cincinnati, Ohio.

No. MC 126960 (Sub-No. 8), filed August 19, 1976. Applicant: EASTMAN TRANSPORT, INC., P.O. Box 809, Cloverdale, Calif. 95425. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from points in Humboldt County, Calif., to points in Curry County, Oreg.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Eureka, Calif.

No. MC 128224 (Sub-No. 2) (Correction) filed July 6, 1976, published in the FEDERAL REGISTER issue of August 19, 1976, republished as corrected this issue. Applicant: GEORGE F. JOHNSON, R.D. No. 1, New Stanton, Pa. 15672. Applicant's representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Semi-finished steel* used in the manufacture of steel molds for the casting of plastics, and (2) *materials, equipment, supplies and parts*, used in the production, manufacture, distribution, handling and storage of the commodities in (1) above, (1) Between Youngwood (Westmoreland County), Pa., on the one hand, and, on the other, Phoenix, Ariz.; Ft. Lauderdale, Fla.; Atlanta, Ga.; Indianapolis, Ind.; Leominster, Mass.; Grand Rapids and Wyoming, Mich.; Minneapolis, Minn.; St. Louis, Mo.; Syracuse, N.Y.; Dayton, Ohio; and Dallas, Ft. Worth and Houston, Tex. (2) Between Madison Heights, Mich.; on the one hand, and, on the other, Cleveland, Ohio and points in California, restricted to the transportation service to be performed under a continuing contract or contracts with D–M–E Company, a Division of VSI Corporation.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128256 (Sub-No. 30), filed August 23, 1976. Applicant: O. W. BLOSSER, doing business as BLOSSER TRUCKING, 215 N. Main St., Middlebury, Ind. 46540. Applicant's representative: William J. Lippman, 1819 H St., NW., Suite 550, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paneling, vinyl-covered panels, hardboard, composition board, gypsum board, plywood particle board, and materials, supplies, and accessories* used in the sale and installation thereof (except commodities in bulk), from Hanahan, S.C., to points in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas; and (2) *materials, supplies, and acessories* used in the manufacture and installation of paneling, vinyl-covered panels, hardboard, composition board, gypsum board, and plywood particle board (except commodities in bulk), on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 128270 (Sub-No. 17), filed August 27, 1976. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley Street, East Gary, Ind., 46405. Applicant's representative: Richard A. Kermin, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed cars, scrap engines, transmissions, and frames, junk batteries, and such commodities* as are dealt in by junk and wholesale metal dealers and processors, between points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 128273 (Sub-No. 234), filed August 9, 1976. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, 121

Humboldt St., Fort Scott, Kans. 66701. Applicant's representative: Elden Corban (same address as applicant). Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles, recreational vehicles and machines, accessories and parts, equipment materials, and supplies*, used in the manufacture, distribution, and sale of the above described commodities, between points in Los Angeles and Orange Counties, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Los Angeles, Calif.

No. MC 128343 (Sub-No. 34), filed August 10, 1976. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, R.I. 02814. Applicant's representative: Ronald N. Cobert, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, plastic products*, and *materials, equipment*, and *supplies*, used in the manufacture and distribution of plastic materials and plastic products (except plastic pipe), between Jerome, Idaho, on the one hand, and, on the other, ports of entry on the International Bountry Line betwen the United States and Canada located at points in Idaho and Montana, under a continuing contract or contracts with The Tupperware Co.

NOTE.—Applicant holds common carrier authority in MC 138861 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Providence, R.I., or Boston, Mass.

No. MC 128663 (Sub-No. 2), filed August 12, 1976. Applicant: METALS TRANSPORT, INC., P.O. Box 350, New Brunswick, N.J. 08903. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron, steel, aluminum, and non-ferrous metals, and iron, steel, aluminum, and non-ferrous articles;* and (2) *materials, supplies, and equipment* (except commodities in bulk), used in the distribution and sale of the commodities in (1) above, between points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract, or contracts, with Morrison Steel Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 128762 (Sub-No. 14), filed September 2, 1976. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, Pa. 18603. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 18603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum ingots, billets, and slabs*, from points in Frederick County, Md., to Plant City, Fla., Jonesboro, Ga., Morris, Ill., Ellenville and Oswego, N.Y., Hernando, Miss., St. Louis, Mo., Winston-Salem, N.C., and Cressona, Pa., and points in Alabama and New Jersey, under a continuing contract or contracts with Alumax, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 128841 (Sub-No. 13), filed August 23, 1976. Applicant: MUR-GAIL, INC., 301 North Fifth Street, Minneapolis, Minn. 55403. Applicant's representative: Samuel Rubenstein (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, in tank vehicles, (1) from Minneapolis, Minn., to points in Arkansas, Colorado, Minnesota, Montana, Oklahoma, Texas, and Wyoming; and (2) from Omaha, Nebr., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming, under contract with Northern Printing Ink, Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 129068 (Sub-No. 27), filed August 9, 1976. Applicant: GRIFFIN TRANSPORTATION, INC., 3002 S. Douglas Blvd., Oklahoma City, Okla. 73150. Applicant's representative: Jack L. Griffin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and *buildings*, complete or in section mounted on wheeled undercarriages in initial movements, from points in Oklahoma, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla., or Tulsa, Okla.

No. MC 129352 (Sub-No. 14), filed August 20, 1976. Applicant: CREAGER TRUCKING CO., INC., 4 N.E. Marine Drive, P.O. Box 1707, Portland, Oreg. 97217. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber, crude reclaimed and rubber compounds unvulcanized*, from Long Beach, Los Angeles, and Santa Ana, Calif., to Portland, Oreg., under contract with AMF Voit, Inc.

NOTE.—Applicant holds common carrier authority in MC 136208 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 133095 (Sub-No. 107), filed August 12, 1976. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk), from Schenley, Pa., Lawrenceburg, Ind., Frankfort and Louisville, Ky., and Tullahoma, Tenn., to points in New Mexico.

NOTE.—Applicant holds contract carrier authority in No. MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 133591 (Sub-No. 27), filed August 19, 1976. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, Mo. 65712. Applicant's representative: Harry Ross, 58 South Main St., Winchester, Ky. 40391. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, drugs and insecticides*, from Lee's Summit, Mo., to points in Idaho, Montana, Oregon, Washington, and Wyoming.

NOTE.—Applicant holds contract carrier authority in No. MC-134494 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 134262 (Sub-No. 12), filed August 13, 1976. Applicant: FARMERS FEED AND SUPPLY TRANSPORTATION, INC., Boyden, Iowa 51234. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except anhydrous ammonia and liquids in bulk), from points in Texas and New Mexico, to points in North Dakota, under a continuing contract or contracts with Farmers Feed & Supply, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 134477 (Sub-No. 116), filed August 30, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyvinyl chloride plastic foam*, cellular or expanded, (except commodities in bulk) from St. Louis, Mo. to St. Cloud, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134648 (Sub-No. 9), filed August 5, 1976. Applicant: MORGAN COUNTY TRUCKING, INC., 1010 East Nutter Street, Martinsville, Ind. 46151. Applicant's representative: Warren C.

Moberly, 320 North Meridan Street, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Pabst, Ga.; Peoria and Belleville, Ill.; Louisville and Newport, Ky.; Detroit, Mich.; St. Paul, Minn.; Columbus, Ohio; and Milwaukee, Wis.; to Bloomington, Greencastle, Martinsville, and Plainfield, Ind.; (2) *empty bottles and kegs* on return to points of origin, under a continuing contract, or contracts, with Morgan County Beverage, Inc.; Putnam Beverages, Inc.; A–1 Beverage Co., Inc.; and Rhoades Beverage Co., Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Washington, D.C.

No. MC 134806 (Sub-No. 41), filed August 13, 1976. Applicant: B-D-R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, D.C. 20014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brass temperature and pressure relief valves and metal fittings*, from the plantsite of Tempstate Division, Robertshaw Controls Company, located in Hinsdale, N.H., to the warehouse sites of Robertshaw Controls Company, located in Chicago, Ill., and the facilities of Uni-Line Division, Robertshaw Controls Company, located in Corona, Calif., and Grayson Controls Division, Robertshaw Controls Company, located in Long Beach, Calif., under a continuing contract or contracts with Tempstate Division, Robertshaw Controls Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Brattleboro, Vt., or Manchester, N.H.

No. MC 134922 (Sub-No. 193), filed August 30, 1976. Applicant: B. J. MCADAMS, INC., Route 6–Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint brushed, paint rollers, paint sprayers, and compounds* (except in bulk), (1) from Wooster, Ohio to Carson City, Reno and Sparks, New.; Klamath Falls, Meford and Portland, Oreg.; Salt Lake City and Ogden, Utah; Pocatello and Boise, Idaho; and (2) from points in Arkansas to points in California, Arizona and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock or Cleveland, Ark.

No. MC 135007 (Sub-No. 56), filed August 19, 1976. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" St., Omaha, Nebr. 68127. Applicant's representative: Frederick J. Coffman, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* (except in bulk), from the plant or storage facilities of Spencer Packing Company, located in Schuyler, Nebr., to points in Illinois, Indiana, Kansas, Missouri, and Wisconsin, under a continuing contract or contracts with Spencer Foods, located in Schuyler, Nebr.

NOTE.—Applicant holds common carrier authority in No. MC 135078 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, or Lincoln, Nebr.

No. MC 135007 (Sub-No. 57), filed August 5, 1976. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, Nebr. 68127. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from the facilities of Spencer Foods, Inc., located at or near Spencer, Hartley, and Fort Dodge, Iowa, to points in Georgia and Florida; and (2) from the facilities of Spencer Foods, Inc., located at or near Schuyler and Fremont, Nebr., to points in Tennessee and Ohio; (1) and (2) above are under a continuing contract, or contracts, with Spencer Foods, Inc., of Spencer, Iowa.

NOTE.—Applicant holds common carrier authority in MC 135078 and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Sioux City, Iowa.

No. MC 135009 (Sub-No. 2), filed July 21, 1976. Applicant: PEAK TRANSFER CO., INC., 57 Hathaway St., Wallington, N.J. 07057. Applicant's representative: Ronald I. Shapss, 450 Seventh Avenue, New York, N.Y. 10001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, printed matter, and such items* as are used in the manufacture, sale and distribution of books (except commodities in bulk, in tank vehicles), between Clifton, N.J. and Elk Grove Village, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, California, Connecticut, Florida, Georgia, Illinois, Indiana, Massachusetts, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Vermont, West Virginia, and Wisconsin, under a continuing contract, or contracts, with Holt, Rinehart & Winston.

NOTE.—Applicant holds oommon carrier authority in No. MC 107522 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 135082 (Sub-No. 33), filed August 13, 1976. Applicant: BURSCH TRUCKING, INC., doing business as, ROADRUNNER TRUCKING, INC., 415 Rankin Road, NE., P.O. Box 26748, Albuquerque, N. Mex. 87125. Applicant's representative: D. F. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing products, supplies and equipment and insulation materials*, (1) from points in Kansas, Oklahoma and Texas (except Houston and San Antonio) to points in Arizona, Colorado and New Mexico; and (2) from Denver, Colo., to points in Arizona and New Mexico.

NOTE.—Applicant holds contract carrier authority in MC 115524 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Albuquerque, N. Mex., or Phoenix, Ariz.

No. MC 135082 (Sub-No. 34), filed August 13, 1976. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., 415 Rankin Road, NE., P.O. Box 26748, Albuquerque, N. Mex. 87125. Applicant's representative: D. F. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing products, supplies and equipment and insulation materials*, (1) from points in Bernalillo County, N. Mex., to points in Arizona, Colorado, Kansas, Oklahoma, Texas, and Utah; (2) from Houston and San Antonio, Tex., to points in Arizona, Colorado and New Mexico; and (3) from Los Angeles, Calif., to points in Arizona, Colorado and New Mexico.

NOTE.—Applicant holds contract carrier authority in MC 115524 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Albuquerque, N. Mex., or Phoenix, Ariz.

No. MC 135213 (Sub-No. 7), filed August 27, 1976. Applicant: JOE GOOD, doing business as GOOD TRANSPORTATION, 830 Shoshone Ave., Lovell, Wyo. 82431. Applicant's representaive: Jerome Anderson, 100 Transwestern Bldg., 404 N. 31st St., Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum, gypsum products and materials*, used in the manufacture and distribution thereof, from points in Big Horn County, Wyo., to points in Colorado and Oklahoma; and (2) *gypsum board paper*, from Denver, Colo., and points in Mayes County, Okla., to points in Big Horn County, Wyo.; and (3) *scrap or wastepaper*, from Denver, Colo., to points in Mayes County, Okla., under a continuing contract with Georgia Pacific Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont., or Casper, Wyo.

No. MC 135518 (Sub-No. 4) (Amendment), filed October 20, 1975, published in the FEDERAL REGISTER issues of November 28, 1975, and August 19, 1976, republished as amended this issue. Applicant: EVERETT TRUCKING, INC. 1718 Tease Road, Burlington, Wash. 98273. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and perishable foods*, when moving in vehicles equipped with mechanical refrigeration, from points in California, north of the southern boundaries of Monterey, Kings, Tulare, and Inyo Counties, Calif. to points in Oregon and Washington.

NOTE.—The purpose of this republication is to clarify the territorial description in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 135797 (Sub-No. 60), filed August 30, 1976, Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert, Suite 3, 204 Highway 71 North, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry medicinal health products* (except in bulk), from Greenville, S.C., Norwich, N.Y., and Washington, N.J., to St. Louis, Mo., South Haven, Miss., and Lowell, Ark.; (2) *animal and poultry feed supplements* and *components* (except in bulk), from Jacksonville, Fla., to points in the United States in and east of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas; and (3) *animal and poultry medicinal health products, feed supplements and components* (except in bulk), from St. Louis, Mo., and South Haven, Miss., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Tulsa, Okla. or Little Rock, Ark.

No. MC 135810 (Sub-No. 2), filed August 5, 1976. Applicant: BRUCE CARTAGE CO., INC., Rural Route 15, Box 425, Acton, Ind. 46259. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical goods and household appliances and parts thereto*, from the warehouse facilities of Associated Distributors, Inc., located at Indianapolis, Ind., to Branch, Hillsdale, Lenawee and Monroe Counties, Mich., and Fulton, Hancock, Henry, Lucas, Ottowa, Sandusky, Seneca, and Wood Counties, Ohio; and (2) *return shipments* of electrical goods and household appliances and parts thereto, from the destination territory in (1) above to the warehouse facilities of Associated Distributors, Inc., located at Indianapolis, Ind., restricted in (1) and (2) above to traffic originating at or destined to the warehouse facilities of Associated Distributors, Inc., located at Indianapolis, Ind., under a continuing contract, or contracts, with Associated Distributors, Inc., of Indianapolis, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 135989 (Sub-No. 2), filed August 2, 1976. Applicant: COAST EXPRESS, INC., P.O. Box 1215, Whittier, Calif. 90609. Applicant's representative: William J. Lippman, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by manufacturers and distributors of automative parts and accessories* (except petroleum and petroleum products in containers) and *butane tanks and butane tank accessories*, (1) from Los Angeles, Calif., and Phoenix, Ariz., to points in the United States (except Alaska and Hawaii); and (2) from Clearfield, Utah, to points in New Mexico and Wyoming, under a continuing contract or contracts in (1) and (2) above with Motor Rim & Wheel Service.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif. or Phoenix, Ariz.

No. MC 136273 (Sub-No. 6), filed August 13, 1976. Applicant: CORONADO TRUCKING COMPANY, INC., 307 Old County Road, Edgewater, Fla. 32032. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., Suite 106, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, frozen and meat and poultry products and by-products, frozen;* and (2) *commodities*, the transportation of which is exempt from regulation under Section 203(b)(6) of the Interstate Commerce Act, when moving in mixed shipments with the commodities described in (1) above, from points in the United States in and east of points in Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas (except Connecticut, Maine, New Hampshire, Rhode Island, and Vermont), under a continuing contract or contracts with Richmond Wholesale Meat Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 136315 (Sub-No. 13), filed August 30, 1976. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22–A, Philadelphia, Miss. 39350. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39250. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, poles, piling, pallets, timbers and cross-ties*, treated and untreated, from points in Mississippi to points in Kansas, Oklahoma and Texas.

NOTE.—Applicant holds contract carrier authority in MC 123905 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.

No. MC 136337 (Sub-No. 6), filed July 2, 1976. Applicant: RICHARD D. PEASE, doing business as R. P. TRUCKING, Route 2, Box 14, Warrens, Wis. 54666. Applicant's representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Transformers* weighing 2,000 pounds or less, and *incidental power line construction materials*, when moving with transformers weighing 2,000 pounds or less, between points in Illinois, Iowa, Minnesota, and Wisconsin (except points in the Chicago, Ill., and St. Louis, Mo. Commercial Zones, as defined by the Commission), restricted against the transportation of commodities (except transformers weighing 2,000 pounds or less) which because of size or weight require special handling or equipment, under a continuing contract or contracts with Rural Electric Supply Cooperative (RESCO), Madison, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Madison or Milwaukee, Wis. or Chicago, Ill.

No. MC 136508 (Sub-No. 5), filed August 9, 1976. Applicant: GALE B. ALEXANDER, 120 S. Ward Street, Ottumwa, Iowa 52501. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer and malt beverages*, from Milwaukee, Wis., to Kirksville, Mo.; and (2) *empty containers*, on return.

NOTE.—Applicant holds contract carrier authority in MC 114389 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Chicago, Ill.

No. MC 136669 (Sub-No. 9), filed August 10, 1976. Applicant: PROCESSED BEEF EXPRESS, INC., P.O. Box 522, Dakota City, Nebr. 68731. Applicant's representative: Eugene D. Anderson, 910 17th St., N.W., Suite 428, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products*, and *articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Cherokee, Denison, Fort Dodge, Le Mars, Mason City, and Sioux City, Iowa; Emporia and Wichita, Kans.; Luverne and Worthington, Minn.; and Omaha and West Point, Nebr.; to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, to the ports of entry on the International Boundary Line between the United States and Canada located at

points in Idaho, Montana, and Washington; and (2) *Materials, supplies, and equipment* used in the conduct of business by meat packinghouses and hide companies (except commodities in bulk), from points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming to Denison, Fort Dodge, Le Mars, Mason City, and Sioux City, Iowa; Emporia, Kans.; Luverne, Minn., and West Point, Nebr., under a continuing contract or contracts with Iowa Beef Processors, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 136876 (Sub-No. 9), filed May 14, 1976. Applicant: PAULIE BRAZIER, doing business as PAULIE BRAZIER COMPANY, 203 Helton Drive, Lawrenceburg, Tenn. 38464. Applicant's representative: Robert L. Estes, Third National Bank Building, 14th Floor, Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk and bags, from Humboldt, Tenn., and points in Davidson County, Tenn., to points in Colbert, Lauderale, Lawrence, Madison, Limestone, Jackson, Morgan, Franklin, and Marion Counties, Ala.; and points in Kentucky south and west of a line beginning at junction U.S. Highway 25E and the Kentucky State line east of Middlesboro, Ky., thence along U.S. Highway 25E to Corbin, thence along U.S. Highway 25 to Mt. Vernon, thence along U.S. Highway 150 through Danville, to junction U.S. Highway 68 at or near Perryville, thence along U.S. Highway 68 to Lebanon, thence along Kentucky Highway 84 to Hodgenville, thence along Kentucky Highway 61 to Elizabethtown, thence along U.S. Highway 62 to Leitchfield, thence along Kentucky Highway 259 to junction U.S. Highway 60 at or near Harned, thence along U.S. Highway 60 to Cloverport, thence north along a line from Cloverport to the Ohio River, under a continuing contract, or contracts, with The Federal Chemical Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 136897 (Sub-No. 19), filed August 17, 1976. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, Suite 320, 4040 East McDowell Rd., Phoenix, Ariz. 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Los Angeles County, Calif., to points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, and Utah, under a continuing contract, or contracts, with Triangle Steel & Supply Co. located at Torrance, Calif.

NOTE.—Applicant holds common carrier authority in No. MC 136818 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Phoenix, Ariz., or Los Angeles, Calif.

No. MC 138177 (Sub-No. 6), filed August 13, 1976. Applicant: BROWN TRUCKINNG, INC., 7622 Apple Valley Road, Germantown, 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: (1) *Coal* (in bulk, in dump vehicles), from the facilities of St. Bernard Coal Co. and C.O.R.D. Mining Company, located near Morgantown, Ky., and from the facilities of Alley Cassity Coal Co., Inc., and St. Bernard Coal Co., located near Nashville, Tenn., to the plantsite of Arkansas Lightweight Aggregate Corp., located near West Memphis, Ark.; and (2) *Coal* (in bulk, in dump vehicles), which has an immediate prior movement by water, from the site of a terminal at President's Island, located in Memphis, Tenn., to the plantsite of Arkansas Lightweight Aggregate Corp., located near West Memphis, Ark.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 138328 (Sub-No. 31), filed August 11, 1976. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous scrap metal*, from points in California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nevada, Oregon, South Dakota, Utah, Washington, and Wyoming, to Norfolk, Nebr.

NOTE.—Applicant holds contract carrier authority in No. MC 133233 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 138446 (Sub-No. 3), filed August 9, 1976. Applicant: MURRAY'S TRANSFER & STORAGE, INC., 1011 Floral Lane, Davenport, Iowa 52802. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), (1) from Davenport, Iowa, and Peoria, Ill., to points in Illinois; and (2) from points in Illinois to Davenport, Iowa, and Peoria, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa, or Austin, Minn.

No. MC 138575 (Sub-No. 6), filed August 4, 1976. Applicant: GWINNER OIL CO., INC., Gwinner, N. Dak. 58040. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts and accessories* for agricultural implements, from the facilities of Clark Equipment Co., Melroe Division, located at or near Cooperstown, N. Dak., to ports of entry on the International Boundary Line between the United States and Canada located at or near Pembina, Portal, San Haven, and Westhope, N. Dak., and Raymond and Sweetgrass, Mont., restricted to traffic destined to the Provinces of Alberta, British Columbia, Manitoba, and Saskatchewan, under a continuing contract, or contracts, with Clark Equipment Co., Melroe Division.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fargo, N. Dak., or Minneapolis, Minn.

No. MC 138627 (Sub-No. 14), filed August 30, 1976. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, Iowa 50501. Applicant's representative: Arlyn L. Westergren, 7100 West Center Road, Suite 530, Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel articles*, from the plantsite and storage facilities utilized by B.L.K. Steel, Inc., located at or near Batavia, Ill., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 66955, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 138732 (Sub-No. 6), filed August 12, 1976. Applicant: OSTERKAMP TRUCKING INC., 1049 North Glassell Street, Orange, Calif. 92667. Applicant's representative: Michael Eggleton, 764 North Cypress Street, Orange, Calif. 92667. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soil amendments, lumber, lumber products, and bark*, from the plantsites of Kaibab Industries, Inc., located at Fredonia and Payson, Ariz., and Panguitch, Utah, to points in Arizona, California, Colorado, Nevada, New Mexico, and Utah.

NOTE.—Applicant holds contract carrier authority in MC 133928 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Phoenix, Ariz., or Los Angeles, Calif.

No. MC 138875 (Sub-No. 33), filed August 2, 1976. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: Frank L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, in bulk, bags, or tanks and *chemicals* in containers, (A) from Nampa, and Pocatello, Idaho, and Delhi, Lathrop, and Richmond, Calif., to points in Humboldt, Lander, and Pershing Counties, Nev.; (B) from Delhi, Lathrop, and Richmond, Calif., to Nampa, Idaho; and (2) *fertilizer*, dry in bulk, from Don and Pocatello, Idaho, to points in Benton, Grant,

and Yakima Counties, Wash., and points in Morrow and Umatilla Counties, Oreg.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho, or Winnemucca, Nev.

No. MC 139495 (Sub-No. 158), filed August 6, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St., N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabrics and blankets*, from Brownwood, Tex., to points in California, New York, Ohio, Pennsylvania, Tennessee, Utah, and Virginia.

NOTE.—Applicant holds contract carrier authority in No. MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 159), filed August 11, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* and *realted promotional materials* when moving in the same vehicle; and (2) *empty containers* on return, from St. Paul, Minn., and Milwaukee, Wis., to points in Kansas.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis., or Kansas City, Mo.

No. MC 139495 (Sub-No. 160), filed August 13, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St., NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets*, from the plantsite and storage facilities of C. H. Masland & Sons, located at or near Carlisle, Pa., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in No. MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139923 (Sub-No. 22), filed August 23, 1976. Applicant: MILLER TRUCKING COMPANY, INC., P.O. Drawer "D", Stroud, Okla. 74079. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, and food ingredients*, in mechanically refrigerated equipment (except in bulk), from the plantsite and warehouse facilities of Archer-Daniels-Midland Company located at or near Decatur, Ill., to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, restricted to the transportation of shipments originating at the named origin and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in MC 139926 and subs thereunder, therefore dual oepartions may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Decatur, Ill., or St. Louis, Mo.

No. MC 139955 (Sub-No. 1), filed August 13, 1976. Applicant: RELIANCE SECURITY SERVICE, INC., 412 Lafayette Building, 5th and Chestnut Streets, Philadelphia, Pa. 19102. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ship machinery parts* and *ships stores* (except those which because of size or weight, require the use of special equipment), between Philadelphia, Pa., on the one hand, and, on the other, Portland, Maine, Boston, Mass., Providence, R.I., New Haven and New London, Conn., New York, N.Y., Newark, N.J., Wilmington, Del., Baltimore, Md., Norfolk, Va., Charleston, S.C., Jacksonville and Port Everglades, Fla., Mobile, Ala., New Orleans, La., and Port Arthur, Tex., restricted to the transportation of shipments to or from ships in the above described territory.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 140615 (Sub-No. 15), filed August 9, 1976. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, Wis. 54494. Applicant's representative: Jacob P. Billig, 2033 K Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products, dairy by-products*, and *gift-paks* (except frozen commodities and commodities in bulk) from the facilities of Arpin Dairy, Inc., located at Arpin, Wis., from the facilities of Cheez Co., Inc., located at Wisconsin Rapids, Wis., and from the facilities of John Wuethrich Creamery Co., Inc. located near Greenwood, Wis., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and the District of Columbia; (2) *materials, supplies*, and *equipment* used in the preparation, packaging, and sale of dairy products, dairy by-products, and gift-paks (except frozen commodities and commodities in bulk) from the destinations described in (1) above to the facilities of Arpin Dairy, Inc., located at Arpin, Wis., to the facilities of Cheez Co., Inc., located at Wisconsin Rapids, Wis., and to the facilities of John Wuethrich Creamery Co., Inc., located near Greenwood, Wis.; and (3) *dairy products, dairy by-products*, and *gift-paks* except frozen commodities and commodities in bulk) from Bongards, Minn., and Hopkinton, Iowa, to the facilities of Cheez Co., Inc., located at Wisconsin Rapids, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Madison, Wis.

No. MC 141197 (Sub-No. 8) filed August 9, 1976. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Road, Riverside, Mo. 64151. Applicant's representative: Lucy Kennard Bell, 910 Brookfield Bldg., 101 West Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Nowata and Rogers Counties, Okla., to Springfield, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 141205 (Sub-No. 3) filed August 9, 1976. Applicant: HUSKY OIL TRANSPORTATION CO., 600 South Cherry Street, Denver, Colo. 80222. Applicant's representative: Karl F. Anuta (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil and crude petroleum products*, in bulk, in tank vehicles, (1) between points in Montana, Wyoming, North Dakota and South Dakota; (2) between points in Wyoming, Colorado and Nebraska; (3) between points in Colorado, Kansas and New Mexico; (4) from points in Uintah (south of U.S. Highway 40), San Juan, Daggett and Grand Counties, Utah, to points in Colorado and Wyoming; and (5) between points in Montana, Wyoming and Colorado, under a continuing contract, or contracts, with Husky Oil Company of Delaware.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 141274 (Sub-No. 2) filed August 20, 1976. Applicant: C. C. ANKENEY, INC., P.O. Box 1034, Whittier, Calif. 90609. Applicant's representative: Charles C. Ankeney (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *High pressure rubber hoses and related articles* (such as metal hose couplings), from Trenton, N.J., to Kansas City, Mo.; Salt Lake City, Utah; San Francisco and Los Angeles, Calif.; Houston and Laredo, Tex.; Denver, Colo., and points in Louisiana, under a continuing contract or contracts with Goodall Rubber Company, located at Trenton, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles or San Francisco, Calif.

No. MC 141328 (Sub-No. 4) filed August 9, 1976. Applicant: MID-STATES HAULING CONTRACTORS, INC., P.O. Box 250, 106 N. 25th Street, Lexington,

Mo. 64067. Applicant's representative: Tom B. Kretsinger, 910 Brookfield Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, sand and gravel*, from points in Hot Springs, Dallas, Sevier, Pulaski, Howard and Clark Counties, Ark., to points in Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark., or Memphis, Tenn.

No. MC 141362 (Sub-No. 5) filed August 13, 1976. Applicant: GEORGE A. SPARKS, doing business as ESCONDIDO TRUCK & EQUIPMENT, 630 Daisy, Escondido, Calif. 92027. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., Suite 106, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feed supplement*, dry, in bulk, from points in San Diego County, Calif., to points in Pinal and Pima Counties, Ariz.; and (2) *Dried poultry waste*, in ocean containers having an immediately subsequent movement by water, from San Marcos, Calif., to the ports of Long Beach, Los Angeles and San Diego, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Diego or Los Angeles, Calif.

No. MC 141552 (Sub-No. 4) filed August 11, 1976. Applicant: JAMES R. SMITH POULTRY & PRODUCE CO., INC., P.O. Box 790, Cullman, Ala. 35055. Applicant's representative: John Tucker, 914 Woodward Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Imported wines*, from New York, N.Y.; Savannah, Ga.; Mobile, Ala.; and New Orleans, La.; to points in Mobile, Tuscaloosa and Jefferson Counties, Ala.; (2) *Malt beverages*, from Savannah, Ga.; New York, N.Y., Newark, N.J. and Mobile, Ala., to points in Autauga, Baldwin Barbour, Bullock, Calhoun, Choctaw, Conecuh, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Escambia, Etowah, Greene, Hale, Henry, Houston, Jefferson, Lee, Lowndes, Macon, Madison, Marengo, Mobile, Montgomery, Perry, Pike, Russell, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa and Wicox Counties, Aa.; (3) *Malt beverages, pallets, can openers and malt beverage advertising materials*, when moving in the same vehicle with malt beverages: (a) from Baltimore, Md.; Perry, Ga.; Newport, Ky.; and Evansville, Ind., to points in Jefferson County, Ala.; (b) from Baltimore, Md.; Evansville, Ind., New Orleans, La., to points in Dallas County, Ala.; (c) from Jacksonville, Fla., to points in Talladega County, Ala., (d) from Jacksonville, Fla.; Tampa, Fla.; and St. Louis, Mo., to points in Jefferson County, Ala.; (e) from Baltimore, Md., Memphis, Tenn.; and Belleville, Ill., to points in Talladega County, Ala.; (f) from St. Joseph, Mo.; San Antonio, Tex.; and Ft. Worth, Tex., to points in Dallas County, Ala.;

(g) From Savannah, Ga.; New York, N.Y.; Newark, N.J.; and Mobile, Ala., to points in Autauga, Baldwin, Barbour, Bullock, Calhoun, Choctaw, Conecuh, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Escambia, Etowah, Greene, Hale, Henry, Houston, Jefferson, Lee, Lowndes, Macon, Madison, Marengo, Mobile, Montgomery, Perry, Pike, Russell, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa and Wilcox Counties, Ala.; (h) from Memphis, Tenn. and Milwaukee, Wis., to points in Tuscaloosa County, Ala.; (i) from Ft. Worth, Tex.; Evansville, Ind.; and Pabst, Ga., to points in Talladega County, Ala.; (j) from Evansville, Ind.; Newport, Ky., to points in Montgomery and Calhoun Counties, Ala.; (k) from Newport, Ky., to points in Calhoun, Etowah and Montgomery Counties, Ala. (l) from Memphis, Tenn.; Milwaukee, Wis., Longview, Tex.; Winston-Salem, N.C.; and Tampa, Fla., to points in Jefferson County, Ala.; (m) from New Orleans, La.; Baltimore, Md.; and Belleville, Ill., to points in Montgomery and Pike Counties, Ala.; (n) from Jacksonville, Fla.; New Orleans, La.; Baltimore, Md.; and Belleville, Ill., to points in Tuscaloosa and Marengo Counties, Ala.; (o) from Memphis, Tenn., to points in Lee County, Ala.; and (p) from Jacksonville, Fla., to points in Houston County, Ala.; and (4) *Wine*, (a) from New York, N.Y.; Savannah, Ga.; Mobile, Ala. and New Orleans, La., to points in Mobile, Tuscaloosa and Jefferson Counties, Ala.; (b) from New York, N.Y.; Senoma, Calif.; Modesto, Calif.; San Francisco, Calif.; Brooklyn, Purchase, Farmingdale, N.Y., to points in Tuscalloosa, Ala.; and (c) from Madera, Calif., to points in Montgomery County, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Montgomery or Huntsville, Ala.

No. MC 141645 (Sub-No. 3) filed August 9, 1976. Applicant: MADISON TRANSPORTATION, INC., 140 Vaugh Drive, P.O. Box 421, Madison, Ind. 47250. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Borax*, from Madison, Ind., to points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, Tennessee, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Louisville, Ky.

No. MC 141750 (Sub-No. 2) filed August 2, 1976. Applicant: COLUMBIA HAULERS, INCORPORATED, 1009 Airport Blvd., Columbia, S.C. 29202. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Bldg., Columbia, S.C. 29201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors, alcohol distillers' by-products and wines*, from Hartford, Conn.; Chicago, Ill.; Lawrenceburg, Ind.; Frankfort, Lawrenceburg, Louisville, Loretto and Owensboro, Ky.; Baltimore, Md.; Bayonne, Lawrenceville, Linden, and Little Ferry, N.J.; Brooklyn, Long Island, and New York, N.Y.; Schenley and Fairless Hills, Pa.; Tullahoma, Tenn.; and Petersburg, Va., to points in Richland County, S.C., under a continuing contract, or contracts, with Columbia Distributing Corporation, located at Columbia, S.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbia, S.C., Charlotte, N.C. or Atlanta, Ga.

No. MC 142071 (Sub-No. 1) (Correction) filed July 28, 1976, published in the FEDERAL REGISTER issue of September 9, 1976, published as corrected this issue. Applicant: AMERICAN TERMINALS, INC., 1187 N. Kraemer, Anaheim, Calif. 92806. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Swimming pool and flooring glazed and quarried tile products and related bonding materials*, (1) between the plantsite of Quality Marble and Tile Company, located in Atlanta, Ga., Baltimore, Md., Dallas, Tex., Englewood, Colo., Lenexa, Kans., Phoenix, Ariz., and Anaheim, North Hollywood, Sacramento, San Diego, and San Leandro, Calif.; (2) from the plantsites of U.S. Ceramics located in Houston, Miss., and Canton, Ohio, to the plantsites of Quality Marble and Tile Company as listed in paragraph (1) above; (3) from the plantsites of Chicago Mastics located in Hamilton, Ohio, to the plantsites of Quality Marble and Tile Company as listed in paragraph (1) above; and (4) from Miami, Fla., Mobile, Ala., and Long Beach, Los Angeles, Oakland, San Francisco and San Pedro, Calif., to the plantsites of Quality Marble and Tile Company as listed in paragraph (1) above, restricted against transportation between points in California.

NOTE.—The purpose of this republication is to delete the applicant's representative name from this proceeding. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or San Francisco, Calif.

No. MC 142075 (Sub-No. 3) filed August 12, 1976. Applicant: D. C. LARSON TRUCKING, INC., Box 962, Moorhead, Minn. 56560. Applicant's representative: Charles E. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incandescent and flourescent light bulbs and tubes*, from Warren, Pa., and West Orange, N.J., to Fargo, N. Dak.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Fargo, N. Dak. or Minneapolis, Minn.

No. MC 142113 (Sub-No. 1) filed August 9, 1976. Applicant: CHESTER A. RICHMOND, SR. doing business as, RICHMOND CARTAGE, Box 337, Craigsville, W. Va. 26205. Applicant's representative: John M. Freidman, 2930 Putnam Avenue, Hurricane, W.Va. 25526. Authority sought to operate as a *common*

carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between Charleston and Marlinton, W. Va., from Charleston, W.Va., over U.S. Highway 119 to junction Interstate Highway 79, thence over Interstate Highway 79 to junction U.S. Highway 19 located at Sutton, W. Va., thence over U.S. Highway 19 to junction West Virginia Highway 43, thence over West Virginia Highway 43 to junction West Virginia Highway 41, thence over West Virginia Highway 41 to junction West Virginia Highway 20, thence over West Virginia Highway 20 to junction West Virginia Highway 39, thence over West Virginia Highway 39 to junction U.S. Highway 219, thence over U.S. Highway 219 to Marlinton, W. Va., and return over the same routes, serving all intermediate and off-route points, on and in connection with the above described routes, all points on the designated highways and all off-route points in Greenbrier, Nicholas, Pocahontas, and Webster Counties, and those in Randolph County on and south of U.S. Highway 33, restricted against service to all intermediate points on U.S. Highway 119, Interstate Highway 79 and U.S. Highway 19 between Charleston, and Sutton, W. Va., including Sutton, W. Va.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Charleston, W. Va.

No. MC 142119 (Sub-No. 2), filed August 12, 1976. Applicant: COMMERCIAL TRAFFIC SERVICES, INC., 2001 West 12th Street, Erie, Pa. 16505. Applicant's representative: John A. Pillar, 205 Ross Street, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass and porcelain lined pipe, valves and fittings*, between Millcreek Township, Erie County, Pa., on the one hand, and, on the other, points in Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Ohio, Virginia and West Virginia, under a continuing contract, or contracts, with Ervite Corporation; (2) *metals and mill supplies* (except commodities in bulk), between Fairview Township, Erie County, Pa., on the one hand, and, on the other, points in Ashtabula County, Ohio and Chautauqua County, N.Y., under a continuing contract, or contracts, with A.M. Castle and Co.; and (3) *plastic and wooden articles, plastic granules and articles* used in connection with the production and manufacture of plastic articles and granules (except commodities in bulk), (a) between Millcreek Township, Erie County, Pa. and Mountain Grove, Mo.; and (b) between Millcreek Township, Erie County, Pa., and Mountain Grove, Mo., on the one hand, and, on the other, points in Connecticut, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Rhode Island, Tennessee, Virginia and West Virginia, under a continuing contract, or contracts, with Fordick Corporation and Wilson Research Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Erie or Pittsburgh, Pa. or Washington, D.C.

No. MC 142268 (Sub-No. 2), filed August 2, 1976. Applicant: GORSKI BULK TRANSPORT, INC., Box 700, Harrow, Ontario, Canada. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic beverages and alcohol*, in bulk, in tank vehicles, (A) from Atchinson, Kans., Clinton, and Muscatine, Iowa, and (B) from points on the International Boundary line between the United States and Canada located at points in Michigan and New York to Paducah, Ky., restricted in (B) above to traffic originating in Toronto, Canada; and (2) *alcoholic beverages*, from the plantsite of Heublein, Inc. located at or near Paducah, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn., Detroit, Mich., or Washington, D.C.

No. MC 142300 (Sub-No. 1), filed August 16, 1976. Applicant: F. A. F., Inc., 945 Dante Place, Jacksonville, Fla. 32207. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pharmaceuticals, drugs and related items*, uncrated, from Jacksonville, Fla., to points in Alabama, North Carolina, South Carolina, Georgia, and Tennessee, restricted to shipments weighing 35 pounds each or in the aggregate more than 500 pounds from one consignor to one consignee on any one day, under a continuing contract, or contracts, with Lawrence Pharmaceuticals, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 142330 (Sub-No. 5), filed August 5, 1976. Applicant: PONY EXPRESS COURIER CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, audit and data processing media and business records and materials*, between Henrico County, Va., on the one hand, and, on the other, Annapolis, Baltimore, Crofton, and Gaithersburg, Md.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Richmond, Va.

No. MC 142330 (Sub-No. 6), filed August 5, 1976. Applicant: PONY EXPRESS COURIER CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, food stamps, data processing media and microfilm*, between New Orleans, La., on the one hand, and, on the other, points in Baldwin and Mobile Counties, Ala., and points in Issaquena, Sharkey, Yazoo, Madison, Leake, Neshoba, and Kemper Counties, Miss., and points in Mississippi south of said counties.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La. or Atlanta, Ga.

No. MC 142333 (Sub-No. 1), filed August 9, 1976. Applicant: STEEL TRANSPORT, INC., 9950 Cherry Ave., Fontana, Calif. 92335. Applicant's representative: C. Gene Wolfinbarger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Montmorillonite*, from points in Mineral County, Nev., to points in the United States in and west of Colorado, Montana, New Mexico and Wyoming (except Nevada, Hawaii and Alaska).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 142362, filed August 9, 1976. Applicant: HOGAN TRUCKING COMPANY, INC., 750 Craghead St., P.O. Box 89, Danville, Va. 24541. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, in containers, advertising materials, and empty containers*, between Baltimore, Md., and Eden, N.C., on the one hand, and, on the other, points in Virginia; and (2) *wine* (except in bulk), from Hammondsport and Brooklyn, N.Y., to Greensboro, N.C., and points in Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 142363, filed August 9, 1976. Applicant: ALTO LEASING RENTAL CO., a Corporation, 2 Avenue L, Newark, N.J. 07105. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food products, materials, equipment and supplies*, used in the manufacture and sale of food products (except commodities in bulk), between Newark, N.J., on the one hand, and, on the other, points in New York, N.Y., and points in Nassau, Suffolk, Westchester Counties, N.Y., under a continuing contract or con-

tracts with Mother's Foods, Division of Vita Food Products, at Newark, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 142366, filed August 2, 1976. Applicant: GEORGE G. BEELER, 6321 Bowstring Trail, Knoxville, Tenn. 37920. Applicant's representative: Jess D. Campbell, 205 Clinch Avenue, SW., Suite 1, Knoxville, Tenn. 37902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automotive vehicles*, in secondary movements, between Nashville, Knoxville, Chattanooga, and Memphis, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, South Carolina, Texas, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Knoxville or Nashville, Tenn.

No. MC 142393, filed August 11, 1976. Applicant: ROBBIE D. WOOD, INC., 467 Bryan Lane, Warrior, La. 35180. Applicant's representative: Gerald D. Colvin, Jr., 603 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, between points in Alabama, on the one hand, and, on the other, points in Florida, Georgia, Kentucky, Mississippi, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Atlanta, Ga.

No. MC 142394, filed August 11, 1976. Applicant: J. RONALD EVANS, doing business as P. & E. TRUCKING, 1463 Anderson Road, Pittsburgh, Pa. 15209. Applicant's representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waste pulpboard, waste fiberboard, waste cardboard, and waste paper*, from points in Pennsylvania located on and west of U.S. Highway Route 15 to points in Ohio and West Virginia; and (2) *pulpboard and fiberboard*, from Coshocton, Ohio, to Pittsburgh, Pa and Knox, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Pittsburgh, Pa.

No. MC 142396, filed August 12, 1976. Applicant: AFFILIATED FOODS, INC., 6700 S. Washington, Amarillo, Tex. 79105. Applicant's representative: Mike Cotten, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between the facilities of Affiliated Mercantile, Inc. at or near Amarillo, Tex., on the one hand, and, on the other, points in Oklahoma and New Mexico, under a continuing contract of contracts with Affiliated Mercantile, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex. and Oklahoma City, Okla.

No. MC 142397, filed August 16, 1976. Applicant: DENNIS J. LAUGHLIN, doing business as DENNIS J. LAUGHLIN TOWING, 110 Sawyer Ave., Tonawanda, N.Y. 14150. Applicant's representative: Robert D. Gunderman, 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles* (except trailers designed to be drawn by passenger automobiles), and *replacements therefore*, by wrecker equipment only, between points in Erie, Niagara, Chautauqua and Cattaraugus Counties, N.Y., on the one hand, and, on the other, points in that part of the United States on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., and thence northward along the western boundary of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 142398, filed August 16, 1976. Applicant: FAST FORWARD, INC., 17 Delaware Ave., West Long Branch, N.J. 07764. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by retail department stores, from the New York, N.Y. commercial zone, to shipper's retail stores, located at points in Delaware, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Vermont, and Virginia, under a continuing contract or contracts with Ames Department Stores, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 142405, filed August 17, 1976. Applicant: NEVADA BULK CORP., 2209 Idaho St., Carson City, Nev. 89701. Applicant's representative: Karl K. Roos, 5862 Hillview Park Ave., Van Nuys, Calif. 91401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fluorspar, gypsum, sand and barytes*, from Clark, Lander, Lincoln and Nye Counties, Nev., to points in Kern, Los Angeles, Orange, Riverside, and San Bernardino Counties, Calif.; (2) *coal, coal residue, coal fines, and coal slurry*, from Clark County, Nev., to points in Kern, Los Angeles, Orange, Riverside, and San Bernardino Counties, Calif.; and (3) *cement*, from points in Kern, Los Angeles and San Bernardino Counties, Calif., to points in Clark, Lincoln and Nye Counties, Nev.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Las Vegas, Nev. or Los Angeles, Calif.

No. MC 142408, filed August 19, 1976. Applicant: HAMILTON TRUCKING COMPANY, P.O. Box 7543, Fort Worth, Tex. 76111. Applicant's representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Fort Worth, Tex., to Mesilla, N. Mex., under a continuing contract or contracts with Gallos Plastics of Texas, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Fort Worth, Tex.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 217), filed August 6, 1976. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between the junction of Interstate Highway 70 and U.S. Highway 45 north of Effingham, Ill., and the junction of Interstate Highways 70 and 55 and U.S. Highway 40 northeast of Collinsville, Ill., serving all intermediate points; From the junction of Interstate Highway 70 and U.S. Highway 45 over Interstate Highways 70 and 55 to tion with Interstate Highway 55, thence over Interstate Highway 70 and 55 to the junction of U.S. Highway 40, and return over the same route.

NOTE.—Applicant states that in conjunction with the above requested authority it proposes to abandon that portion of its current authority between the junction of U.S. Highway 40 and Interstate Highway 70 west of Effingham, Ill. and the junction of U.S. Highway 40 and Interstate Highways 70 and 55 northeast of Collinsville, Ill., via U.S. Highway 40 and old U.S. Highway 40 as contained in its present Certificate No. MC 1515 (Sub-6) and MC 1501 (Sub-92) (renumbered MC 1515 Sub-8 not yet reissued). Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 29839 (Sub-No. 6), filed August 11, 1976. Applicant: EVERGREEN STAGE LINES, INC., 9038 N. Denver, Portland, Oreg. 97217. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at points in Clackamas, Washington and Multnomah Counties, Oreg. and Clark County, Wash., and and extending to points in the United States, including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held in consolidation with Vancouver-Portland Bus Co., at Portland, Oreg.

No. MC 116248 (Sub-No. 10), filed July 13, 1976. Applicant: TRI-STATE BUS LINES, INC., 301 North Fourth Street, P.O. Box 947 Paducah, Ky.

42001. Applicant's representative: Charles Carter Baker, Jr., 6th Fl., United American Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage; express and newspapers* when transported in the same vehicle; and incidental special and charter authority beginning and ending at the regular route service points named below and extending to points in the United States (except Alaska and Hawaii), (1) Between Paducah, Ky., and Louisville, Ky., serving all intermediate points: From Paducah, Ky., over U.S. Highway 62, and also the Western Kentucky Parkway and Interstate Highway 65 to Louisville, Ky., and return over the same routes; (2) Between St. Charles, Ky., and Nortonvile, Ky., serving all intermediate points: From St. Charles, Ky., over Kentucky Highway 112 to Earlington, Ky., and to Nortonville over U.S. Highway 41 and/or Alternate U.S. Highway 41; and (3) Between Madisonville, Ky., and Nortonville, Ky., over U.S. Highway 41 and/or Alternate U.S. Highway 41, serving all intermediate points, restricted in (1) above against the handling of passengers from Elizabethtown to Louisville or from Louisville to Elizabethtown, and further restricted in (1) above against the rendition of charter service originating at Louisville, Ky., and its suburban area and at Ft. Knox, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Paducah or Louisville, Ky.

No. MC 141743 (Sub-No. 1), filed August 12, 1976. Applicant: MARK IV CHARTER LINES, INC., 24500 South Vermont Avenue, P.O. Box 697, Harbor City, Calif. 90710. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip, special, and charter operations, from points in Orange County, Calif., and points in that portion of Los Angeles County, Calif., south of the line described as follows: Commencing at the point where the Ventura County-Los Angeles County boundaries meet the Pacific Ocean, and extending along said county boundary line to the point where said county boundary meets the city boundary line of the City of Los Angeles in Chatsworth; continuing north and east along said city boundary line to the point where said city boundary line meets the southern boundary of the Angeles National Forest; and continuing along the southern boundary of the Angeles National Forest to the San Bernardino County line; to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles or Long Beach, Calif.

No. MC 142188 (Sub-No. 1), filed June 21, 1976. Applicant: MARY WIMBERLY AND BETTY BEALS, doing business as WIMBERLY BUS SERVICE, 131 South Walnut, Centralia, Ill. 62801. Applicant's representative: B. W. La Tourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, Mo. 63105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter service, between points in St. Clair, Clinton, Washington, Jefferson, Wayne, Marion, and Clay Counties, Ill., on the one hand, and, on the other, points in St. Louis and St. Louis County, Mo., and those points in Indiana, Tennessee, and Kentucky, and return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Springfield, Ill.

BROKER APPLICATIONS

No. MC 130399, filed July 7, 1976. Applicant: PARDUE TOURS, Rt. 2, Box 112–A, Elkin, N.C. 28621. Applicant's representative: W. G. Mitchell, Northwestern Bank Building, North Wilkesboro, N.C. 28659. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Elkin, N.C., to sell or offer to sell the transportation of groups of *passengers, and their baggage*, in special charter operations, in sightseeing and pleasure tours, by motor carriers, beginning and ending at points in Wilkes County, N.C., and extending to points in the United States (excluding Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either the U.S. Courthouse, Wilkesboro, N.C., or the Surry County Courthouse, Dobson, N.C.

No. MC 130402, filed August 5, 1976. Applicant: RAINBOW TRAVEL SERVICE, INC., 2817 Classen Boulevard, Oklahoma City, Okla. 73106. Applicant's representative: Max G. Morgan, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Oklahoma City, Okla., to sell or offer to sell the transportation of *passengers and their baggage*, in all expense, round-trip tours, by motor, water, and air carriers, between points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 130405, filed August 20, 1976. Applicant: COSMO TRAVEL SERVICE, LTD., 2006 Memorial Avenue, Lynchburg, Va. 24501. Applicant's representative: Howard S. Boros, 1120 Connecticut Avenue, NW., Suite 460, Washington, D.C. 20036. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Lynchburg, Va., to sell or offer to sell the transportation of *passengers and their baggage*, in passenger tours and charter, by motor, rail, water, and air carriers, beginning and ending at points in Viginia and extending to points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Lynchburg, Va.

No. MC 130407, filed August 12, 1976. Applicant: GEORGE A. BOURQUE, 3102 Maury, Houston, Tex. 77009. Applicant's representative: Joe G. Fender, 711 Louisiana, Suite 1150, Houston, Tex. 77002. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Houston, Tex., to sell or offer to sell the transportation of *General commodities*, moving in truck service, between points in Texas, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston or Dallas, Tex.

WATER APPLICATION

No. W–370 (Sub-No. 3), filed August 23, 1976. Applicant: ALBERT BERNERT, INC., 1973 SE. 4th Avenue, West Linn, Oreg. 97068. Applicant's representative: Gerald Grossnickle, 15048 S. Clackamas River Drive, Oregon City, Oreg. 97045. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *Commodities generally*, by towing vessels in the performance of general towage and by non-self-propelled vessels with the use of separate towing vessels, between ports and points along the Clearwater, Columbia, Snake, and Willamette Rivers from Astoria, Oreg. to Priest Rapids Dam on the Columbia, to Portland, Oreg., on the Willamette, to Johnson's Bar on the Snake and to Hog Island on the Clearwater.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

FREIGHT FORWARDER APPLICATION

No. FF–486, filed August 30, 1976. Applicant: GULF FORWARDING, INC., 260 East Bayview, Biloxi, Miss. 39533. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by railroad, motor vehicle, water, and express, in the transportation of (a) *used household goods and unaccompanied baggage;* and (b) *used automobiles*, between points in the United States, including Hawaii but excluding Alaska, restricted in (b) above to the transportation of export-import traffic.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers

pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

No. MC-F-12926. (Correction) (SOUTHWEST EQUIPMENT RENTAL, INC., d/b/a SOUTHWEST MOTOR FREIGHT—Purchase (Portion)—INTERSTATE CONTRACT CARRIER CORPORATION), published in the FEDERAL REGISTER, August 26, 1976, on page 36121. Prior notice should read as follows: Operating rights sought to be transferred: Paper and paper products, plastic and plastic articles, fabricated metal products, waste and scrap materials, and equipment, materials, and supplies used in the manufacture of the above commodities (except commodities in bulk), as a *contract carrier* over irregular routes between the facilities of Container Corporation of America in Washington, Oregon, and California, on the one hand, and on the other, points in that part of the United States in and east of Montana, Wyoming, Colorado, New Mexico, and Texas, with restrictions. Vendee is authorized to operate as a *contract carrier* in all the States in the United States including District of Columbia, but excluding Alaska and Hawaii.

No. MC-F-12958. Authority sought for control by EUGENE TRIPP TRUCKING, a non-record carrier, P.O. Box 2730, Highway 10 West, Missoula, MT 59801, of EUGENE TRIPP, an individual, P.O. Box 2730, Highway 10 West, Missoula, MT 59801, and for acquisition by EUGENE TRIPP, 4624 South Avenue West, Missoula, MT 59801, EUGENE TRIPP, JR., of Florence, MT 59833, WARREN C. SHEPARD, 320 West Central, Missoula, MT 59801 and STANLEY L. WATKINS, 406 5th Avenue South, Shelby, MT 59474, of control of such rights through the transaction. Applicants' attorney: Jeremy G. Thane, Savings Center Building, Missoula, MT 59801. Operating rights sought to be controlled: *Malt beverages* as a *contract carrier* over irregular routes from Seattle, Wash., to Anaconda, Billings, Bozeman, Butte, Dillon, Great Falls, Havre, Helena, Kilispell, Libby, Livingston, Lewiston, Miles Cty, Missoula, Roundup, and Shelby, Mont., and Coeur d'Alene, Lewiston, Mullan, Sandpoint, and Wallace, Idaho, with no transportation for compensation on return except as otherwise authorized, with restrictions; *Malt beverages*, from Tacoma, Wash., to points in Montana, Idaho, and Wyoming, with no transportation for compensation on return except as otherwise authorized, with restrictions; *Malt beverages* (a) from San Francisco, Calif., and St. Paul, Minn., to Great Falls, Mont.; (b) from San Francisco, Calif., St. Paul, Minn., and Milwaukee, Wis., to Billings, Mont.; (c) from Azusa and San Francisco, Calif., and St. Paul, Minn., to Butte, Mont.; (d) from Azusa and San Francisco, Calif., and St. Paul, Minn., to Helena, Mont.; all with restrictions; (2) Empty containers, from the destination points in (1) (a), (b), (c), and (d) above, to the origin points in (1) (a), (b), (c), and (d) above, with restrictions. *Malt beverages*, from Seattle and Tacoma, Wash., to points in California, with no transportation for compensation on return except as otherwise authorized; Empty containers, from points in California to Seattle, Wash., with no transportation for compensation on return except as otherwise authorized, with restrictions. EUGENE TRIPP TRUCKING has no authority from this Commission, however, it is controlled, directly or indirectly by EUGENE TRIPP who is the holder of I.C.C. permits as a *contract carrier* under docket number MC 124505. EUGENE TRIPP, under MC 124505 and subs thereunder is authorized to operate as a *contract carrier* in Montana, Washington, Idaho, California, Wyoming, Minnesota, North Dakota, Oregon, Utah, Nevada, Arizona, and Wisconsin. Application has not been filed for temporary authority under Section 2110a(b).

NOTE.—No. MC 129287 Sub-No. 1 is a directly related matter.

No. MC-F-12959. Authority sought for control by PUGET SOUND TUG & BARGE COMPANY, 1102 S.W. Massachusetts Street, Seattle, WA 98124, of ARCTIC LIGHTERAGE COMPANY, P.O. Box 3783, Seattle, WA 98124, and for acquisition by CROWLEY MARITIME CORPORATION and THOMAS B. CROWLEY, One Market Plaza, San Francisco, CA 94105, of control of ARCTIC LIGHTERAGE COMPANY through the acquisition by CROWLEY MARITIME CORPORATION and THOMAS B. CROWLEY. Applicants' attorneys: John Cunningham, 1776 F Street, Northwest, Washington, D.C. 20006, and William F. Roush, P.O. Box 3815, San Francisco, CA 94119. Operating rights sought to be controlled: Under MC 141642 (Sub-No. 1TA), *General commodities* (except household goods as defined by the Commission), over irregular routes as a common carrier (1) between points in Nome, Alaska, and points within five (5) miles thereof, (2) between Kotzebue, Alaska, and points accessible thereto by public highway on the Kotzebue Peninsula, restricted to traffic having a prior or subsequent out-of-State movement; No. W-1299 (Sub-No. 1), General commodities by self-propelled vessels and by non-self-propelled vessels with the use of separate towing vessels, and by towing vessels in the performance of general towage during the season extending April 1 to November 1 of each year, both dates inclusive, between ports and points (1) on and along the Noatak, Kobuk, and Selawick Rivers (to their respective heads of navigation) and Selawick Lake, Traversing Hotham Inlet including Kotzebue; (2) along the Buckland and Kiwalik Rivers to their respective heads of navigation; (3) along the Naknek River below and including King Salmon including Naknek and (4) along the Kuskokwim River below and including Bethel. Vendee is authorized to operate as a common carrier in Alaska. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12960. Application under Section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION, 175 Linfield Drive, Menlo Park, California 94025 (MC 42487), and (A) CITY DELIVERY, INC., P.O. Box 20686, Phoenix, Arizona 85036 (MC 120937), (B) JENNEY FREIGHT LINE, INC., 1224 North Main Avenue, Tucson, Arizona 85705 (MC 120092), (C) NORTH PARK TRANSPORTATION COMPANY, INC., 5150 Columbine Street, Denver, Colorado 80216 (MC 105350), (D) PETERS TRUCK LINES, CORPORATION, P.O. Box 218, Eureka, California 96097 (MC 97710), (E) SALINAS VALLEY-SANTA CRUZ MOTOR EXPRESS, 1760 Third Street, San Francisco, California 94107 (MC 121053), (F) TRANS-WESTERN EXPRESS, LTD, 48 East 56th Avenue, Denver, Colorado 80216 (MC 58035), (G) DELTA LINES, INC., 333 Hegenberger Road, Oakland, California 94604 (MC 56640), (H) WESTERN GILLETTE, INC., 2550 East 28th, Los Angeles, California 90058 (MC 8948), (I) FASTEST WAY MOTOR FREIGHT, INC., E. 518 First, Spokane, Washington, 99202 (MC 123602), (J) INTER-CITY AUTO FREIGHT, INC., 3441 Second Avenue, Seattle, Washington 98134 (MC 20994), (K) O.N.C. FREIGHT SYSTEMS, 260 Sheridan Avenue, Palo Alto, California 94303 (MC 71459), seeks to enter into an agreement for pooling of traffic consisting of general commodities moving in interstate commerce between points in (A) Carefree, Cactus, and Cave Creek, Arizona, (B) In Bisbee, Arizona, (C) Points located on U.S. Highway 30 between Green River, Wyoming and Rawlins, Wyoming, including Green River and Rawlins, but *excluding* the Bechtel Corporation Plantsite at or near Point of Rocks, Wyoming, Point of Rocks and Pacific Power and Light Plantsite, Wyoming, Restriction: Service at Rock Springs and Green River, Wyoming is restricted to traffic originating east of the western boundaries of the States of Montana, Wyoming, Colorado, and New Mexico. *Representative points*. Green River, Rock Springs, Wamsutter, Rawlins, Sinclair, Walcott, Hanna, Elmo, Medicine Bow, Rock River, Bosler, and Sarotoga, Wyoming.

(D) Points located on Interstate Highway 5 between Hornbrook, California, and Yolo, California, including Hornbrook and Yolo. Representative Points on Interstate Highway 5, Yolo. Representa-

tivé Points on Interstate Highway 5, Yolo, Arbuckle, Williams, Maxwell, Willows, Artois, Orland, Corning, Red Bluff, Red Bluff Air Force Station, Cottonwood, Anderson, Redding, Central Valley, Project City, Castella, Dunsmuir, Mount Shasta, Weed, Yreka, Hornbrook, California, Offroute points, Hilt, Dorris, Los Molinos, Line Oak, Pleasant Grove, Knights Landing, Esparto, Madison Winters, Thornton, Galt and Victor, California. (E) Ben Lomond, Boulder Creek, Carmel, Carmel Point, Carmel Highlands, Carmel Woods, Felton, Hollister, Mt. Hermon, San Juan Bautista and Pebble Beach, California. (F) Points located on U.S. Highway 85 between Lucerne, Colorado and the Colorado-Wyoming State line, including Lucerne, Wyoming. Points located on U.S. Highway 87 between Wellington, Colorado and the Colorado-Wyoming State line including Wellington, Colorado. Points located on U.S. Highway 287 between LaPorte, Colorado, and Laramie, Wyoming, including La Porte and Laramie. Serving Ault, Eaton, Pierce, La Porte, Colorado, and Laramie, Wyoming. (G) Interchange point Sacramento, California, serving Loomis, Penryn, Newcastle, Auburn, Applegate, Weimar, Colfax, Michigan Bluff, Sedu Springs, Truckee and Valley Springs, California. Interchange Point Fresno, California, serving Angiola, Avenal, Friant, Miramonte, Pixley, Plano, Terre Bella, Tranquility, Smelling, Dos Palos, and South Dos Palos, California. Interchange point Oakland, California, serving Brentwood, Byron, Clayton and Knightsen, California. (H) Serving Aguila, Ehrenberg, Quartzsite, Salome, Wickenburg, and Wittman, Arizona. (I) Serving Cheney, Colhert, Four Lakes, La Crosse, Marshall, Milan, Newport, Rosalia, and Spangle, Washintgon, (J) Serving Concrete, Hamilton, Marblemount and Newkalem, Washington.

(K) Point of Interchange, Phoenix, Arizona, serving Ash Fork, Cameron, Cedar Ridge, Chino Valley, Flagstaff, Forbing Park, Fredonia, Gila Bend, Glen Canyon Dam Site, Navajo Army Depot (Excluding A and B explosives) Navajo Ordnance Depot (excluding A and B explosives), Navajo Generating Plant, Page, Prescott, Tacno, The Gap, Vincent A.F.B. Wellton, West Yuma, Williams, Yarnell and Yuma, Arizona. Restrictions: (1) Traffic destined to Fredonia, Glen Canyon Dam Site and Page, Arizona is restricted to shipments originating in the State of California south of the northern boundaries of San Luis Obispo, Kern and San Bernardino Counties. (2) Shipments of Classes A and B Explosives destined to Navajo Army Depot and Navajo Ordnance Depot are excluded from this agreement. (3) Traffic destined to Yuma and West Yuma is restricted to shipments originating in or east of the States of Idaho, Nevada and Arizona. Interchange point: Coos Bay, Oregon, serving Arago, Coquille, Fairview and Norway, Oregon: Interchange point: Medford, Oregon, serving Eagle Point and Wolf Creek, Oregon. Interchange point: Klamath Falls serving Keno and Midland, Oregon. Interchange point: Wenatchee, Washington, serving George Royal City and Vantage, Washington. Applicants' representatives: Gene T. West, vice president—traffic, 175 Linfield Drive, Menlo Park, California 94025, and Robert M. Bowden, Commerce Supervisor, P.O. Box 3062, Portlnad, Oregon 97028. Consolidated Freightways Corporation of Delaware, is authorized to operate as a common carrier in all the States in the United States (except Hawaii).

No. MC–F–12961. Application under Section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of service. Applicants: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA., 94025, (MC–42487), (A) ARROWHEAD TRANSPORTATION, 103 Moore Lane, Billings, MT., 59102, (MC–116698), (B) COX FREIGHTLINES, P.O. Box 92, Jordan, MT., 59337, (MC–135491), (C) FETTERS'-BUTTE–DEER LODGE MOTOR FREIGHT, 1951 Elm Street, Butte, MT., 59701, (MC–140357), (D) HART MOTOR EXPRESS, INC., 2417 North Cleveland, St. Paul, MN., 55113, (MC–78643), (E) DENVER-LIMON-BURLINGTON TRANSFER COMPANY, 3650 Chestnut Place, Denver, Co., 80216, (MC–115716), (F) GLENROCK-CASPER TRUCK LINE, 1835 Amherst, Casper, WY., 82601, (MC–97445), (G) PARK CITY TRUCK LINE, INC., 383 East 4th South, Heber City, UT., 84032, (MC–121020) seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce between (A) points in Park City, Columbus, Bridger, Fromberg, Edger, Rockvale, and Silesia, Montana (B) between points in Jordan, Winnett, and Mosby, Montana (C) between points in Galen, Deer Lodge, and Warm Springs, Montana (D) (1) points located on U.S. Highway 10 (Interstate Highway 94) between Huntley, Montana and Glendive, Montana, including Huntley and Glendive, (2) points located on Montana Highway 16 between Glendive, Montana and Sidney, Montana, including Glendive and Sidney, representative points: Custer, Hysham, Forsyth, Rosebud, Miles City, Terry, Fallon, Glendive, Savage, Crane, and Sidney Montana (E) Cheyenne Wells, Eads, and Kit Carson, Colorado, (F) Big Muddy, and Glenrock, Wyoming, (G) (1) points located on U.S. Highway 40 between Salt Lake City, Utah and Silver Creek Junction, Utah, excluding Salt Lake City, (2) points located on U.S. Highway 189 between Silver Creek Junction, Utah and Echo, Utah, excluding Echo, representative points: Coalville, Hoytsville, and Wanship, Utah. Applicants' representatives: G. T. West, vice president—traffic, 175 Linfield Drive, Menlo Park, CA., 94025, and Robert M. Bowden, Commerce Supervisor, P.O. Box 3062, Portland, OR., 97028. CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, is authorized to operate as a common carrier in all the States in the United States (except Hawaii).

No. MC–F–12964. Authority sought for purchase by UNZICKER TRUCKING, INC., P.O. Box 35, Highway 24 East, El Paso, IL., 61738, of a portion of the operating rights of CENTRAL STATES TRUCKING, INC., Donnellson, Iowa, 52625, and for acquisition by Walter W. Unzicker, P.O. Box 35, Highway 24 East, El Paso, IL., 61738, of control of such rights through the purchase. Applicants' attorney: Michael J. Ogborn, P.O. Box 82028, Lincoln, NB. 68501. Operating rights sought to be transferred: *Agricultural insecticides, fungicides,* in containers, as a *common carrier* over irregular routes from El Paso, Illinois to points in Iowa, Missouri, Minnesota, Ohio, Indiana, and the lower peninsula of Michigan, *insecticides, fertilizers, fungicides and herbicides,* in package, from Council Bluffs, Iowa to points in Nebraska, South Dakota, Missouri, Minnesota, Illinois (except points in the Chicago Commercial Zone), Wisconsin, Michigan and Ohio (except Mansfield, Massillon, Columbus, Dayton and Cincinnati), *fertilizers and fertilizer compounds,* dry in bulk, from the plantsite and warehouse facilities of Chevron Chemical Company at or near Fort Madison, Iowa to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin, *fertilzer, fertilizer compounds, insecticides and herbicides, in containers, and hand applicators in mixed shipments with fertilzer, fertilzer compounds, insecticides and herbicides,* from points in Des Moines and Lee Counties, Iowa to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin, insecticides, fertilizers, fungicides and herbicides, in containers, from Council Bluffs, Iowa to all points in Kansas, insecticides, fertilizers, fungicides and berbicides, in containers, from Council Bluffs, Iowa to points in Colorado, and Wyoming. Vendee is authorized to operate as a *common carrier* in all the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority.

No. MC–F–12965. Authority sought for purchase by Robert N. Toomey, d.b.a. ROBERT N. TOOMEY TRUCKING CO., 1516 South George Street, York, PA. 17403, of a portion of the operating rights of H.C. GABLER, INC., RD No. 3, Post Office Box 220, Chambersburg, PA. 17201, and for acquisition by Robert N. Toomey, 1516 South George St., York, PA, of control of such rights through the purchase. Applicants' attorney: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD. 21740. Operating rights sought to be transferred: *Grass stop,* in rolls, *metal stove shovels, metal roofing and siding,* and *fabricated metal building products,* as a *common carrier* over irregular routes, from the plant site of Penn Supply and Metal Corporation, Inc., at Philadelphia, Pa., to points in Louisiana, Missouri, Texas, and Wisconsin,

with no transportation for compensation on return except as otherwise authorized, with restrictions. Vendee is authorized to operate as a *contract carrier* in Pennsylvania, California, Texas, Oklahoma, Illinois, Washington, Nevada, Oregon, Arizona, Maryland, Louisiana, Idaho, Montana, Wyoming, Utah, Colorado, New Mexico, Alabama, Georgia, Michigan, Tennessee, Minnesota, Ohio, Indiana, Wisconsin, North Carolina, and South Carolina. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12966. Authority sought for purchase by RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Dallas, TX 75247, of the operating rights of RYAN FREIGHT LINES, INC., 100 S. Lottie, Oklahoma City, OK 73117, and for acquisition by RBM TRANSPORTATION SYSTEMS, INC. and TELECOM CORPORATION, both of 2424 Houston Natural Gas Building, Houston, TX 77002, of control of such rights through the purchase. Applicants' attorneys: Russell R. Sage, 6121 Lincolnia Road, Alexandria, VA 22312, and I. E. Chenoweth, 1300 Mid-Continent Building, Tulsa, OK 74103. Operating rights sought to be transferred: *General Commodities,* with exceptions, as a *common carrier* over regular routes (1) between Oklahoma City, OK, and Atoka, OK, serving the intermediate points of Straford, Ada, Stonewall, Tupelo, Centrahoma, Coalgate, Phillips, and Lehigh, OK, and the off-route points of Maud, Bowlegs, and St. Louis, OK; (2) between Shawnee and Atoka, OK, serving the intermediate points of Straford, Ada, Stonewall, Tupelo, Centrahoma, Coalgate, Phillips and Lehigh, OK; (3) between Ada and Tishomingo, OK, serving the intermediate points of Fittstown, Pontotoc and Connerville, OK; (4) between Oklahoma City and Marietta, OK, serving all intermediate points; (5) between Ardmore and Waurika, OK, serving the intermediate and off-route points of Lone Grove, Hewett, Dillard, Rexreat, Wilson, Healdton, Wirt and McMann, OK; (6) between Oklahoma City and junction U.S. Highways 76 and 70 near Wilson, OK, serving all intermediate points; (7) between junction U.S. Highway 77 and Oklahoma Highway 29 near Wynnewood, OK and junction Oklahoma Highway 29 and 76 near Foster, OK, serving the intermediate and off-route points of Elmore City and Foster, OK; (8) between Pauls Valley and Alex, OK, serving all intermediate points; (9) between junction U.S. Highway 77 and Oklahoma Highway 74 near Purcell, OK, and Elmore City, OK, serving all intermediate points; (10) between Ardmore and Durant, OK, serving all intermediate points;

(11) between junction U.S. Highway 70 and Oklahoma Highway 12 near Russett, OK, and Ravia, OK, serving all intermediate points; (12) between Madill and Tishomingo, OK, serving all intermediate points; (13) between Madill, OK, and junction Oklahoma Highways 78 and 48 near Durant, OK, serving all intermediate points; (14) between Durant and Broken Bow, OK, serving all intermediate points and the off-route point of Wright City, OK; (15) between Durant, OK, and the Oklahoma-Texas State Line serving all intermediate points; (16) between Antlers, OK, and junction U.S. Highways 271 and 70 near Soper, OK, serving all intermediate points; (17) between Davis, OK, and junction Oklahoma Highways 7 and 12 near Scullin, OK, serving all intermediate points; (18) between Lexington and Dickson, OK, serving all intermediate points and the off-route point of Wanette, OK; (19) between Sulphur and Durant, OK, serving all intermediate points; (20) between Madill and Brown, OK, serving all intermediate points; (21) between Ada and Tishomingo, OK, serving all intermediate points; (22) between Oklahoma City and Antlers, OK, serving all intermediate points and the off-route points of Maud, Bowlegs and St. Louis, OK; (23) between Atoka and Durant, OK, serving all intermediate points; (24) between Pauls Valley and Ada, OK, serving all intermediate points and the off-route of Vanoss, OK; (25) between Wayne, OK, and junction Oklahoma Highways 59A and 13, serving no intermediate points; (26) between Dallas, TX, and Durant, OK, as an alternate route for operating convenience only; (27) between Dallas, TX, and Marietta, OK, serving no intermediate points; (28) between Heavener, OK, and Fort Smith, AR, serving the intermediate points of Spiro, OK, and those south of Spiro without restriction and those north of Spiro restricted to northbound traffic; (29) between Wilburton and McAlester, OK, serving all intermediate points;

(30) Between Fort Smith, AR, and Wilburton, OK, serving the intermediate points of Red Oak, Fanshawe and Panola, OK; (31) serving the site of Arkansas River Lock Dam No. 14 as an off-route point; (32) between Ft. Towson and Poteau, OK, serving all intermediate points with service at Hugo, OK, restricted to the transportation of traffic originating at or destined to points in Oklahoma; and (33) between junction U.S. Highway 271 and Oklahoma Highway 2 near Clayton, OK, and Wilburton, OK, serving no intermediate points. (NOTE.—Routes 4–26 are restricted (a) against the handling of traffic moving to, from, or through Dallas and points in its commercial zone, on the one hand, and, on the other, to, from or through Oklahoma City and points in its commercial zone and (b) service between Dallas and points in its commercial zone, on the one hand, and, on the other, Sulphur, OK, and points on U.S. Highway 77 between the Oklahoma-Texas State line and Oklahoma City is restricted to serving same as points of joinder only; Routes 28–33 are restricted against the transportation of traffic, either local or interline, moving between Fort Smith, AR, on the one hand, and, on the other, Oklahoma City, OK, and points in the State of Texas.) Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12967. Authority sought for purchase by GRAVES TRUCK LINE, INC., 2130 South Ohio, Salina, KS. 67401, of the operating rights and property of DIAMOND FREIGHTWAYS, INC., Friend, NB 68359, and for acquisition by WILLIAM H. GRAVES, 2130 South Ohio, Salina, KS 67401, PLANTERS STATE BANK & TRUST CO. AS TRUSTEE UNDER AN IRREVOCABLE TRUST, FOR JOHN A. GRAVES, Deceased, Salina, KS, Dwight L. Graves, 3402 West Harry, Wichita, KS, and Lowell P. Graves, 92 Shawnee Avenue, Kansas City, KS 66119, of control of such rights and properties through the purchase. Applicants' attorney: John E. Jandera, 641 Harrison Stree, Topeka, KS 66603. Operating rights and properties sought to be transferred: *General commodities,* with exceptions as a common carrier over regular routes, between Omaha, Nebr., and Geneva, Nebr., serving the intermediate points of Lincoln, Dorchester, Exeter, Friend, and Fairmont, Nebr., and the off-route point of Burress, Nebr., between Sutton, Nebr., and Hastings, Nebr., serving no intermediate points, between Harvard, Nebr., and Grand Island, Nebr., serving all intermediate points, and the off-route point of Clay Center, Nebr., between Harvard, Nebr., and Edgar, Nebr., serving all intermediate points, and the off-route points of Fairfield and Glenville, Nebr., between McCool Junction, Nebr., and Omaha, Nebr., serving all intermediate points and the off-route points of Cordova, Beaver Crossing and York, Nebr., between junction U.S. Highway 6 and Nebraska Highway 33, and Lincoln, Nebr., serving the intermediate points of Crete, Nebr., between Harvard, Nebr., and Lincoln, Nebr., serving the intermediate points of Sutton and Grafton, Nebr., and the off-route point of Clay Center, Nebr., between Geneva, Nebr., Bruning, Nebr., serving no intermediate points; *General commodities* with exceptions as a *common carrier* over irregular routes, between points in Fillmore County, Nebr.

Between points in Fillmore County, Nebr., on the one hand, and, on the other, points in Webster, Nuckolls, Thayer, Jefferson, Gage, Lancaster, Saline, Clay, Adams, Hall, Hamilton, York, Seward, Butler, Polk, and Merrick Counties, Nebr., between points in that part of Nebraska bounded on the north by Interstate Highway 80, on the east by Nebraska Highway 15, on the south by U.S. Highway 136, and on the west by Nebraska Highway 14, between points in that part of Nebraska bounded on the north by Interstate 80, on the east by Nebraska Highway 15, on the south by U.S. Highway 136, and on the west by Nebraska Highway 14, on the one hand, and, on the other, points in Nebraska, between points in that part of Nebraska bounded on the north by Nebraska Highway 66, on the east by U.S. Highway 77, on the south by U.S. Highway 136, and on the west by Nebraska Highway 14,

between points in that part of Nebraska bounded on the north by Nebraska Highway 66, on the east by U.S. Highway 77, on the south by U.S. Highway 136, and on the west by Nebraska Highway 14, on the one hand, and, on the other, points in Nebraska; *emigrant movables*, between points in Fillmore County, Nebr., between points in Fillmore County, Nebr., on the one hand, and, on the other, points in Nebraska. Vendee is authorized to operate as a *common carrier* in Arkansas, Colorado, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wyoming. Application has been filed for temporary authority under Section 210a (b).

No. MC–F–12968. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of service. Applicants: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA, 94025, (MC 42487) with five carriers, namely, (A) ANDY'S MOTOR FREIGHT, 715 Birch Street, Anaconda, MT., (MC 125311), (B) INTERCITY FREIGHT LINES, P.O. Box 576, Plains, MT., 59859, (MC 121678), (C) SALT CREEK FREIGHTWAYS, 6540 North Washington, Denver, CO., 80299, (MC 59856), (D) BN TRANSPORT, INC., 796 South Pearl Street, Galesburg, IL., 61401, (MCC 63562), and (E) BURLINGTON NORTHERN (MOTOR LINES) INC., 796 South Pearl Street, Galesburg, IL., 61401, (MC 28573), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce between (A) points located on Alternate U.S. Highway 10 between Anaconda and Philipsburg, Montana, excluding Anaconda, representative points, Philipsburg, MT., and Porters Cors, MT; (B) (1) points located on Montana State Highway 200 between Dixon and Noxon, Montana, including Dixon and Noxon. (2) points located on U.S. Highway 10 (Interstate Highway 90) between the Idaho-Montana State line and Alberton, Montana, excluding Alberton, representative points, Dixon, Haugan, Noxon, Paradise, Plains, St. Regis, Superior, Thompson Falls, and Trout Creek, MT.; (C) points in Montana: Belgrade, Bid Timber, Big Sky, Bozeman, East Helena, Gallatin Gateway, Grass Range, Helena, Lewistown, Livingston, Manhatten, Montana City, Moore, Three Forks, Townsend, and Whitehall; Wyoming points: Atlantic City, Bechtel Corporation Plantsite (2) (Near Point of Rocks), Bairoil, Basin, Byron, Cody, Cowley, Douglas, East Thermopolis, Ethete, Fort Washakie, Gas Hills, Gas Hills Uranium Area, Glendo, Globe Mining Company, Green River (2), Greybull, Hudson, Jeffrey City, Lamont, Lander, Lovell, Lucky McMine and Mill, Pacific Power and Light Plantsite (2) (Near point of Rocks), Point of Rocks, Powell, Riverton, Rock Springs (2), Shoshone, Thermopolis, and Worland, (1) Restriction: Does not include traffic originating in the States of Alaska, Oregon and Washington. (2) Restriction: Restricted to traffic originating east of the western boundaries of the States of Montana, Wyoming, Colorado and New Mexico.

(D) (1) points located on U.S. Highway 12 between Bearmouth, Montana and East Helena, Montana including Bearmouth and East Helena. (2) points located on U.S. Highway 93 between Ravalli, Montana, and Rollins, Montana including Ravalli and Rollins, representative points: Avon, Drummond, East Helena*, Ft. Harrison, Garrison, Helena*, Montana City*, Pablo, Polson, Ravalli, Ronan, and St. Ignatius, MT.,** Restriction: Restricted to traffic originating at points located in Alaska, Oregon and Washington; Arlee, and Evaro, MT.; (E) (1) points located on U.S. Highway 91 (Interstate Highway 15) between Sunburst, Montana and Power, Montana, including Sunburst and Power, (2) points located on U.S. Highway 87 between Fife, Montana and Lewistown, Montana including Fife and excluding Lewistown, representative points: Belt, Brady, Cascade, Conrad, Dutton, Kevin, Oilmont, Power, Shelby Stanford, and Sunburst, MT.; Basin, Mt. Boulder, and Cut Bank, MT.; Applicants' representatives: G. T. West, Vice President-Traffic, 175 Linfield Drive, Menlo Park, CA., 94025, and Robert M. Bowden, Commerce Supervisor, P.O. Box 3062, Portland, OR., 97028. Consolidated Freightways Corporation of Delaware, is authorized to operate as a common carrier in all the States in the United States (except Hawaii).

No. MC–F–12969. Authority sought for purchase by MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NB., 68137, of a portion of the operating rights of Associated Transport, Inc., Thomas J. Cahill, Trustee in Bankruptcy, c/o Arthur S. Olick, 39th Floor—630 Fifth Avenue, New York, N.Y., 10020, and for acquisition by Karl E. Momsen, 1311 "L" Street, Omaha, NB., 68137, of control of such rights through the purchase. Applicants' attorneys: Jack Goodman, 39 So. LaSalle St., Chicago, IL., 60603, and Fritz R. Kahn, 1660 L Street, NW., Washington, D.C., 20036. Operating rights sought to be transferred: *Canned Goods and Cold Pack Fruits and vegetables*, as a *common carrier* over irregular routes from points in that part of New York on and west of New York Highway 14 to Scranton, Easton, and Philadelphia, Pa.; *enameled plumbers' goods*, from Camden, N.J., to Troy and Watervliet, N.Y., and points in that part of New York bounded by a line beginning of Oswego, N.Y., and extending along New York Highway 57 to Syracuse, N.Y., thence along New York Highway 5 to Schenectady, N.Y., thence along New York Highway 7 to the New York-Vermont State line, thence along the New York-Vermont State line to the New York-Massachusetts State line, thence along the New York-Massachusetts State line to the New York-Connecticut State line, thence along the New York-Connecticut State line to junction U.S. Highway 6, thence along U.S. Highway 6 to junction New York Highway 52, thence along New York 52 to Newburgh, N.Y., thence along New York Highways 17K, 17, and 17B to the New York-Pennsylvania State line at or near Cochecton, N.Y., thence along the New York-Pennsylvania State line to Lake Erie, thence along the shore of Lake Erie to Buffalo, N.Y., thence along the International Boundary Line to Lake Ontario and thence along the shore of Lake Ontario to point of beginning; catalogues and printed matter, from Providence, R.I., and Springfield and Worcester, Mass., to points in Massachusetts and Rhode Island, and those in that part of Connecticut north and east of a line beginning at Ocean Beach, Conn., and extending in a northerly direction to New London, Conn.

Thence along Connecticut Highway 85 to Colchester, Conn., thence along Connecticut Highway 2 to East Hartford, Conn., thence along U.S. Highway 44 to the New York-Connecticut State line, including points on the indicated portions of the highways specified; cable and wire, and empty cable and wire reels, between points in Connecticut; (1) synthetic floor systems, facing or floor covering (except felt base floor covering), and laying accessories, from Lisbon, Maine, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; materials, equipment, and supplies used in the manufacture of the commodities described in (1) above (except in bulk), from points in Delaware, Maryland, New Jersey, New York, Ohio, and Louisiana, to Lisbon, Maine; food and foodstuffs (except commodities in bulk, in tank vehicles) in vehicles equipped with mechanical refrigeration, from the facilities of Kraft Foods Division of Kraftco Corporation, at or near Fogelsville, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Virginia, and West Virginia, with restrictions. Vendee is authorized to operate as a *common carrier* in all the States in the United States (except Idaho, Nevada, Utah, Arizona, New Mexico, Florida, Hawaii and Alaska). Application has been filed for temporary authority under section 210a(b).

No. MC–F–12970. Authority sought for purchase by BICKLEY'S AUTO EXPRESS, INC., Philadelphia, PA., 19125 of the operating rights of Philip A. Kretchman, dba Warren Motor Service, 920 Brighton Street, Philaedlphia, PA., 19111, and for acquisition by Dorothea and Fred Erb, 1609 North Delaware Avenue, Philadelphia, PA., 19125, of control of such rights through the purchase. Applicants' attorney: Ira G. Megdal, 499 Cooper Landing Road, Cherry Hill, N.J., 08002. Operating rights sought to be

transferred: *General commodities*, except liquors, commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, as a *common carrier* over regular routes between Woodstown, N.J., and Philadelphia, Pa., serving all intermediate points; and the off-route points of Sharptown and Harrisonville, N.J.; *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Phildaelphia, Pa., and Woodbury, N.J., serving all intermediate points, and the off-route points of Verga and National Park, N.J. Vendee is authorized to operate as a common carrier in New Jersey, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12972. Authority sought for purchase by W. T. MYLES TRANSPORTATION COMPANY, 4480 Moreland Ave., SE. (P.O. Box 321), Conley, GA., 30027, of the operating rights and property of Jack R. Clark, dba Clark Trucking Service, Box 118, Niota, TN., 37826, and for acquisition by W. T. Myles, P.O. Box 321, Conley, GA., 30027, of control of such rights through the purchase. Applicants' attorney: Archie B. Culbreth, Suite 246—1252 West Peachtree St., NW., Atlanta, GA., 30309. Operating rights sought to be transferred. (1) *Newsprint, groundwood papers, printing paper, and woodpulp*, as a contract carrier over irregular routes from the plant site of Bowaters Southern Paper Corporation, at Calhoun, Tenn., to Madisonville, Ky., points in that part of Alabama on and north of U.S. Highway 80, points in that part of Georgia on and north of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 280 to junction U.S. Highway 80 at or near Blitchton, Ga., and thence along U.S. Highway 80 to Savannah Beach, Ga., points in those parts of North Carolina and South Carolina on and west of U.S. Highway 1, and points in that part of Kentucky on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 25E to junction U.S. Highway 25 near Corbin, Ky., thence along U.S. Highway 25 to Georgetown, Ky., thence on and south of a line extending from Georgetown, Ky., along U.S. Highway 62 to Nortonville, Ky., and thence on and east of a line extending from Nortonville, Ky., along U.S. Highway 41 to the Kentucky-Tennessee State line; and (2) *paper core tubes, materials, and supplies* used in the manufacture of the commodities described in (1) above, from Madisonville, Ky., and points in the described portions of the plant site of Bowaters Southern Paper Corporation, at Calhoun, Tenn., with restrictions; (1) *newsprint, groundwood papers, printing paper, and woodpulp*, from the plant site of Bowaters Southern Paper Corporation, at Calhoun, Tenn., to points in that part of Alabama south of U.S. Highway 80, points in that part of Georgia south of U.S. Highway 280 and Interstate Highway 16, points in that part of North Carolina east of U.S. Highway 1, points in that part of South Carolina east of U.S. Highway 1, points in that part of Florida on and north of Florida Highway 50, and points in Mississippi, Virginia, and the District of Columbia; and (2) *paper core tubes, materials*, and *supplies* used in the manufacture of the commodities described in (1) above, (except in bulk), from points in the destination territory described in (1) above, to plant site of Bowaters Southern Paper Corporation, at Calhoun, Tenn., with restrictions. Vendee is authorized to operate as a *common carrier* in Alabama, Florida, North Carolina, South Carolina, Virginia, West Virginia, Maryland, Mississippi, Kentucky, Louisiana, Ohio, Indiana, Illinois, Texas, the District of Columbia, Georgia, Tennessee, Minnesota, Nebraska, Iowa, Kansas, Oklahoma, and Texas, and as a *contract carrier* in Ohio, Pennsylvania, Mississippi, Georgia, Florida, Illinois, South Carolina, North Carolina, Tennessee, New York, and Michigan. Application has been filed for temporary authority under section 210a (b).

No. MC-F-12973. Authority sought for purchase by COMMERCIAL MOTOR FREIGHT, INC. OF INDIANA, 2141 South High School Road, Indianapolis, IN., 46241, of a portion of the operating rights of Midland Truck Lines, Inc., 311 Marion Street, St. Louis, MO., 63104, and for acquisition by Glenn R. Gierhart, 2141 South High School Road, Indianapolis, IN., 46241, of control of such rights through the purchase. Applicants' attorneys: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN., 46204, and George M. Catlett, 703-706 McClure Building, Frankfort, KY., 40601. Operating rights sought to be transferred: *General commodities*, except livestock and commodities requiring special equipment, as a *common carrier* over regular routes between St. Louis, Mo., and Evansville, Ind., serving the intermediate points of Flora, Ill., and those between Flora and Evansville: from St. Louis over U.S. Highway 50 via Flora, Ill., to Vincennes, Ind., thence over U.S. Highway 41 to Evansville, and return over the same route. "Restricted against service between St. Louis, Mo. and Evansville, Ind." Vendee is authorized to operate as a *common carrier* in Indiana, Missouri, Illinois, Kentucky, and Ohio. Application has been filed for temporary authority under section 210a (b).

STAR LAKE RAILROAD COMPANY, 80 East Jackson Boulevard, Chicago, Illinois 60604, represented by Mr. Harvey Huston, 80 East Jackson Boulevard, Chicago, Illinois 60604, hereby give notice that on the 3rd day of September, 1976, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 1(18) of the Interstate Commerce Act for an order approving and authorizing the construction and operation of a line of railroad in the State of New Mexico, in McKinley County, a distance of approximately 72 miles, which application is assigned Finance Docket No. 28272.

The route will begin at a connection on the existing line of The Atchison, Topeka and Santa Fe Railway Company's Albuquerque Division near Baca (railroad name for Prewitt); thence in a southeasterly direction around Haystack Mountain; thence northward for about 20 miles to the Continental Divide; thence northeasterly along the Divide for about 20 miles; thence northwesterly about 10 miles to Tucker Gap; thence north 5 miles through the Pueblo Pintado Canyon; thence east about 10 miles where it will terminate in the Star Lake area of McKinley County.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations 49 C.F.R 1100.-250) in Ex Parte No. 55 (Sub-No. 4), *Implementation — Nat'l Environmental Policy Act, 1969*, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation — Nat'l Environmental Policy Act, 1969, supra*, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

STAR LAKE RAILROAD COMPANY

CHICAGO & EASTERN ILLINOIS RAILROAD COMPANY, Missouri Pacific Building, 210 North 13th Street, St. Louis, Missouri 63103, represented by Mr. Patrick C. Mullen, Vice President and General Counsel, Chicago & Eastern Illinois Railroad Company, 72 West Adams Street, Suite 1122, Chicago, Illinois 60603 hereby give notice that on the 7th day of September, 1976, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the acquisition of trackage rights over the Burlington Northern, Inc., between West Vienna, Johnson County, Illinois, and Metropolis, Massac County, Illinois, a distance of approximately 24.17

miles, which application is assigned Finance Docket No. 28273.

Upon approval of the application, applicant would be authorized to operate its trains from, to and between all stations on said line of the Burlington in the transportation of traffic of the type commonly handled by railroad companies.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations 49 C.F.R 1100.-250) in Ex Parte No. 55 (Sub-No. 4), *Implementation — Nat'l Environmental Policy Act, 1969*, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation — Nat'l Environmental Policy Act, 1969, supra*, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 45 days after date of first publication in the Federal Register; that such comments shall be served upon (a) Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Room 5101, 400 Seventh Street, SW., Washington, D.C. 20590, (b) Mr. Edward H. Levi, Attorney General, Department of Justic, 10th and Constitution Avenue, N.W., Washington, D.C. 20530, and certificate of all such service is given to the Interstate Commerce Commission; and that all other applications, which are inconsistent, in whole or in part, with such applications, and all petitions for inclusion in the transaction, shall be filed with the Commission and furnished to the Docket Clerk, Secretary of Transportation, within 20 days after the publication of notice of the application in the FEDERAL REGISTER.

CHICAGO & EASTERN ILLINOIS RAILROAD COMPANY

OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights applications are filed in connection with pending finance applications under Section 5 (2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with pending transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission on or before October 26, 1976. Such protests shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its applications.

No. MC 200 (Sub-No. 282), filed August 3, 1976. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., P.O. Box 2809, Kansas City, Mo. 64142. Applicant's representative: Kenneth B. Williams, 84 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Massachusetts, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway at Boston, Mass., and points within 12 miles of Boston.

NOTE.—This is a matter directly related to a Section 5(2) finance proceeding in MC–F–12922, published in the FEDERAL REGISTER issue of August 26, 1976. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 13123 (Sub-No. 85) (Correction), filed July 21, 1976, published in the FEDERAL REGISTER issue of August 19, 1976, republished as corrected this issue. Applicant: WILSON FREIGHT COMPANY, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except commodities in bulk, household goods as defined by the Commission, Classes A and B explosives, and those requiring special equipment), (1) between Albany, N.Y., and Utica, N.Y., via New York Highways 5 and 5S, serving all intermediate points and the off-route points of Gloversville, Johnstown, Rensselaer, and Troy, N.Y.; and (2) between Albany, N.Y. and Schenectady, N.Y., via New York Highways 32 and 7, serving all intermediate points and the off-route points of Gloversville, Johnstown, Rensselaer, and Troy, N.Y.

NOTE.—The purpose of this republication is to correct the requested authority above. The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a section 5(2) finance proceeding in MC–F–12739, published in the FEDERAL REGISTER issues of January 28, 1976, and February 25, 1976. A hearing is deemed necessary, the applicant requests it be held at Cincinnati, Ohio.

No. MC 36900 (Sub-No. 16), filed June 28, 1976. Applicant: ASTRO VAN LINES, INC., 621 South Pickett Street, Alexandria, Va. 22304. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in McKinley, San Juan, and Valencia Counties, N. Mex., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

NOTE.—The purpose of this filing is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. Applicant states it intends to tack this sought authority with its present authority at points in Colorado. This is a matter directly related to a Section 5(2) finance proceeding in No. MC–F–12861, published in the FEDERAL REGISTER issue of July 15, 1976. If a hearing is deemed necessary, the applicant requests it be held at Phoenix, Ariz.

No. MC 73616 (Sub-No. 3), filed August 12, 1976. Applicant: BILKAYS EXPRESS CO., 830 Old Corlies Avenue, Neptune, N.J. 07753. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Connecticut. The purpose of this filing is to convert applicant's Certificate of Registration to a Certificate of Public Convenience and Necessity; and (2) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between points in Bergen, Essex, Hudson, Middlesex, Passaic, and Union Counties, N.J., and points in Nassau and Suffolk Counties, N.Y., and New York, N.Y., on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to indicate applicant's intent to tact at points in Connecticut within the Port Chester, N.Y., Commercial Zone; (b) between Hunterdon, Morris, Warren, Somerset, north of Raritan River, and Sussex Counties, N.J., on the one hand, and, on the other, points in Connecticut; and (c) between Dutchess, Orange, Putnam, Rockland, and Westchester Counties, N.Y., on the one hand, and, on the other,

points in Connecticut. The purpose of filing in (2) (a) and (b) above is to indicate applicant's intent to tack at New York, N.Y., and points in Connecticut within the Port Chester, N.Y., Commercial Zone.

NOTE.—This matter is directly related to a Section 5(2) finance proceeding in MC–F–12946, published in the FEDERAL REGISTER issue of September 9, 1976. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 106074 (Sub-No. 26), filed August 18, 1976. Applicant: B AND P MOTOR LINES, INC., 710 Oakland Road, P.O. Box 741, Forest City, N.C. 28043. Applicant's representative: Clyde W. Carver, 5299 Roswell Road, N.E., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, crated and uncrated, and furniture parts, from points in North Carolina on and east of U.S. Highway 221 and on and west of U.S. Highway 220, to points in North Carolina on and west of U.S. Highway 220; (2) *new furniture*, crated or uncrated; from points in North Carolina on and east of U.S. Highway 221 and on and west of U.S. Highway 220, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways in (1) and (2) above of Forest City and Whittier, N.C.; and (3) *petroleum products*, in containers, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Kansas City, Kans., to points in North Carolina on and east of U.S. Highway 221 and on and west of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Forest City and Rutherford County, N.C.

NOTE. This matter is directly related to a Section 5(2) finance proceeding in Mc–F–12951, published in the FEDERAL REGISTER issue of September 9, 1976. Applicant holds contract carrier authority in No. MC 140842 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, N.C., or Atlanta, Ga.

No. MC 106074 (Sub-No. 27), filed August 18, 1976. Applicant: B AND P MOTOR LINES, INC., 710 Oakland Road, P.O. Box 741, Forest City, N.C. 28043. Applicant's representative: Clyde W. Carver, 5299 Roswell Road, NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Shelby, N.C. and points in North Carolina within 25 miles thereof; and (2) between Shelby, N.C., and points North Carolina within 25 miles thereof, on the one hand, and, on the other, points in North Carolina on and east of U.S. Highway 221 and on and west of U.S. Highway 220.

NOTE.—The purpose of this filing is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This matter is directly related to a Section 5(2) finance proceeding in MC–F–12591, published in the FEDERAL REGISTER issue of September 9, 1976. Applicant holds contract carrier authority in MC 140842 Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C. or Atlanta, Ga.

No. MC 123392 (Sub-No. 69), filed August 16, 1976. Applicant: JACK B. KELLEY, INC., U.S. 66 West at Kelley Drive, Route No. 1, Box 400, Amarillo, Tex. 79106. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen, liquid nitrogen and liquid argon*, from Waukesha, Wis., to points in Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE.—The purpose of this application is to eliminate the gateways at points in Indiana, Illinois, and Ohio; and to permit applicant to tack the authority sought to be purchased from the vendor with its existing authority in No. MC 123392 (Sub-No. 31) at points in Indiana, Illinois, and Ohio. This matter is directly related to a Section 5(2) finance proceeding in No. MC–F–12923, published in the FEDERAL REGISTER issue of September 9, 1976. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Chicago, Ill.

ABANDONMENT APPLICATIONS

FINDINGS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this FEDERAL REGISTER publication unless the instructions set forth in the notices are followed.

[Docket No. AB–6 (Sub-No. 17)]

BURLINGTON NORTHERN, INC.—ABANDONMENT BETWEEN—LEWISTOWN AND FAIRVIEW, IN CULTON COUNTY, ILLINOIS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on July 1, 1976, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Burlington Northern, Inc. of its line of railroad beginning at milepost 45.0 near Lewistown, Illinois, and extending in a northerly direction to milepost 30.09 near Fairview, Illinois, a distance of approximately 14.91 miles, all in Fulton County, Illinois. A certificate of abandonment will be issued to the Burlington Northern, Inc. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB–6(Sub-No. 24)]

BURLINGTON NORTHERN INC.—ABANDONMENT NEAR YANKTON, SOUTH DAKOTA

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on June 29, 1976, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Burling-

ton Northern, Inc., of its line of railroad extending from milepost 203.57 and milepost 207.67, a distance of approximately 4.10 miles in Yankton County, South Dakota. A certificate of abandonment will be issued to the Burlington Northern, Inc. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commisison so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abondonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-6 (Sub-No. 30)]

BURLINGTON NORTHERN, INC.—ABANDONMENT BETWEEN—RIVERSIDE JUNCTION AND NEW DULUTH, IN ST. LOUIS COUNTY, MINNESOTA

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on July 28, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Burlington Northern, Inc. of its line of railroad extending from milepost 2.0 near Riverside Junction and milepost 6.05 near New Duluth, Minnesota, a distance of 4.05 miles in St. Louis County, Minnesota. A certificate of abandonment will be issued to the Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 713), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed September 9, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From West Palm Beach, Fla., over the Sunshine State Parkway to junction Florida Turnpike, thence over the Florida Turnpike to junction U.S. Highway 1 near Florida City, Fla., with the following access routes: (1) From Hollywood, Fla., over city streets to junction Sunshine State Parkway, (2) From Miami, Fla., over Florida Highway 836 to junction Florida Turnpike, (3) From junction Florida Turnpike and U.S. Highway 1 near Cutler Ridge, Fla., over Florida Turnpike to Florida City, Fla., and (4) From Homestead, Fla., over unnumbered highway to junction Florida Turnpike and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From West Palm Beach, Fla., over U.S. Highway 1 to Florida City, Fla., and return over the same route.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 10343 (Deviation No. 23), CHURCHILL TRUCK LINES, INC., Highway 36 West, Chillicothe, Mo. 64601, filed September 9, 1976. Carrier proposes to operate as a *common carrier*, by motor behicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Bloomfield, Iowa, over U.S. Highway 63 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction Missouri Highway 5, thence over Missouri Highway 5 to junction Interstate Highway 44, thence over Interstate Highway 44 to Springfield, Mo. (2) From Bloomfield, Iowa, over U.S. Highway 63 to junction Iowa Highway 163, thence over Iowa Highway 163 to Des Moines, Iowa, and (3) From Springfield, Mo., over Missouri Highway 13 to junction Missouri Highway 7, thence over Missouri Highway 7 to junction U.S. Highway 71, thence over U.S. Highway 71

to junction Interstate Highway 435, thence over Interstate Highway 435 to junction Missouri Highway 210, thence over Missouri Highway 210 to junction Interstate Highway 29, thence over Interstate Highway 29 to St. Joseph, Mo., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Bloomfield, Iowa, over Iowa Highway 2 to junction Iowa Highway 5, thence over Iowa Highway 5 to the Missouri-Iowa State line, thence over Missouri Highway 5 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 65, thence over U.S. Highway 65 to Springfield, Mo., (2) From Bloomfield, Iowa, over Iowa Highway 2 to junction Iowa Highway 5, thence over Iowa Highway 5 to Des Moines, Iowa, and (3) From Springfield, Mo., over U.S. Highway 65 to junction U.S. Highway 36, thence over U.S. Highway 36 to St. Joseph, Mo., and return over the same routes.

No. MC 127602 (Deviation No. 4), DENVER-MIDWEST MOTOR FREIGHT, INC., 5555 E. 58th Ave., Commerce City, Colo. 80022, filed September 9, 1976. Carrier's representative: Michael J. Ogborn, P.O. Box 82028, 300 NSEA Bldg., 14th & J Streets, Lincoln, Nebr. 68501. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Madelia, Miss., over Minnesota Highway 60 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction Minnesota Highway 101, thence over Minnesota Highway 101 to junction Interstate Highway 35, thence over Interstate Highway 35 to Minneapolis–St. Paul, Minn., and (2) From Worthington, Minn., over Interstate Highway 90 to junction Interstate Highway 29, thence over Interstate Highway 29 to Sioux City, Iowa, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Madelia, Minn., over Minnesota Highway 15 to junction U.S. Highway 212, thence over U.S. Highway 212 to junction Minnesota Highway 261, thence over Minnesota Highway 261 to Winsted, Minn., thence over McLeod County Road 6 to the east boundary line of McLeod County, thence over Carver County State Road 20 to junction Minnesota Highway 25, thence over Minnesota Highway 25 to Watertown, Minn., thence over Carver County State Aid Road No. 10 thence over Carver County State Aid Road No. 20 to the east boundary line of Carver County, thence over Hennepin County State Road 6, to junction Hennepin County State Aid Road 110, thence over Hennepin County Road 83 to junction U.S. Highway 12, thence over U.S. Highway 12 to Minneapolis–St. Paul City Limits, thence over U.S. Highway 12 to junction Interstate Highway 35W, and (2) From Worthington, Minn., over Minnesota Highway 60 to the Iowa-Minnesota state line, thence over Iowa Highway 60 to junction U.S. Highway 75, thence over U.S. Highway 75 to Sioux City, Iowa, and return over the same routes.

No. MC 80430 (Deviation No. 19), GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, Wis. 54601, filed September 3, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., south over U.S. Highway 67 to junction U.S. Highway 62 near Corning, Ark., thence east over U.S. Highway 62 to junction Arkansas Highway 135, thence south over Arkansas Highway 135 to Paragould, Ark., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From St. Louis, Mo., across the Mississippi River to East St. Louis, Ill., thence over Illinois Highway 3 to junction Illinois Highway 146, thence over Illinois Highway 146 and the Mississippi River Bridge to Cape Girardeau, Mo., thence over U.S. Highway 61 to junction U.S. Highway 60 near Sikeston, Mo., thence over U.S. Highway 60 to Dexter, Mo., thence over Missouri Highway 25 to junction Missouri Highway 84, thence over Missouri Highway 84 via Kennett, Mo., to junction County Highway EE, thence over County Highway EE to junction Missouri Highway 25, thence over Missouri Highway 25 to the Missouri-Arkansas State line, thence over Arkansas Highway 25 via Paragould, Ark., to junction Arkansas Highway 1, and return over the same routes.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–27774 Filed 9–22–76;8:45 am]

[Volume No. 74]

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

Correction

In FR Doc. 76–26389 appearing at page 38248 of the issue for Thursday, September 9, 1976, in the first column on page 38258 the MC Number for Bulter Trucking Co., now reading "MC 12374 (Sub-No. 24)", should read "MC 123744 (Sub-No. 24)".

federal register

THURSDAY, SEPTEMBER 23, 1976



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

COLOR ADDITIVES

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

[Docket No. 76N-0368]

PART 8—COLOR ADDITIVES

Termination of Provisional Listing and Certification of FD&C Red No. 4 for Use in Maraschino Cherries and Ingested Drugs

The Food and Drug Administration (FDA) is cancelling all certificates and terminating the provisional listing and certification, and hence the approval, of the color additive FD&C Red No. 4 for use in maraschino cherries and ingested drugs, effective September 23, 1976. Published elsewhere in this issue of the FEDERAL REGISTER are regulations listing FD&C Red No. 4 for use in externally applied drugs and cosmetics and denying the petition for listing with respect to use in maraschino cherries and ingested drugs.

Section 8.501 (21 CFR 8.501) of the color additive regulations designates those color additives that are provisionally listed under section 203(b) of the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, 74 Stat. 404-407 (21 U.S.C. 376 note)), on an interim basis pending completion of scientific investigations needed for determinations about "permanent listing" in accordance with section 706 of the Federal Food, Drug, and Cosmetic Act (sec. 706, 74 Stat. 399-403 (21 U.S.C. 376)).

The color additive FD&C Red No. 4 has been in use in food for many years, having been originally approved for food use under its common name "Ponceau SX" through issuance on April 2, 1929 of Service and Regulatory Announcement Food and Drug (SRAFD) No. 3, Supplement No. 1, by the Food, Drug, and Insecticide Administration, Department of Agriculture. SRAFD No. 3 supplement No. 1, added FD&C Red No. 4 to the list of color additives accepted for voluntary certification. FD&C Red No. 4 was approved for drug and cosmetic use as a permitted "coal-tar" color after enactment of the Federal Food, Drug, and Cosmetic Act in 1938 by order published in the FEDERAL REGISTER of May 9, 1939 (4 FR 1922, 1936).

Under section 706 of the act, as revised by the Color Additive Amendments of 1960, a color additive may be approved only if data establish that it is safe under its permitted conditions of use. However, the transitional provisions of those amendments provide for provisional listing of color additives in use in 1960 for a period of time necessary to complete the scientific investigations needed to establish their safety. Under this procedure, FD&C Red No. 4 was provisionally listed for use in food, drugs, and cosmetics on July 12, 1960, and appeared officially on the provisional list published in the FEDERAL REGISTER of October 12, 1960 (25 FR 9759). FD&C Red No. 4 is currently provisionally listed for use in maraschino cherries, short-term ingested drugs, and externally applied drugs and cosmetics.

Concern about the safety of FD&C Red No. 4 when used in food and ingested drugs was first raised in 1964. The basis for concern about possible harm from ingesting FD&C Red No. 4 was a 7-year feeding study in which dogs were fed the color additive at levels of 2 percent and 1 percent in the diet. Adverse effects consisting of hemorrhagic papillomas in the urinary bladder detected both grossly and microscopically, and atrophy of the zona glomerulosa in the adrenals seen microscopically, were found at both feeding levels. Three of the five dogs fed at the 2 percent level died during the study after 6 months, 9 months, and 5½ years. Two of the dogs fed at the 2 percent level and all five of the dogs fed at the 1 percent level survived to the completion of the 7-year study.

On the basis of the results of this study, the provisional listing of FD&C Red No. 4 for use in food, ingested drugs, and ingested cosmetics was terminated by regulation published in the FEDERAL REGISTER of December 11, 1964 (29 FR 16983). Because no questions about the safety of FD&C Red No. 4 for external uses were raised by the feeding study, the December 11, 1964 regulation provisionally listed the color additive under the name Ext. D&C Red No. 24 for use in externally applied drugs and cosmetics.

In 1965, the National Cherry Growers and Industries Foundation and the Maraschino Cherry and Glace Fruit Association requested that FD&C Red No. 4 again be provisionally listed for limited food use in maraschino cherries. The Commissioner of Food and Drugs, in a regulation published in the FEDERAL REGISTER of August 19, 1965 (30 FR 10289), concluded that this limited use of FD&C Red No. 4 in food would present no potential for harm to the public and therefore restored the color additive to the provisional list, restricting use of the color to maraschino cherries at a level of 150 parts per million (ppm). The regulation also simultaneously revoked the provisional listing for Ext. D&C Red No. 24 and provisionally listed FD&C Red No. 4 for use in externally applied drugs and cosmetics.

In 1965, the Pharmaceutical Manufacturers Association (PMA) requested that FD&C Red No. 4 be restored to the provisional list for use in ingested drugs. The Commissioner concluded that consumption of the color additive from ingested drug use would be minimal and, by regulation published in the FEDERAL REGISTER of October 14, 1965 (30 FR 13056), amended the provisional listing for FD&C Red No. 4 to permit its use in short-term ingested drugs with specific limitations. The regulation, under § 8.503(c)(2) (21 CFR 8.503(c)(2)), permitted FD&C Red No. 4 to be used in ingested drugs provided that "the labeling does not recommend nor suggest continuous administration to patients, and the amount of FD&C Red No. 4 used is such that not more than 5 milligrams of the color additive is consumed per day if the recommended drug dosage is followed. For the purpose of this order, a recommendation or suggestion for use longer than 6 weeks shall be considered a recommendation for continuous administration."

The Commissioner's conclusions in 1965 that FD&C Red No. 4 could safely be used in maraschino cherries and short-term ingested drugs were based on the following:

1. The Division of Pharmacology of FDA had completed phase one of an FD&C Red No. 4 feeding study which had begun in October 1964. The results of that study showed no adverse effects, either grossly or microscopically, in eight young dogs fed 400 milligrams (mg) per day of FD&C Red No. 4 for 6 months.

2. In another study no significant adverse effects were detected in guinea pigs fed FD&C Red No. 4 for 6 months at the 1 percent level in the diet.

3. No adverse effects were found in rats and mice fed FD&C Red No. 4 in a 2-year study.

4. A tentative no-effect level could be extrapolated from the 7-year feeding study from the adverse reactions in the dogs fed FD&C Red No. 4 at the 1 percent dietary level as compared to the reactions in those dogs fed at the 2 percent dietary level.

5. Consumption of FD&C Red No. 4 from maraschino cherries (approximately 1 mg of the color additive per cherry) and short-term ingested drugs (5 mg per day under permitted conditions of use) would be minimal.

A color additive petition (CAP 61) seeking the "permanent" listing of FD&C Red No. 4 for use in maraschino cherries, short-term ingested drugs, and externally applied drugs and cosmetics was submitted to FDA on March 27, 1968 by PMA. The Toilet Goods Association, now the Cosmetic, Toiletry and Fragrance Association (CTFA), and the Certified Color Manufacturers Association (CCMA) joined the PMA as copetitioners to list FD&C Red No. 4. A notice of filing of the petition was published in the FEDERAL REGISTER of November 20, 1968 (33 FR 17205).

Submission of this petition to list FD&C Red No. 4 was deferred until 1968 to permit completion of a 2-year feeding study with dogs that had been initiated by Hazleton Laboratories, Inc., on March 18, 1965. This study was intended to establish unequivocally a no-effect level for the urinary and adrenal effects seen in the 7-year feeding study discussed above. The 58 dogs in the Hazleton study were fed FD&C Red No. 4 at levels of 0, 20, 50, and 250 milligrams/kilogram of body weight per day.

The dogs in the Hazleton study showed lesions in the urinary bladder in all groups fed FD&C Red No. 4. No dogs in the control group, however, showed lesions in the urinary bladder. While Hazleton concluded in a report received by FDA on October 7, 1969, that the lesions found were "related directly to the techniques of repeated catheterization which was required to study the level of urinary potassium" and not to the ingestion of FD&C Red No. 4, FDA pathologists who reviewed the study results concluded otherwise. In an August 23, 1972 memorandum to Dr. Charles Kokoski, Assist-

ant Director for Petitions Review, Division of Toxicology, FDA, Dr. Stuart Levin, one of the FDA reviewing pathologists, concluded:

> Though Hazleton Labs has submitted a statement by several pathologists and a concurring article (Journal of the American Medical Association, 193:196, 1965) proposing that emorrhagic polyps in two low dose animals might have been caused by catheterization, the facts remain that the lesions were similar in type to those seen in uncatheterized FDA dogs (in the earlier FDA study), and such lesions were not seen in control dogs. I believe these should be considered compound-related lesions.

Review by FDA of microslides of the kidneys, urinary bladder and adrenals of all dogs in the Hazleton study also showed atrophy of the zona glomerulosa of the adrenal cortex at all feeding levels after 2 years. This response, it was concluded, was induced by ingestion of FD&C Red No. 4. Food and Drug Administration scientists ultimately concluded that an unequivocal no-effect level for FD&C Red No. 4 could not be determined from the Hazleton study and that an additional study involving dogs was necessary before a final determination could be made concerning the safety of FD&C Red No. 4. Because of the limited use of the color additive, however, the Commissioner concluded that FD&C Red No. 4 should continue to be provisionally listed pending further scientific investigations.

The Commissioner's conclusion that existing data appeared to be inadequate to establish a no-effect level in the dog for FD&C Red No. 4 was conveyed to the petitioners as early as November 25, 1969. The Commissioner's conclusion that an additional study was required to resolve the questions concerning the urinary bladder lesions before the color additive could be demonstrated to be safe as required by section 706 of the act was formally communicated to CTFA, one of the petitioners, and to Hazleton Laboratories, by letters on October 8, 1974. The need for an additional 2-year feeding study was also made known by FDA to the Inter-Industry Color Task Force, consisting of representatives of the food, drug, and cosmetic industries representing the petitioners, and at several meetings between FDA personnel and the CTFA-Color Additive Petition Committee. By letter of June 25, 1975, to Dr. John Kirschman, chairman of the Inter-Industry Color Task Force, FDA advised the sponsoring industries in detail of the reasons why a new study was needed. Most recently, separate letters to CTFA, CCMA and PMA in January and February of 1976 officially reiterated the need for an additional study.

In recent months, the commercial sponsors and some industrial users of FD&C Red No. 4 have expressed a willingness to begin the 2-year feeding study necessary to resolve the questions regarding the safety of the color additive when ingested. The Commissioner concludes, however, that this belated willingness to undertake a study to resolve the uncertainties about the safety of FD&C Red No. 4, when those uncertainties and the need for an additional study have been known to the industry sponsors for several years, is an insufficient basis to warrant continued provisional listing of the color additive. Under the transitional provisions of the Color Additive Amendments of 1960, continued provisional listing of a color additive is appropriate only when studies in progress or under evaluation are capable of demonstrating the safety of the color additive involved. There is currently no study available or underway to resolve the uncertainties about FD&C Red No. 4 and therefore it would not be proper to extend the provisional listing for FD&C Red No. 4 for at least 3 years—the time required to conduct and evaluate a 2-year feeding study and to report the findings to FDA for evaluation. The Commissioner concludes, therefore, that continued provisional listing of FD&C Red No. 4 for use in maraschino cherries and short-term ingested drugs is no longer appropriate.

The current "closing date" for continued use of FD&C Red No. 4 was postponed to September 30, 1976 by a regulation published in the FEDERAL REGISTER of January 5, 1976 (41 FR 754). That postponement was based on the assumption that a study was either underway in response to FDA's June 25, 1975 letter to Dr. Kirschman or would be undertaken soon thereafter to resolve the uncertainties about the safety of FD&C Red No. 4 when ingested. Because there are no studies in progress or under evaluation that can resolve these uncertainties, the Commissioner finds that the basis for the postponement no longer exists and hereby terminates the postponement of the closing date for the provisional listing of FD&C Red No. 4 for use in maraschino cherries and short-term ingested drugs in accordance with section 203(a)(2) of the transitional provisions of the Color Additive Amendments of 1960. Also, under section 203(d)(1)(E) of the amendments, the Commissioner concludes that the provisional listing of FD&C Red No. 4 for these uses should be terminated because such action is necessary to protect the public health, in that questions have been raised about the safety of the color additive when ingested and the available data do not permit a determination that this use is safe. Published elsewhere in this issue of the FEDERAL REGISTER is a notice denying the portion of the petition proposing to list FD&C Red No. 4 for use in maraschino cherries and ingested drugs. The safety of FD&C Red No. 4 in externally applied drugs and cosmetics has been demonstrated and a regulation listing the color additive for those uses is published elsewhere in this issue of the FEDERAL REGISTER.

All certificates heretofore issued for batches of FD&C Red No. 4 for use in maraschino cherries and ingested drugs are hereby cancelled, effective September 23, 1976. After September 23, 1976, adding FD&C Red No. 4 to any food or ingested drug will cause such product to be adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and subject to regulatory action. This prohibition applies to the use of straight colors, lakes, mixtures of FD&C Red No. 4 or its lakes with other colors, and mixtures of straight colors and lakes with ingredients functioning only as diluents. The Commissioner concludes that the protection of the public health does not require the recall from the market of maraschino cherries and ingested drugs containing the color additive, or the destruction of foods or drugs in preparation to which the color additive has already been added.

Manufacturers of new drugs and new animal drugs (including certifiable antibiotics for animal use) that are ingested and contain FD&C Red No. 4 may either delete the color additive or substitute a different color in accordance with the provisions of § 314.8(d)(3) and (e) or § 514.8(d)(3) and (e), as appropriate (21 CFR 314.8(d)(3) and (e), and 514.8(d)(3) and (e)). The applicant shall submit data providing the new composition and showing that the change in composition does not interfere with any assay or other control procedures used in manufacturing the drug, or that the assay and control procedures have been revised to make them adequate. Also, the applicant shall submit data available to establish the stability of the revised formulation or, if the data are too limited to support a conclusion that the drug will retain its declared potency for a reasonable marketing period, a commitment to test the stability of marketed batches at reasonable intervals, to submit the data as they become available, and to recall from the market any batch found to fall outside the approved specifications for the drug.

The Commissioner is aware that supplies of alternative color additives may be difficult to obtain immediately. Consequently, food and drug labeling stating that the product contains "artificial color" because of the prior inclusion of FD&C Red No. 4 may continue to be used with the uncolored product during the time necessary to obtain supplies of alternative color ingredients or until the current supplies of labeling are used, whichever occurs first.

The Commissioner has carefully considered the environmental effects of this action and because the action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the FDA environmental assessment, together with copies of the other documents mentioned above, are on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. Because this action is final (not proposed), an inflation impact evaluation is not required by Executive Order 11821 (3A CFR, 1975 Compilation, p. 203).

Therefore, under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, 74 Stat. 404-407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodifica-

tion published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 8 of Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

1. In § 8.501, the entry for FD&C Red No. 4 in the table in paragraph (a) is revised in the "Restrictions" column (reflecting in the "Closing date" column the Commissioner's extension published under Docket No. 76N-0365 elsewhere in this issue) to read as follows:

§ 8.501 Provisional lists of color additives.

* * * * *

(a) * * *

	Closing date		
	Food use	Drug and cosmetic use	Restrictions
* * * *		* *	* *
F.D. & C. red No. 4 (sec. 8.4103 of this chapter).		Dec. 31, 1976, or until a new closing date is established.[1]	For coloring externally applied drugs and cosmetics.
* * * *		* *	* *

[1] Lakes only.

* * * * *

2. In § 8.502, the flush paragraph appearing after paragraph (d)(3), concerning FD&C Red No. 4, is revised to read as follows:

§ 8.502 Termination of provisional listings of color additives.

* * * * *

(d) * * *

(3) * * *

The Commissioner of Food and Drugs has concluded that available data do not permit the establishment of a safe level of use of this color additive in food, ingested drugs and ingested cosmetics. In order to protect the public health, the Commissioner hereby terminates the provisional listing of FD&C Red No. 4 for use in food and ingested drugs. The Commissioner has previously terminated the provisional listing of FD&C Red No. 4 for use in ingested cosmetics. Section 9.63 of this chapter is retained in Part 9 to permit the use of lakes of FD&C Red No. 4 in externally applied drugs and cosmetics.

* * * * *

§ 8.503 [Amended]

3. In § 8.503, paragraph (c) is revoked.

4. In § 8.510, paragraph (c) is revised to read as follows.

§ 8.510 Cancellation of certificates.

* * * * *

(c) Certificates issued for FD&C Red No. 4 and all mixtures containing this color additive are cancelled and have no effect after September 23, 1976 insofar as food, ingested drugs, and ingested cosmetics are concerned, and use of this color additive in the manufacture of food, ingested drugs, and ingested cosmetics after this date will result in adulteration. The certificates shall continue in effect for the use of FD&C Red No. 4 in externally applied drugs and cosmetics. The Commissioner finds, on the basis of the scientific evidence before him that no action has to be taken to remove from the market food, ingested drugs and ingested cosmetics containing the color additive.

* * * * *

Notice and public procedure are not necessary prerequisites to the promulgation of this order because section 203 (d)(2) of Pub. L. 86-618 so provides.

Effective date: These regulations shall be effective September 23, 1976.

(Title II, Pub. L. 86-618, 74 Stat. 404-407 (21 U.S.C. 376 note).)

Dated: September 17, 1976.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.76-27817 Filed 9-23-76;8:45 am]

[Docket No. 76N-0367]

PART 8—COLOR ADDITIVES

PART 9—COLOR CERTIFICATION

Listing of FD&C Red No. 4 for Use in Externally Applied Drugs and Cosmetics

The Food and Drug Administration (FDA) is "permanently" listing FD&C Red No. 4 for use in externally applied drugs and cosmetics, effective October 27, 1976. Objections to this order may be filed by adversely affected persons by October 26, 1976. Elsewhere in this issue of the FEDERAL REGISTER the Commissioner of Food and Drugs is isuing regulations terminating the provisional listing of FD&C Red No. 4 for use in maraschino cherries and ingested drugs and denying that portion of the petition seeking "permanent" listing of the color additive for those two uses.

A notice published in the FEDERAL REGISTER of November 20, 1968 (33 FR 17205) stated that a petition (CAP 61) for the "permanent" listing of FD&C Red No. 4 as a color additive for use in maraschino cherries, ingested drugs, and externally applied drugs and cosmetics had been filed by the Toilet Goods Association, Inc. (now the Cosmetic, Toiletry and Fragrance Association, 1133 15th St., NW., Washington, D.C. 20005); the Pharmaceutical Manufacturers Association (1155 15th St., NW., Washington, D.C. 20005); and the Certified Color Industry Committee (now the Certified Color Manufacturers Association, 900 17th St., NW., Washington, D.C. 20006), c/o Hazleton Laboratories, Inc., PO Box 30, Falls Church, VA 22046. The petition was filed pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376).

The Commissioner has evaluated the data in the petition and concludes that FD&C Red No. 4 is safe under the conditions set forth below for use in coloring externally applied drugs and cosmetics and that certification is necessary for the protection of the public health. This order "permanently" lists FD&C Red No. 4 for use in externally applied drugs and cosmetics under new §§ 8.4103 and 8.7163 (21 CFR 8.4103 and 8.7163). The provisional listing of FD&C Red No. 4 for use in externally applied drugs and cosmetics under § 8.501(a) (21 CFR 8.501(a)), which is extended to December 31, 1976 by regulation published elsewhere in this issue of the FEDERAL REGISTER under Docket No. 76N-0365, will be deleted when this order becomes effective on October 27, 1976, unless this order is stayed by the timely filing of objections, in which case the provisional listing will continue until December 31, 1976 unless terminated or extended by regulation.

This order does not list FD&C Red No. 4 for use in lakes as requested in the petition. The Commissioner notes that proposed regulations related to the use of color additives in lakes were published in the FEDERAL REGISTER of May 11, 1965 (30 FR 6490). The Commissioner advises that new proposed regulations governing the use of color additives in lakes will be published in the FEDERAL REGISTER in the near future and concludes that the listing of colors for use in lakes can best be implemented by general regulations. FD&C Red No. 4 will, therefore, continue to be approved for use in lakes for coloring externally applied drugs and cosmetics under the general provisional listing for "Lakes (FD&C)" under § 8.501(a) (21 CFR 8.501(a)).

This order establishes specifications for the certification of batches of FD&C Red No. 4 which are more restrictive than those currently prescribed under § 9.63 (21 CFR 9.63). Additionally, the identity of the color has been revised to be consistent with current chemical nomenclature. The identity nomenclature and the specifications currently prescribed in § 9.63 become obsolete upon the effective date of new § 8.4103 and § 8.7163. However, it is necessary to maintain § 9.63 to provide for the use of the color additive in lakes. Accordingly, § 9.63 is revised to reference the identity nomenclature and specifications prescribed by § 8.4103.

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), (d))); under the transitional provisions of the Color Additive Amendments of 1960 (Pub. L. 86-618, Title II, 74 Stat. 404-407 (21 U.S.C. 376 note)); and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Parts 8 and 9 of Chapter I of Title 21 of the Code of Federal Regulations are amended as follows:

1. Part 8 is amended:

§ 8.501 [Amended]

a. In paragraph (a) of § 8.501 Provisional lists of color additives (as amended elsewhere in this issue of the FEDERAL REGISTER under Docket No. 76N-0368),

the entry for FD&C Red No. 4 for use in externally applied drugs and cosmetics is deleted.

b. In § 8.502, the flush paragraph appearing after paragraph (d)(3), concerning FD&C Red No. 4, is revised to read as follows:

§ 8.502 Termination of provisional listings of color additives.

* * * * *

(d) * * *

(3) * * *

The Commissioner of Food and Drugs has concluded that available data do not permit the establishment of a safe level of use of this color additive in food, ingested drugs and ingested cosmetics. In order to protect the public health, the Commissioner hereby terminates the provisional listing of FD&C Red No. 4 for use in food and ingested drugs. The Commissioner has previously terminated the provisional listing of FD&C Red No. 4 for use in ingested cosmetics. FD&C Red No. 4 is listed for use in externally applied drugs and cosmetics by §§ 8.4103 and 8.7163, respectively. Section 9.63 of this chapter is retained in Part 9 to permit the use of lakes of FD&C Red No. 4 in externally applied drugs and cosmetics.

* * * * *

c. By adding to Subpart E new § 8.4103 to read as follows:

§ 8.4103 FD&C Red No. 4.

(a) *Identity.* (1) The color additive FD&C Red No. 4 is principally the disodium salt of 3-[(2,4-dimethyl-5-sulfophenyl)azo]-4-hydroxy-1-naphthalenesulfonic acid.

(2) Color additive mixtures for use in externally applied drugs made with FD&C Red No. 4 may contain only those diluents that are suitable and that are listed in Subpart F of this part for use in color additive mixtures for coloring externally applied drugs.

(b) *Specifications.* FD&C Red No. 4 shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

Sum of volatile matter (at 135° C.) and chlorides and sulfates (calculated as sodium salts), not more than 13 percent.
Water-insoluble matter, not more than 0.2 percent.
5-Amino-2,4-dimethyl - 1 - benzenesulfonic acid, sodium salt, not more than 0.2 percent.
4-Hydroxyl-1-naphthalenesulfonic acid, sodium salt, not more than 0.2 percent.
Subsidiary colors, not more than 2 percent
Lead (as Pb), not more than 10 parts per million.
Arsenic (as As), not more than 3 parts per million.
Mercury (as Hg), not more than 1 part per million.
Total color, not less than 87 percent.

(c) *Uses and restrictions.* FD&C Red No. 4 may be safely used in externally applied drugs in amounts consistent with good manufacturing practice.

(d) *Labeling.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 8.32.

(e) *Certification.* All batches of FD&C Red No. 4 shall be certified in accordance with regulations in Subpart A of this part.

d. By adding to Subpart G new § 8.7163 to read as follows:

§ 8.7163 FD&C Red No. 4.

(a) *Identity and specifications.* The color additive FD&C Red No. 4 shall conform in identity and specifications to the requirements of § 8.4103(a)(1) and (b).

(b) *Uses and restrictions.* FD&C Red No. 4 may be safely used for coloring externally applied cosmetics in amounts consistent with good manufacturing practice.

(c) *Labeling.* The label of the color additive shall conform to the requirements of § 8.32.

(d) *Certification.* All batches of FD&C Red No. 4 shall be certified in accordance with regulations in Subpart A of this part.

2. Part 9 is amended by revising § 9.63 to read as follows:

§ 9.63 FD&C Red No. 4.

The color additive FD&C Red No. 4 shall conform in identity and specifications to the requirements of § 8.4103(a)(1) and (b) of this chapter. FD&C Red No. 4 is restricted to use in externally applied drugs and cosmetics.

Any person who will be adversely affected by the foregoing order may at any time on or before October 26, 1976 file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of § 8.19 (21 CFR 8.19). If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Five copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

This order shall become effective October 27, 1976, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706 (b), (c), (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), and (d)); Title II, Pub. L. 86-618, 74 Stat. 404-407 (21 U.S.C. 376 note).)

Dated: September 17, 1976.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.76-27319 Filed 9-22-76;8:45 am]

[Docket No. 76N-0365]

PART 8—COLOR ADDITIVES

Termination of Provisional Listing for Color Additives

The Food and Drug Administration (FDA) is terminating the provisional listing, and hence the approval, of aluminum stearate, bentonite, calcium silicate, calcium stearate, gold, kaolin, lithium stearate, magnesium aluminum silicate, magnesium stearate, and zinc stearate for use as color additives in cosmetics, effective October 26, 1976.

Section 8.501 (21 CFR 8.501) of the color additive regulations designates those color additives that are provisionally listed, pursuant to section 203(b) of the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, 74 Stat. 404-407 (21 U.S.C. 376 note)), on an interim basis pending completion of scientific investigations needed for determinations as to "permanent" listing in accordance with section 706 of the Federal Food, Drug, and Cosmetic Act (sec. 706, 74 Stat. 399-403 (21 U.S.C. 376)).

A notice published in the FEDERAL REGISTER of August 6, 1973 (38 FR 21200), stated that petitions (CAP 8C0071, 8C0078, and 9C0094) for the "permanent" listing of aluminum stearate, bentonite, calcium silicate, calcium stearate, kaolin, lithium stearate, magnesium aluminum silicate, magnesium stearate, and zinc stearate had been filed by the Cosmetic, Toiletry and Fragrance Association, Inc. (CFTA), 1133 15th St., NW., Washington, DC 20005, c/o Hazleton Laboratories, Inc., P.O. Box 30, Falls Church, VA 22046. The petition was filed pursuant to section 706 of the act. Provisional listing for these nine substances has been continued pending completion of the evaluation of available data to determine whether the substances should be "permanently" listed.

On August 9, 1976, CTFA wrote to FDA requesting that the color additive petitions for these nine substances be withdrawn without prejudice to future filing. Published elsewhere in this issue of the FEDERAL REGISTER is a notice announcing the withdrawal of the petitions. The Commissioner is terminating the provisional listing of these nine substances for use as color additives in cosmetics, effective October 26, 1976, because there are no pending color additive petitions or progress reports for them as required by § 8.501.

In its letter requesting withdrawal of the petitions, CTFA stated that a survey disclosed that none of its member firms

were using any of the nine substances covered by its three petitions for coloring cosmetics, although certain of the substances are used in cosmetics for noncoloring purposes. However, CTFA advised that its survey was limited to its members' practices and did not cover those of the entire cosmetic industry. The Commissioner is not aware of any person who is currently coloring cosmetics with any of the nine substances covered by the CTFA petitions. However, because of the possibility that some cosmetic manufacturers are using one or more of the nine substances to color their products and because there are no questions of safety regarding their use, the Commissioner is making the termination of the provisional list for the nine substances effective October 26, 1976. This 30-day period will permit both an orderly change in any cosmetic formulations that contain any of the nine substances as color additives and time for any interested person to submit a color additive petition for any of the nine substances.

Gold, the 10th substance that is the subject of this regulation, was provisionally listed for use as a color additive in cosmetics, and appeared on the so-called "Harvey list" of color additives, published in the FEDERAL REGISTER of October 8, 1974 (39 FR 36126). That notice stated that provisional listing would continue for those "Harvey list" color additives for which color additive petitions or progress reports were submitted by December 31, 1974. A progress report on gold was submitted and the closing date for the provisional listing of gold, as well as those for other provisionally listed color additives, was postponed until December 31, 1975, by regulation published in the FEDERAL REGISTER of April 4, 1975 (40 FR 15087).

No color additive petition for gold or progress report under § 8.501 was submitted by the postponed closing date, December 31, 1975. However, through inadvertence, the closing date for the provisional listing of gold was postponed along with those of the other provisionally listed color additives by regulation published in the FEDERAL REGISTER of January 5, 1976 (41 FR 754). The Commissioner is terminating the provisional listing for gold for use as a color additive in cosmetics in this regulation because no color additive petition or progress report has been submitted as required by § 8.501. Furthermore, the Commissioner is not aware of any person who is currently coloring cosmetics with gold. The termination is, however, being made effective October 26, 1976, to permit both an orderly change in any cosmetic formulations that contain gold as a color additive and time for any interested person to submit a color additive petition for gold.

After October 26, 1976, adding aluminum stearate, bentonite, calcium silicate, calcium stearate, gold, kaolin, lithium stearate, magnesium aluminum silicate, magnesium stearate, and zinc stearate to any cosmetic for use as a color additive will cause such product to be adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act and subject to regulatory action. The Commissioner concludes that the protection of the public health does not require the recall from the market of cosmetics, if any, containing any of the 10 substances for use as color additives, or the destruction of products in preparation to which any of the 10 substances have already been added.

Nothing in this action precludes the Commissioner from determining that any of the 10 substances that are the subject of this regulation is in use to color cosmetics, and is, therefore, a color additive under section 706 of the act. The Commissioner expressly reserves the right in such an instance to require the prompt submission of a color additive petition for the substance, or to require that its use be terminated, or to take any other regulatory action, including court enforcement action, deemed appropriate.

In its August 9, 1976 letter withdrawing its three color additive petitions for the nine substances, CTFA requested that the use of cosmetic labeling listing any of the substances as color additives in accordance with § 701.3 (21 CFR 701.3) be permitted for 1 year so that existing stocks of labeling may be depleted. The Commissioner concludes that this request is reasonable. Consequently, cosmetic labeling listing any of the 10 substances that are the subject of this regulation as color additives, may continue to be used until current supplies are exhausted, or until September 23, 1976, whichever occurs first.

The Commissioner has reviewed this regulation pursuant to Part 6 (21 CFR Part 6) and concludes that it will not significantly affect the quality of the human environment. Because this action is final—not proposed—an inflation impact evaluation is not required by Executive Order 11821 (3A CFR, 1975 Compilation, p. 203). Copies of the documents mentioned above are on file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, under the transitional provisions accompanying the Color Additive Amendments of 1960 to the Federal Food, Drug, and Cosmetic Act (Title II, Pub. L. 86–618, 74 Stat. 404–407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 8 of Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

§ 8.501 [Amended]

In paragraph (g) of § 8.501 Provisional lists of color additives, the entries for aluminum stearate, bentonite, calcium silicate, calcium stearate, gold, kaolin, lithium stearate, magnesium aluminum silicate, magnesium stearate, and zinc stearate are deleted.

Notice and public procedure are not necessary prerequisites to the promulgation of this order because section 203(d)(2) of Pub. L. 86–618 so provides.

Effective date: These regulations shall become effective October 26, 1976.

(Title II, Pub. L. 86–618, 74 Stat. 404–407 (21 U.S.C. 376 note).)

Dated: September 17, 1976.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.76–27822 Filed 9–22–76;8:45 am]

[Docket No. 76N–0365]

PART 8—COLOR ADDITIVES

Subpart—Provisional Regulations

Postponement of Closing Dates

The Commissioner of Food and Drugs, on his own initiative, is postponing the closing date for the use of 72 provisionally listed color additives until December 31, 1976. The Commissioner is also postponing the closing date for the provisional listing of FD&C Red No. 4 for external drug and cosmetic use until December 31, 1976, or until the regulation listing the color additive for these uses, published elsewhere in this issue of the FEDERAL REGISTER, becomes effective, whichever comes first. This order becomes effective September 23, 1976.

Under Title II of the Color Additive Amendments of 1960 (sec. 203(a)(2), Pub. L. 86–618, 74 Stat. 404 (21 U.S.C. 376 note)) and under authority delegated to him (21 CFR 5.1), the Commissioner is authorized to postpone the closing date of a provisional listing of a color additive on his own initiative or upon the application of an interested person. Section 203(d)(1) of Title II requires promulgation, insofar as practical, of a current listing of color additives and the particular uses thereof deemed provisionally listed.

The current closing date, September 30, 1976, established by a regulation published in the FEDERAL REGISTER of January 5, 1976 (41 FR 754), was based upon the Commissioner's conclusion that postponement until September 30, 1976, was consistent with the objective of carrying to completion, in good faith and as soon as reasonably practicable, the scientific investigations necessary for making a determination as to listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376). The Commissioner also advised that a final determination on the listing under section 706 of many of the provisionally listed color additives was expected to be completed before September 30, 1976, and that, if appropriate, further postponements of the closing date would be made for provisionally listed colors for which final determinations were not possible.

Published elsewhere in this issue of the FEDERAL REGISTER are documents:

1. Terminating the provisional listing for FD&C Red No. 4 for use in maraschino cherries and ingested drugs;

2. Listing in FD&C Red No. 4 for use in externally applied drugs and cosmetics;

3. Denying the portion of the petition to list FD&C Red No. 4 for use in maraschino cherries and ingested drugs;

4. Terminating the provisional listing of carbon black for use in food, drugs, and cosmetics;

5. Denying the petition to list carbon black for use in food, drugs, and cosmetics;

6. Terminating the provisional listing of 10 substances for use as color additives in cosmetics.

7. Also published in this issue of the FEDERAL REGISTER is a proposal to postpone further the closing date for the use of certain of these 72 provisionally listed color additives. The preamble to that proposal sets forth the Commissioner's tentative conclusions with respect to listing or provisional listing for each of these color additives and a precise timetable for accomplishing the various actions described.

Nothing in this action affects the Commissioner's authority under the transitional provisions of the Color Additive Amendments of 1960 to terminate a closing date, terminate a listing, or impose restrictions with respect to a specific color additive on the provisional list.

The postponement of the closing date until December 31, 1976, accomplished by this regulation, is necessary to provide a brief period within which to prepare orders for those colors identified in the proposal as suitable for listing and to afford the public an opportunity to comment on the actions proposed to be taken with respect to the remaining provisionally listed color additives. Because of the shortness of time until the September 30, 1976, closing date, the Commissioner concludes that notice and public procedure on this regulation are impracticable and contrary to the public interest and that good cause exists for issuing this postponement as a final order. The regulation, to be effective September 23, 1976, will permit the uninterrupted use of the affected color additives. Therefore, in accordance with 5 U.S.C. 553(b)(B), and (d) (1) and (3), this postponement is issued as a final regulation and is being made effective on September 23, 1976. A 60-day comment period is being provided on the proposed regulation related to the 72 provisionally listed color additives published elsewhere in this issue of the FEDERAL REGISTER.

Therefore, under the transitional provisions accompanying the Color Additive Amendments of 1960 to the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), (d)(1), Title II, Pub. L. 86-618; 74 Stat. 404-405 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner, (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 8 is amended as follows:

§ 8.501 [Amended]

In § 8.501 *Provisional lists of color additives,* the closing dates for the color additives listed in paragraphs (a), (b), (c), (f), and (g) are changed to read "December 31, 1976."

Effective date: This order shall become effective September 23, 1976.

(Sec. 203(a)(2), (d)(1), Pub. L. 86-618; 74 Stat. 404-405 (21 U.S.C. 376 note).)

Dated: September 17, 1976.

SHERWIN GARDNER,
Acting Commissioner,
Food and Drugs.

[FR Doc.76-27823 Filed 9-22-76;8:45 am]

[Docket No. 76N-0375]

PART 8—COLOR ADDITIVES

Termination of Provisional Listing of Carbon Black

The Food and Drug Administration (FDA) is terminating the provisional listing, and hence the approval, of carbon black (all-gas channel black) for use in food, drugs, and cosmetics, effective September 23, 1976. Published elsewhere in this issue of the FEDERAL REGISTER is a notice denying the petition to "permanently" list carbon black (all-gas channel black) for use in food, drugs, and cosmetics.

Section 8.501 (21 CFR 8.501) of the color additive regulations designates those color additives that are provisionally listed under section 203(b) of the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, 74 Stat. 404-407 (21 U.S.C. 376 note)), on an interim basis pending completion of scientific investigations needed for determinations about "permanent" listing in accordance with section 706 of the Federal Food, Drug, and Cosmetic Act (sec. 706, 74 Stat. 399-403 (21 U.S.C. 376)).

The color additive carbon black (all-gas channel black) was used commercially in food, drugs, and cosmetics prior to enactment of the Color Additive Amendments of 1960. Accordingly, under section 203(b)(2) of the transitional provisions of the amendments, carbon black (all-gas channel black) was deemed provisionally listed for use in food, drugs, and cosmetics on July 12, 1960. Carbon black (all-gas channel black) appeared on the provisional list for use in food and cosmetics when that list was initially published in the FEDERAL REGISTER of October 12, 1960 (25 FR 9759). The use of carbon black (all-gas channel black) in drugs was provisionally listed when the list was first amended by notice published in the FEDERAL REGISTER of August 16, 1961 (26 FR 7578).

Under section 706 of the act, as revised by the Color Additive Amendments of 1960, a color additive may be approved only if data establish that it is safe under its permitted conditions of use. However, the transitional provisions of those amendments provide for provisional listing of color additives in use in 1960 for a period of time necessary to complete the scientific investigations needed to establish their safety. In accordance with this procedure, carbon black (all-gas channel black) has been provisionally listed since 1960 and is currently provisionally listed for use in food, drugs, and cosmetics.

Carbon black is defined in the "Encyclopedia of Industrial Chemical Analysis" as "the generic term for a wide variety of finely divided carbonaceous pigments produced by the pyrolysis of hydrocarbon gases or oils" (Schubert, Ford, and Lyon, "Analysis of Carbon Black," in "Encyclopedia of Industrial Chemical Analysis" 8:174-243 (1969)). There are five basic types of carbon black that are classified according to the source of raw materials or method of manufacture: impingement or channel carbons, lampblack, thermal blacks, acetylene blacks, and furnace carbons (ibid.). Of these five types, only the impingement or channel carbon, and more specifically, that type produced by using all natural gas, has been provisionally listed for use in food, drugs, and cosmetics. The other four types of carbon blacks, including those that are made by the impingement or channel process using natural gas that is oil-enriched, have never been and are not now provisionally listed.

Concern about the safety of carbon black (all-gas channel black) in food, drugs, and cosmetics stems from the possibility that extractable polynuclear aromatic hydrocarbons (PNA's) may be present in the color. The PNA's, which are also referred to as polycyclic aromatic hydrocarbons, comprise a large family of chemicals where two to seven benzene rings have fused in an angular arrangement to form the PNA molecule. The particular PNA's that have raised the greatest concern are those containing three to six benzene rings in their molecular structure. Some of these particular PNA's, such as 3,4-benzpyrene and 1,2-benzanthracene, have been demonstrated to be carcinogens. Analysis of furnace blacks has disclosed the presence of 3,4-benzpyrene and 1,2-benzanthracene.

As explained more fully below in this preamble, carbon black produced by the channel process using all natural gas appears least likely of the carbon blacks to contain extractable PNA's, and toxicity studies on this compound have not disclosed any adverse effects. The Commissioner cannot reasonably conclude, however, that use of carbon black (all-gas channel black) is safe unless there are adequate data available to establish that the color additive contains no extractable PNA's. In addition, the Commissioner cannot "permanently" list carbon black (all-gas channel black) in the absence of data that permit establishment of specifications, i.e., precise physical and chemical properties of the color additive, to differentiate all-gas channel black from furnace carbons, lampblack, thermal blacks, acetylene blacks, and channel blacks manufactured with oil-enriched natural gas.

The petitioners have previously been advised by FDA that such data would be required for "permanent" listing. The petitioners were also advised that the color additive would, even if "permanently" listed, be subject to batch certification by FDA. Because samples of the carbon black (all-gas channel black) used in the various toxicological tests to

establish the safety of the color were not available for current analysis, the specifications for certification were to include physical and chemical properties of commercially available carbon black (all-gas channel black) that would differentiate it from the other types of carbon blacks and thus assure that the color certified was identical to the color tested, as well as a requirement that no extractable PNA's be measurable using an analytical method of suitable sensitivity.

In general, PNA's appear to be present in carbon blacks as a byproduct of the manufacturing process and are probably formed during combustion (H. L. Falk and P. E. Steiner, "The Identification of Aromatic Polycyclic Hydrocarbons in Carbon Blacks," Cancer Research, 12:40–43, 1952). Studies on carbon blacks have indicated that PNA's are not formed during the manufacture of the color additive unless the temperature of pyrolysis, i.e., the subjection of organic compounds to very high temperatures in atmospheres deficient in oxygen, reaches 1100° C. In a review of the available data on carbon blacks submitted with the color additive petition for the listing of carbon black (all-gas channel black) (CAP 9C0092), Jack L. Radomski, M.D., Professor of Pharmacology, University of Miami, School of Medicine, Coral Gables, Florida, noted that carbon black (all-gas channel black) appears to be free of PNA's and speculated that this might be attributable to the fact that pyrolysis temperatures do not routinely exceed 1100° C during the production of the color additive.

The sensitivity of the analytical methods used in the studies upon which Dr. Radomski relied is not known; therefore, it cannot be determined whether the methods employed were sufficiently precise to conclude with reasonable certainty that extractable PNA's are not in fact present in the commercially available color additive. Based upon their review of the data submitted with the petition and other pertinent data, FDA scientists have concluded that the analytical methods employed in the available studies probably were not capable of detecting extractable PNA's much below 100 parts per million (ppm). The Commissioner has previously concluded, in a regulation published in the FEDERAL REGISTER of September 23, 1974 (39 FR 34188) establishing safe conditions of use for the food additive citric acid obtained from *Candida lipolytica* under § 121.1259 (21 CFR 121.1259), that an analytical method must be sufficiently sensitive to detect extractable PNA's to a level of 2 parts per billion (ppb). The Commissioner is not aware of a reliable method for detecting extractable PNA's in carbon black (all-gas channel black) that is sensitive to a level of 2 ppb and, as described below, persistent efforts to obtain this required method from the petitioners have been unavailing.

The agency's conclusions that existing data are inadequate to establish specifications for carbon black (all-gas channel black) and that an appropriately sensitive anlytical method to detect PNA's is needed have been known since shortly after the first color additive petition for carbon black was submitted on November 8, 1963. The first petition (CAP 9), submitted to FDA by Carl A. Nau, M.D., Medical Center, University of Oklahoma, Oklahoma City, Oklahoma, was rejected for filing because it lacked, inter alia, (1) chemistry data adequate to establish specifications for the color additive and (2) adequate information about the nature of the volatiles present. Dr. Nau withdrew his petition in a letter dated July 11, 1966.

Subsequent to the withdrawal of Dr. Nau's petition, FDA received letters from H. Kohnstanm & Co. and from the Toilet Goods Association stating their intention to conduct the studies necessary to support "permanent" listing for carbon black (all-gas channel black) for use in food, drugs, and cosmetics. Thereafter, the types of data required on carbon black were discussed at meetings between FDA and the Toilet Goods Association. On April 25, 1969, a color additive petition (CAP 9C0092) was submitted by the Toilet Goods Association (now the Cosmetic, Toiletry and Fragrance Association, Inc., 1133 15th St. NW., Washington, D.C. 20005), the Pharmaceutical Manufacturers Association (1155 15th St. NW., Washington, D.C. 20005) and the National Confectioners Association of the U.S., Inc. (1225 19th St. NW., Washington, D.C. 20036), c/o Hazleton Laboratories, Inc., P.O. Box 30, Falls Church, Va. 22046, seeking the "permanent" listing and certification of carbon black (all-gas channel black) for use in food, drugs, and cosmetics.

The Commissioner's conclusion that the Toilet Goods Association petition was inadequate because it did not contain details concerning the manufacturing process and methods of analysis for the color additive was conveyed to the petitioners as early as May 7, 1969. The petitioners were also asked during a conference with FDA on February 10, 1970, to submit information to the agency concerning the specifications for carbon black (all-gas channel black). Again, FDA advised the petitioners of the need for additional data by letter of December 7, 1973. The Commissioner has repeatedly sought from the petitioners data adequate to establish specifications for carbon black (all-gas channel black) that would permit him to conclude with reasonable certainty that the commercially available carbon black (all-gas channel black) had been manufactured from all-natural gas using the impingement or channel process, data demonstrating the absence of PNA's in benzene extraction of carbon black (all-gas channel black) using an analytical method sensitive to 2 ppb, and specifications for permissible levels of lead and arsenic.

As noted, data adequate to resolve the Commissioner's concerns about the safety of carbon black (all-gas channel black) have not been provided to FDA, and it does appear likely that they will soon be forthcoming. The Commissioner concludes therefore that continued provisional listing for carbon black (all-gas channel black) for use in food, drugs, and cosmetics is no longer appropriate.

The current closing date for continued use of carbon black (all-gas channel black) was postponed to September 30, 1976 by a regulation published in the FEDERAL REGISTER of January 5, 1976 (41 FR 754). That postponement was based on the assumption that scientific investigations in progress would soon provide the data necessary to establish specifications for the color additive and that an analytical method to detect extractable PNA's sensitive to 2 ppb would be developed. Because it has now become clear that the necessary data are not available and will not soon be forthcoming, the Commissioner finds that the basis for the postponement no longer exists and hereby terminates the postponement of the closing date for the provisional listing of carbon black (all-gas channel black) for use in food, drugs, and cosmetics in accordance with section 203(a)(2) of the transitional provisions of the Color Additive Amendments of 1960. Also, under section 203(d)(1)(E) of the amendments, the Commissioner concludes that the provisional listing of carbon black (all-gas channel black) should be terminated because such action is necessary to protect the public health, in that questions have been raised about the safety of the color additive and the available data do not permit a determination of safety. Published elsewhere in this issue of the FEDERAL REGISTER is a notice denying the petition proposing to list "permanently" carbon black (all-gas channel black) for use in food, drugs, and cosmetics.

The provisional listing of carbon black (all-gas channel black) is hereby terminated, effective September 23, 1976. After September 23, 1976, adding carbon black (all-gas channel black) to any food, drug, or cosmetic will cause such product to be adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and subject to regulatory action. This prohibition applies to the use of carbon black, mixtures of carbon black with other colors or their lakes, and such mixtures with ingredients functioning only as diluents. The Commissioner concludes that the protection of the public health does not require the recall from the market of food, drugs, and cosmetics containing the color additive, or the destruction of products in preparation, to which the color additive has already been added.

This action applies to externally applied products as well as to those intended for ingestion, and to pet food and animal feed as well as to human food.

Manufacturers of new drugs and new animal drugs, including certifiable antibiotics for animal use, containing carbon black (all-gas channel black) may either delete the color additive or substitute a different color in accordance with the provisions of § 314.8(d)(3) and (e) or § 514.8(d)(3) and (e), as appropriate (21 CFR 314.8(d)(3) and (e), 514.8(d)(3) and (e)). The applicant shall submit data providing the new composition and showing that the change in composi-

tion does not interfere with any assay or other control procedures used in manufacturing the drug, or that the assay and other control procedures have been revised to make them adequate. Also, the applicant shall submit data available to establish the stability of the revised formulation, or if the data are too limited to support a conclusion that the drug will retain its declared potency for a reasonable marketing period, a commitment to test the stability of marketed batches at reasonable intervals, to submit the data from such tests as they become available, and to recall from the market any batch found to fall outside the approved specifications for the drug.

The Commissioner is aware that supplies of alternative color additives may be difficult to obtain immediately. Consequently, food and drug labeling stating that the product contains "artificial color" because of the prior inclusion of carbon black (all-gas channel black) may continue to be used with the uncolored product during the time necessary to obtain supplies of alternative color ingredients or until the current supplies of labeling are used, whichever occurs first.

Carbon black (all-gas channel black) is the subject of food additive regulations in Subpart F of Part 121 (21 CFR Part 121) for its use in food-contact articles as a colorant (e.g., in paragraph (b)(3)(xxvi) of § 121.2514 Resinous and polymeric coatings) and as a filler (e.g., in paragraph (c)(4)(v) of § 121.2562 Rubber articles intended for repeated use). These uses generally were supported by data showing an absence of migration of the carbon black from the food-contact surface to food. The Commissioner has not considered these uses of carbon black as part of this action but rather intends to include them as part of a planned review of the available data for the regulated food additives.

The Federation of American Societies for Experimental Biology (FASEB) will soon be reviewing the available literature concerning the use of carbon in the processing of food as part of the ongoing review of substances that are generally recognized as safe (GRAS). Included in this review will be substances such as charcoal or activated charcoal whose use in food has been considered GRAS. The GRAS review of carbon may also involve certain applications of carbon black (all-gas channel black). The Commissioner has not considered the use of carbon for uses other than coloring as part of this action. Instead, he concludes that action on the various uses of carbon that are to be reviewed by FASEB as part of the GRAS review should await the receipt of the final reports of their evaluation.

The Commissioner has carefully considered the environmental effects of this action and, because the action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the FDA environmental assessment, together with copies of the other documents mentioned above, are on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20852. Because this action is final (not proposed), an inflation impact evaluation is not required by Executive Order 11821 (3A CFR, 1975 Compilation, p. 203).

Therefore, under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, 74 Stat. 404-407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 8 of Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

§ 8.501 [Amended]

1. In § 8.501 *Provisional lists of color additives:*

a. Paragraph (e) is revoked and reserved.

b. In paragraphs (f) and (g), the entry for carbon black (prepared by the "impingement" or "channel" process) is deleted.

2. In § 8.502, new paragraph (g) is added to read as follows:

§ 8.502 Termination of provisional listing of color additives.

* * * * *

(g) *Carbon black (prepared by the "impingement" or "channel" process).* The Commissioner of Food and Drugs, in order to protect the public health, hereby terminates the provisional listing of carbon black (prepared by the "impingement" or "channel" process) for use in food, drugs, and cosmetics.

Notice and public procedure are not necessary prerequisites to the promulgation of this order because section 203 (d)(2) of Pub. L. 86 618 so provides.

Effective date. These regulations shall be effective September 23, 1976.

(Title II, Pub. L. 86-618, 74 Stat. 404-407 (21 U.S.C. 376 note).)

Dated: September 17, 1976.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 8]

[Docket No. 76N-0366]

PROVISIONALLY LISTED COLOR ADDITIVES

Proposed Postponement of Closing Dates

The Commissioner of Food and Drugs, on its own initiative, is proposing to postpone the closing date for the use of certain provisionally listed color additives beyond December 31, 1976. The postponement would be conditioned on the undertaking of appropriate scientific investigations and the submission of data to the Food and Drug Administration (FDA) on a prescribed schedule. Interested persons have until November 22, 1976, to submit comments.

Under Title II of the Color Additive Amendments of 1960 (sec. 203(a)(2), Pub. L. 86-618, 74 Stat. 404 (21 U.S.C. 376 note)) and under authority delegated to him, the Commissioner is authorized to postpone the closing date of a provisional listing of a color additive on his own initiative or upon the application of an interested person. Section 203(d)(1) of Title II requires promulgation, insofar as practicable, of a current listing of color additives and the particular uses thereof deemed provisionally listed.

The closing date, September 30, 1976, was established by a regulation published in the FEDERAL REGISTER of January 5, 1976 (41 FR 754) for 84 provisionally listed color additives based upon the Commissioner's conclusion that the postponement was consistent with the objective of carrying to completion, in good faith and as soon as reasonably practicable, the scientific investigations necessary for making a determination as to listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376). In the proposal to postpone the closing dates, published in the FEDERAL REGISTER of November 14, 1975 (40 FR 53039), the Commissioner also advised that a final determination on the "permanent" listing under section 706 of the act of many of the provisionally listed color additives was expected to be completed before September 30, 1976. The Commissioner also stated that, if appropriate, further postponements would be made for individual color additives for which final determinations were not possible.

The Commissioner has postponed the closing date for the provisional listing of 72 color additives until December 31, 1976, by regulation published elsewhere in this issue of the FEDERAL REGISTER, effective September 23, 1976. The brief postponement is necessary to allow time for public comment on this proposal, to prepare notices "permanently" listing 20 of the provisionally listed color additives and to provide for the uninterrupted use of the remaining color additives.

In accordance with the Commissioner's stated intention to make final determinations for many of the provisionally listed color additives before September 30, 1976, the FDA Bureau of Foods has reviewed each of the petitions to list the 84 provisionally listed color additives and other pertinent data. This review involved evaluation of 64 color additive petitions seeking "permanent" listing for 83 provisionally listed color additives. The 64 color additive petitions were reviewed in accordance with the criteria for "permanent" listing set forth in section 706(b)(5)(A) of the act. In particular, the Bureau of Foods reviewed available toxicity, chemistry and usage data and reexamined previous evaluations of these data to determine if safe conditions of use for the color additives could be established for purposes of "permanent" listing under section 706 of the act. The review also involved examination of correspondence and memoranda of meetings to assure that, in each instance in which a color additive petition has previously been found to contain inadequate or insufficient data or in which additional data or studies were required to resolve uncertainties about the safety of the color, the petitioners had been apprised of the deficiencies or uncertainties. Copies of the correspondence and memoranda of meetings between FDA and the petitioners and their representatives, advising them of the need for additional data or studies, are on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Final determinations have been made on 12 of the 84 provisionally listed color additives on the basis of the Bureau of Foods' review of the petitions seeking "permanent" listing for them. The 12 colors and the action taken with respect to each are as follows:

1. *FD&C Red No. 4.* The provisional listing for FD&C Red No. 4 for use in maraschino cherries and ingested drugs is terminated by regulation published elsewhere in this issue of the FEDERAL REGISTER, effective September 23, 1976. Also published elsewhere in this issue of the FEDERAL REGISTER are a notice denying the portion of the petition seeking "permanent" listing of FD&C Red No. 4 for use in maraschino cherries and ingested drugs and a regulation "permanently" listing the color additive for use in externally applied drugs and cosmetics.

2. *Carbon black (all-gas channel black).* The provisional listing for carbon black (all-gas channel black) for use in food, drugs, and cosmetics is terminated by regulation published elsewhere in this issue of the FEDERAL REGISTER, effective September 23, 1976. Also published in this issue of the FEDERAL REGISTER is a notice denying the petition to list "permanently" carbon black (all-gas channel black) for use in food, drugs, and cosmetics.

3. Aluminum stearate, bentonite, calcium silicate, calcium stearate, gold, kaolin, lithium stearate, magnesium aluminum silicate, magnesium stearate, and zinc stearate. The provisional listing fort hese 10 substances for use as color additives in cosmetics is terminated by regulation published elsewhere in this issue of the FEDERAL REGISTER, effective October 26, 1976. Also published elsewhere in this issue of the FEDERAL REGISTER is a notice announcing the withdrawal of the color additive petitions seeking to list "permanently" all of these substances except gold. No color additive petition or progress report had been submitted on gold, the 84th provisionally listed color additive, as required by § 8.501 of the color additive regulations (21 CFR 8.501).

The remaining 72 color additives on the provisional list have been grouped into the following 5 categories based on the review of the individual petitions seeking their "permanent" listing:

A. Color additives for which safe conditions of use can be established and for which "permanent" listing is appropriate;

B. Color additives that require additional short-term eye area studies;

C. Color additives that require additional short-term toxicity studies;

D. Color additives that require additional chemistry data to establish safe conditions of use;

E. Color additives that require new chronic toxicity studies.

The available data on 20 of these 72 provisionally listed color additives are adequate to support final determinations of safety and regulations "permanently" listing the color additives are being prepared. The Commissioner anticipates that these regulations will be issued before December 31, 1976. The remaining 52 provisionally listed color additives cannot be "permanently" listed at this time because the available data are inadequate to make final determinations. The Commissioner concludes, however, that there are no significant questions of safety regarding any of these 52 color additives, and that continued provisional listing for them presents no risk to the public health.

Most (49) of these 52 color additives are provisionally listed for use only in drugs and/or cosmetics. Three—FD&C Yellow No. 6, FD&C Green No. 3 and FD&C Blue No. 2—are provisionally listed for use in food as well. Additionally, 7 of these 52 colors—FD&C Yellow No. 5, FD&C Red No. 3, FD&C Blue No. 1, annatto, caramel, carmine and carotene—are "permanently" listed for use in food and ingested drugs.

Under the transitional provisions of the Color Additive Amendments of 1960, however, continued provisional listing of a color additive is appropriate only when studies in progress or under evaluation are capable of demonstrating the safety of the color additives involved. The Commissioner proposes, therefore, to condition further postponement of the closing dates for the use of these 52 provisionally listed color additives on compliance with specific requirements to be contained in a new § 8.505 of the color additive regulations. Section 8.505 would explicitly set forth the type of additional studies that must be conducted and data that must be submitted to FDA to demonstrate the safety of the color additives involved. The type and extent of the

studies and data required are based on the recent Bureau of Foods' review of the 64 individual color additive petitions. The majority of the 52 provisionally listed color additives involved require only a single type of data, e.g., short-term eye area studies, or short-term toxicity studies, or additional chemistry data or chronic toxicity studies. In several instances described below, however, more than one type of data or study are required.

Proposed § 8.505 would require that each of the petitioners agree in writing within 30 days of the effective date of the regulation to undertake the scientific investigations necessary to permit FDA to make final determinations on the color additives, and that the petitioners or other interested persons undertake those scientific investigations, file progress reports with FDA, and submit the final results within fixed time periods prescribed in the regulation. Additionally, the petitioners would be required to notify FDA immediately of any findings that indicate a potential for a color additive to cause adverse effects. Failure of the petitioners for any additive to comply with the requirements contained in § 8.505 would result in immediate termination of the provisional listing of the color additive. New § 8.505 would also establish closing dates for each of the categories of color additives listed above by which the provisional listing would be terminated, except in extraordinary circumstances.

The proposed provision for postponement in extraordinary circumstances of the closing dates beyond those in § 8.505 is included in anticipation of the possibility, although unlikely, that unforeseeable and unavoidable occurrences or situations may make compliance with § 8.505 extremely impracticable, if not virtually impossible, and which would therefore require in fairness that the provisional listing be further postponed. A request for further postponement on the grounds of "extraordinary circumstances" would have to be submitted in writing and state in detail the basis for the request. The Commissioner does not anticipate that "extraordinary circumstances" will occur and therefore fully expects that no color additive will be provisionally listed after December 31, 1980, the proposed closing date for those color additives for which new chronic toxicity studies are being required.

The requirements of proposed § 8.505 are set forth in detail in the following discussion of the five categories of provisionally listed color additives.

A. Color additives for which safe conditions of use can be established and for which "permanent" listing is appropriate: The Commissioner concludes, based on the Bureau of Foods' review, that the safety of 20 of the 72 provisionally listed color additives has been demonstrated. There are no adverse effects associated with the use of any of these 20 color additives under the conditions of use in the petition; the chemistry and usage data are adequate for "permanent" listing. The 20 color additives to be "permanently" listed and their uses are as follows:

1. D&C Green No. 8 (externally applied drugs and cosmetics).
2. D&C Yellow No. 7 (externally applied drugs and cosmetics).
3. D&C Yellow No. 8 (externally applied drugs and cosmetics).
4. D&C Yellow No. 11 (externally applied drugs and cosmetics).
5. D&C Red No. 17 (externally applied drugs and cosmetics).
6. D&C Red No. 31 (externally applied drugs and cosmetics).
7. D&C Red No. 34 (externally applied drugs and cosmetics).
8. D&C Violet No. 2 (externally applied drugs and cosmetics).
9. D&C Brown No. 1 (externally applied cosmetics).
10. Ext. D&C Yellow No. 7 (externally applied drugs and cosmetics).
11. Ext. D&C Violet No. 2 (externally ap-
12. D&C Blue No. 4 (externally applied drugs and cosmetics).
13. Azulene (externally applied cosmetics).
14. Iron oxides (all cosmetics including use in areas of the eye).
15. Manganese violet (all cosmetics including use in area of the eye).
16. Ultramarine blue (externally applied cosmetics including use in area of the eye).
17. Ultramarine green (externally applied cosmetics including use in area of the eye).
18. Ultramarine pink (externally applied cosmetics including use in area of the eye).
19. Ultramarine red (externally applied cosmetics including use in area of the eye).
20. Ultramarine violet (externally applied cosmetics including use in area of the eye).

Notices "permanently" listing these 20 color additives are currently being prepared; the Commissioner expects that they will be published in the FEDERAL REGISTER before the December 31, 1976 closing date. The provisional listing for these color additives will be terminated when the "permanent" listing becomes effective, unless any regulation is stayed by the filing of valid objections, in which case the provisional listing for that color would continue.

B. Color additives that require additional short-term eye area studies: Color additive petitions for 14 of the 72 provisionally listed color additives seek "permanent" listing for use in cosmetics, including cosmetics intended for use in the area of the eye. "Permanent" listing for all types of cosmetic use, i.e., ingested, external, and area of the eye, is sought for the following 10 provisionally listed color additives:

1. Annatto.
2. Bismuth oxychloride.
3. Bronze powder.
4. Caramel.
5. Carmine.
6. Carotene.
7. Copper, metallic powder.
8. Mica
9. Guanine (pearl essence).
10. Zinc oxide.

"Permanent" listing for external and area of the eye use only is sought for the following four provisionally listed color additives:

1. Aluminum powder.
2. Chromium hydroxide green.
3. Chromium oxide greens.
4. Ferric ferrocyanide.

Of the 14 color additives listed above, 7 appeared on the so-called "Harvey list" published in the FEDERAL REGISTER of October 8, 1974 (39 FR 36126): aluminum powder, annatto, bismuth oxychloride, caramel, carotene, copper powder, and zinc oxide. Petitions for the 7 "Harvey list" colors and the remaining 7 color additives and other pertinent data have been reviewed and are adequate to establish the safety of 8 of the 10 provisionally listed colors for which "permanent" listing for external and ingested cosmetic use is sought and for the 4 provisionally listed color additives for which permanent listing for external cosmetic use only is sought. The data are inadequate, however, to "permanently" list any of the 14 colors for cosmetic use in the area of the eye because each of the color additive petitions for these 14 color additives lacks results from a short-term eye area study with rabbits in which the color additive is repeatedly instilled into the eye for 4 weeks. The studies involving repeated instillation into the eye will provide an added measure of assurance that each of the color additives may be used safely in cosmetics for use in the area of the eye.

The petitioners for these 14 color additives were advised by FDA on July 31, 1969 that short-term eye area studies involving repeated instillation of the color into the eyes of test animals would be required before final determinations could be made on "permanent" listing. Considerable discussion thereafter ensued between FDA and the petitioners concerning the format and conduct of the eye area studies. The petitioners subsequently prepared a protocol, conducted pilot toxicological studies, and submitted the results to FDA. The results of the pilot studies were evaluated by FDA and the petitioners were advised to initiate the eye area studies on each of the 14 color additives. Eye area studies on these 14 color additives are either underway or have been contracted for and will begin very shortly.

The Commissioner proposes to postpone the closing dates for the provisional listing of these 14 color additives until July 1, 1977, to provide sufficient time for the petitioners to complete the eye area studies, conduct the pathology work in the rabbits, analyze and write up the results, and submit them to FDA for review. This brief period would also include time for FDA to evaluate the results and to prepare regulations either "permanently" listing the colors or terminating the provisional listing for use in the area of the eye, based on the results of studies.

Proposed § 8.505(a) would require that each of the petitioners advise FDA in writing of the status of the eye area studies within 30 days after the effective date of the final regulation, and that they complete the studies and submit the results to FDA within 45 days after the effective date of the final regulation. The Commissioner is of the opinion that these short periods of time to comply with proposed § 8.505(a) are reasonable because the petitioners have advised

FDA that the eye area studies are underway or will soon begin. New § 8.505 would also require that the petitioners notify FDA immediately of any findings that indicate a potential for any color additive to cause adverse effects. Failure to submit the status letter within 30 days or to submit the final results within 45 days or to provide immediate notification of findings indicating a potential for a color additive to cause adverse effects would result in immediate termination of the provisional listing for the color additive for use in the area of the eye. The Commissioner would, in any event, terminate the provisional listing and "permanently" list the colors or deny the petitions for these 14 colors for eye area use and "permanently" list them for other uses supported by available data by July 1, 1977, unless extraordinary circumstances were shown.

As discussed below in this preamble, caramel also requires a chronic study to determine if it causes chronic adverse effects, including carcinogenicity when externally applied, and a short-term toxicity study. The closing date for caramel would be postponed under proposed § 8.505(d) until December 31, 1980, only if the petitioner complies with § 8.505(a) and (b).

The Commissioner concludes that the continued provisional listing of these 14 color additives under their intended conditions of use until July 1, 1977, does not present a hazard to the public health.

C. Color additives that require additional short-term toxicity studies: Of the 72 provisionally listed color additives, bismuth citrate, bismuth oxychloride, caramel, and lead acetate cannot be "permanently" listed at this time because short-term toxicity studies are needed to provide additional assurance that their use is safe. Bismuth citrate and lead acetate, which are petitioned for use to color hair, require short-term absorption studies because earlier studies suggest a potential for percutaneous absorption. The required short-term absorption studies involve administration of the product containing the color additive to the hair for 90 days under conditions of use. During and at the completion of the period of administration of the product, urine and blood tests would be conducted to determine of the color additive has been absorbed through the skin into the body systems.

An absorption study on bismuth citrate at a level of 0.25 percent of the product has been completed and suggests that there may be absorption. Accordingly, an additional absorption study is necessary at the 0.5 percent use concentration because the petition seeks a "permanent" listing for use at that higher concentration. In addition, a 90-day study with rabbits, as described below, is required for bismuth citrate because of the possibility of absorption and the absence of data concerning the distribution of absorbed bismuth in the body.

Bismuth oxychloride and caramel, 2 of the 21 color additives that appeared on the so-called "Harvey list" in the October 8, 1974 FEDERAL REGISTER, require short-term skin studies with rabbits to support their use in externally applied cosmetics. These studies involve application of the color to the intact and abraded skin of rabbits for 90 days. Color additive petitions for these two colors were submitted in response to the October 8, 1974 notice and the colors were provisionally listed thereafter while the petitions and other data were evaluated. Review of the petitions and other data on bismuth oxychloride and caramel disclosed the need for additional skin studies because data were lacking to estabilsh that the colors were safe for use in externally applied cosmetics. As noted above, bismuth oxychloride and caramel require short-term eye area studies. As explained below in this preamble, caramel also requires a chronic study to determine if it causes chronic adverse effects, including carcinogenicity, upon external application.

Proposed § 8.505(b) would postpone the closing date for bismuth citrate, bismuth oxychloride, caramel and lead acetate until September 30, 1977. These postponements would be conditioned on the written agreement by each of the petitioners within 30 days after this regulation becomes effective, to undertake the required studies needed to provide assurance that use of the color additives is safe for purposes of "permanent" listing. New § 8.505(b) would also require that the results of the absorption studies and the results of subchronic studies be submitted to FDA within 180 days after this regulation becomes effective, and that the petitioners notify FDA immediately of any findings that indicate a potential for any of the color additives to cause adverse effects. Failure to comply with any of the requirements contained in § 8.505(b) would result in immediate termination of the provisional listing for the color additive.

After submission of the study results, FDA will promptly review them and, if they are adequate to establish safe conditions of use, the color additives would be permanently listed. If the data are inadequate, the provisional listings would be terminated. The Commissioner would, in any event, make final determinations on each of the colors and terminate their provisional listing by September 30, 1977, unless extraordinary circumstances were shown. The closing date for caramel would be December 31, 1980, if the conditions of § 8.505 (a) and (b) are met.

The Commissioner concludes that continued provisional listing of these four colors until September 30, 1977, does not present a hazard to the public health.

D. Color additives that require additional chemistry data to establish safe conditions of use: Of the 72 provisionally listed color additives, 15 cannot be "permanently" listed at this time because complete chemistry data are lacking to establish specifications for them. The 15 colors and their provisionally listed uses are:

1. D&C Orange No. 4 (externally applied drugs and cosmetics)
2. D&C Orange No. 5 (drugs and cosmetics)
3. D&C Orange No. 11 (externally applied drugs and cosmetics)
4. Ext. D&C Green No. 1 (externally applied drugs and cosmetics)
5. Ext. D&C Yellow No. 1 (externally applied drugs and cosmetics)
6. FD&C Yellow No. 6 (food, drugs and cosmetics)
7. D&C Yellow No. 10 (drugs and cosmetics)
8. D&C Red No. 6 (drugs and cosmetics)
9. D&C Red No. 7 (drugs and cosmetics)
10. D&C Red No. 27 (drugs and cosmetics)
11. D&C Red No. 28 (drugs and cosmetics)
12. D&C Red No. 30 (drugs, cosmetics, and surgical sutures)
13. D&C Blue No. 6 (drugs, cosmetics, and surgical sutures)
14. Logwood (sutures)
15. Graphite (externally applied cosmetics including use in area of the eye)

The chemistry data lacking on these 15 colors consist of sufficiently precise analytical methods and other information to enable FDA to identify and define the color additives more accurately than currently available data permit. Detailed specifications and precise analytical methods are required to certify batches of each color additive as equivalent to the batches of each color additive used in conducting animal studies to establish the safety of the color.

The closing date for the provisional listing for use of these 15 colors would be postponed until September 30, 1977, under proposed § 8.505(c), which would condition the postponement on the written agreement by each petitioner, within 30 days after this regulation becomes effective, to undertake to develop and submit to FDA the necessary chemistry data and analytical methods required to establish specifications for each color additive and to certify batches of each color additive where certification is necessary. Proposed § 8.505(c) would also require that the chemistry data and analytical methods be submitted to FDA within 210 days after the regulation becomes effective and that FDA be notified immediately of findings that indicate a potential for any of the color additives to cause adverse effects. Failure to comply with the requirements contained in § 8.505(c) would result in immediate termination of the provisional listing for the color additive involved.

Personnel of the FDA Bureau of Foods will be available to clarify the type of data and analytical methods required and to consult with the petitioners, if necessary. The chemistry data and analytical methods for each color will be promptly reviewed by FDA after their submission and, if the data and analytical methods are adequate to establish specifications, the Commissioner would publish a notice in the FEDERAL REGISTER "permanently" listing the color additives that do not require chronic toxicity studies. If the data and methods are inadequate for any color, the provisional listing would be terminated. The Commissioner would, in any event, terminate the provisional listing and "permanently" list, or deny the petition, for each of these 15 colors by September 30, 1977, except as noted below, unless extraordinary circumstances were shown.

Nine of the fifteen color additives also require new chronic toxicity studies: D&C Orange No. 5, FD&C Yellow No. 6, D&C Yellow No. 10, D&C Red No. 6, D&C Red No. 7, D&C Red No. 27, D&C Red

No. 28, D&C Red No. 30, and D&C Blue No. 6. The closing date for each of these colors would be postponed under proposed § 8.505(d) until December 31, 1980, to permit completion of the chronic toxicity studies, but only if the chemistry data and analytical methods are supplied in accordance with § 8.505(c).

The Commissioner concludes that continued provisional listing of these 15 color additives under their intended conditions of use until September 30, 1977, does not present a hazard to the public health.

E. Color additives that require new chronic toxicity studies: Of the 72 provisionally listed color additives, 31 cannot be "permanently" listed because the available toxicity data—though suggestive of no adverse effects—are derived from studies that do not meet contemporary standards generally accepted within the scientific community as minimum requirements for the design and conduct of toxicological studies to establish safety.

These color additives and their provisionally listed uses are as follows:

1. FD&C Yellow No. 5 (cosmetics and externally applied drugs)
2. FD&C Yellow No. 6 (food, drugs and cosmetics)
3. D&C Yellow No. 10 (drugs and cosmetics)
4. FD&C Red No. 3 (cosmetics and externally applied drugs)
5. D&C Red No. 6 (drugs and cosmetics)
6. D&C Red No. 7 (drugs and cosmetics)
7. D&C Red No. 8 (drugs and cosmetics)
8. D&C Red No. 9 (drugs and cosmetics)
9. D&C Red No. 10 (drugs and cosmetics)
10. D&C Red No. 11 (drugs and cosmetics)
11. D&C Red No. 12 (drugs and cosmetics)
12. D&C Red No. 13 (drugs and cosmetics)
13. D&C Red No. 19 (drugs and cosmetics)
14. D&C Red No. 21 (drugs and cosmetics)
15. D&C Red No. 22 (drugs and cosmetics)
16. D&C Red No. 27 (drugs and cosmetics)
17. D&C Red No. 28 (drugs and cosmetics)
18. D&C Red No. 30 (drugs, cosmetics, and surgical sutures).
19. D&C Red No. 33 (drugs and cosmetics)
20. D&C Red No. 36 (drugs and cosmetics)
21. D&C Red No. 37 (drugs and cosmetics)
22. FD&C Green No. 3 (food, drugs and cosmetics)
23. D&C Green No. 5 (drugs and cosmetics)
24. D&C Green No. 6 (drugs and cosmetics)
25. FD&C Blue No. 1 (cosmetics and externally applied drugs)
26. FD&C Blue No. 2 (food and ingested drugs)
27. D&C Blue No. 6 (drugs, cosmetics, and surgical sutures)
28. D&C Orange No. 5 (drugs and cosmetics)
29. D&C Orange No. 10 (drugs and cosmetics)
30. D&C Orange No. 17 (drugs and cosmetics)
31. Caramel (cosmetics)

The chronic toxicity studies to establish the safety of these color additives were conducted during the 1950's and 1060's by laboratories under contract with the various petitioners and, in some instances, by FDA itself. Review of these studies by the Bureau of Foods disclosed that, when judged by contemporary standards for toxicological studies, the studies conducted to support the petitions to "permanently" list the 31 color additives were deficient in the basic respects discussed below. Memoranda summarizing these evaluations are on file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20852.

The available studies do not show any adverse effects associated with use of any of the 31 color additives under their intended conditions of use. However, the deficiencies in the studies make it impossible for the Commissioner currently to conclude that the color additives are safe for purposes of "permanent" listing under section 706 of the act. Additional chronic toxicity feeding studies and, in the case of caramel, a 2-year mouse skin painting study are required to provide data to permit final determinations to be made on listing these color additives. Final determinations cannot be made in the absence of such new data because to do so would require that the Commissioner ignore the substantial advances made in testing color and food additives since the presently available studies were conducted. The Commissioner advises that because of such improvements in test methodology, FDA is also reviewing the data that supported the approval of many food additives and "permanently" listed color additives and is contemplating a "cyclic" review of those substances and may, in the future, require new studies to be conducted on them.

Although not all of the studies on the 31 color additives are deficient in each of the respects listed in the following paragraphs, the deficiencies in the studies for each color additive are significant enough to make a final determination impossible at this time and to warrant new chronic studies. The available studies on these 31 color additives are deficient in the following respects:

1. Many of the studies were conducted using groups of animals, i.e., control and those fed the color additive, that are too small to permit conclusions to be drawn today on the chronic toxicity or carcinogenic potential of the color. The small number of animals used does not, in and of itself, cause this result, but when considered together with the other deficiencies in this listing, does do so. By and large, the studies 25 animals in each group; today FDA recommends using at least 50 animals per group.

2. In a number of the studies, the number of animals surviving to a meaningful age was inadequate to permit conclusions to be drawn today on the chronic toxicity or carcinogenic potential of the color additives tested.

3. In a number of the studies, an insufficient number of animals was reviewed histologically.

4. In a number of the studies, an insufficient number of tissues was examined in those animals selected for pathology.

5. In a number of the studies, lesians or tumors detected under gross examination were not examined microscopically.

The inadequacies of the available studies are attributable to the dynamic and ever-improving scientific techniques for testing various types of substances. They are not, at least in most instances, the result of inherent defects in the studies or failure to conduct them competently. Studies conducted in accordance with current standards will provide results that are more useful and reliable in evaluating chronic toxicity and the carcinogenic potential of the test substance than those studies conducted over a decade ago. The Commissioner concludes that new chronic toxicity studies on these 31 provisionally listed color additives must be conducted to provide data that are essential for current determinations about their safety.

Three of the thirty-one color additives for which new chronic studies are required—FD&C Red No. 3, D&C Red No. 33, and D&C Orange No. 10—may also require new reproduction studies. Reproduction studies on these three colors have recently been evaluated by FDA and, although no adverse effects were seen, questions have been raised because the procedures prescribed in the protocol for randomly selecting the animals were not followed precisely. The Bureau of Foods has met on several occasions with the petitioners in recent months to determine whether the deviation from the protocol affected the validity of the results of the studies. The petitioners will soon submit data to support their view that the studies are valid ones. The Commissioner concludes that the petitioners should be provided this brief period to submit data in support of their view because the study results were negative. The Commissioner anticipates that FDA will soon resolve the questions regarding the reproduction studies on these three colors. When the questions are resolved, a notice will be published in the FEDERAL REGISTER announcing the resolution. Section 8.505 will be amended if new reproduction studies on these three colors are required.

Caramel, one of the color additives that appeared on the so-called "Harvey list," requires a chronic skin painting study to evaluate its potential for causing chronic adverse effects and carcinogenicity when used in products intended for external application. A single color additive petition for caramel and six other "Harvey list" color additives was submitted in December 1975. In January 1976, FDA rejected the petition by letter and indicated that separate petitions for the seven color additives were necessary. A color additive petition for caramel was submitted on February 27, 1976. The 2-year mouse skin painting study to be required for caramel will provide assurance that the color additive is safe for external use.

The Commissioner proposes to postpone the closing date for the 31 provisionally listed color additives that require new chronic toxicity studies until December 31, 1980. This 4-year period is necessary to plan, conduct and evaluate the chronic toxicity studies that would be required by proposed § 8.505(d). The provisional listing would be continued for the 4 years based on the Commissioner's conclusion that continued use of the 31 color additives under their intended conditions of use presents no hazard to the public health. New § 8.505 (d) would condition the postponement on the written agreement by each of the petitioners, within 30 days after the regulation becomes effective, to conduct the required studies. New § 8.505(d) would also require that protocols for the con-

duct of the studies be submitted to FDA for review and acceptance or rejection within 60 days after § 8.505 becomes effective. Personnel from the Bureau of Foods will be available to consult with the various petitioners concerning the design of protocols and will promptly review the protocols and advise the petitioners in writing whether they are acceptable or, if not, what modifications are necessary. All protocols will be placed on file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20852.

New § 8.505(d) would also require that the petitioners submit to FDA semiannual progress reports on the studies and notify FDA immediately of any findings that indicate a potential for any of the color additives to cause adverse effects. Reports of the results of the studies would be required to submitted to FDA within 42 months after this regulation becomes effective. After promptly reviewing the results, FDA would, by December 31, 1980, publish regulations either "permanently" listing individual color additives or terminating the provisional listing if "permanent" listing is inappropriate. Failure to submit the written agreement within 30 days, or the protocol within 60 days, or the semiannual reports, or to notify FDA immediately of potential adverse effects, or to submit the final report of the results within 42 months would result in immediate termination of the provisional listing for the color additive involved. The Commissioner would, in any event, terminate the provisional listing for these 31 color additives by December 31, 1980, unless extraordinary circumstances were shown justifying further postponement.

The Commissioner concludes that continued provisional listing of these 31 color additives under their intended conditions of use until December 31, 1980, does not present a hazard to the public health. The closing date for color additives subject to paragraphs (b) and (c) as well as (d) of § 8.505 would be postponed until December 31, 1980, only if the requirements of paragraphs (b) and (c) are met.

The Commissioner advises that FDA is currently evaluating the data that formed the basis for the "permanent" listing of color additives in previous years. It is anticipated that many of the past decisions to list "permanently" color additives were based on data derived from studies that suffer from the same deficiencies as those described above. In that event, the Commissioner will consider what action is appropriate to update those data, including conditioning continued "permanent" listing on the undertaking, over a period of time, of studies of the sort that the Commissioner proposes to require for 31 of the 72 provisionally listed color additives. Should the Commissioner conclude that those data need updating, the Commissioner will take appropriate action. One of the alternatives the Commissioner would seriously consider is publishing regulations proposing a cyclic review of "permanently" listed color additives.

Three of the color additives that require new chronic studies—FD&C Blue No. 1, FD&C Red No. 3, and FD&C Yellow No. 5—were "permanently" listed for food and ingested drug use by regulations published in the FEDERAL REGISTER of May 8, 1969 (34 FR 7445, 7446, 7447). The three colors were not, however, "permanently" listed for ingested cosmetic use. The Commissioner recognizes that use of these three colors in food and ingested drugs is more substantial than their use in ingested cosmetics. The Commissioner is of the opinion, nonetheless, that it is appropriate to condition the continued provisional listing for the three colors on the undertaking of new chronic studies. It is likely that new chronic studies on the three colors would be required as part of the contemplated cyclic review of the "permanently" listed color additives. New chronic studies will, therefore, not only support continued provisional listing of these three colors for use in ingested cosmetics, but also generate data appropriate for use in a review of other uses. It will thus be in the interest of all persons who use the three colors to have new chronic studies conducted at this time.

Nothing in this proposed action affects the Commissioner's authority under the transitional provisions of the Color Additive Amendments of 1960 to terminate a closing date, terminate a listing, or impose restrictions with respect to any color additive on the provisional list.

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

Accordingly, the Commissioner is proposing to add a new sentence to the introductory text and change the closing dates listed in paragraphs (a), (b), (c), (f) and (g) of § 8.501, and to establish a new § 8.505.

Therefore, under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618, 74 Stat. 404–407 (21 U.S.C. 376 note)) and under authority delegated to him (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)) the Commissioner proposes that Part 8 of Subchapter A of Title 21 of the Code of Federal Regulations be amended as follows:

1. By amending § 8.501 by revising the introductory text and the tables in paragraphs (a), (b), (c), (f) and (g) to read as follows:

§ 8.501 Provisional lists of color additives.

The Commissioner of Food and Drugs finds that the following lists of color additives are provisionally listed under section 203(b) of the Color Additive Amendments of 1960 (sec. 203(b), 74 Stat. 405 (21 U.S.C. 376 note)). Except for color additives for which petitions have been filed, progress reports are required by January 1, 1968, and at 6-month intervals thereafter. Specifications for color additives listed in paragraphs (a), (b), and (c) of this section appear in the respective designated sections. The listing of color additives in this section is not to be construed as a listing for surgical suture use unless color additive petitions have been submitted for such use or the Commissioner has been notified of studies underway to establish the safety of the color additive for such use. The color additives listed in paragraphs (a), (b), and (c) of this section may not be used in products which are intended to be used in the area of the eye. The color additives listed in paragraphs (a), (b), (c), (f), and (g) of this section are provisionally listed until the closing dates set forth therein, conditioned on compliance with the applicable requirements of paragraphs (a), (b), (c), and (d) of § 8.505.

(a) * * *

	Closing date		Restrictions
	Food use	Drug and cosmetic use	
F.D. & C. green No. 3 (sec. 9.23 of this chapter)	Dec. 31, 1980	Dec. 31, 1980	
F.D. & C. yellow No. 5 (sec. 8.275 of this chapter)	do.[1]	do.	
F.D. & C. yellow No. 6 (sec. 9.41 of this chapter)	do.	do.	
F.D. & C. red No. 3 (sec. 8.242 of this chapter)	do.[1]	do.	
F.D. & C. blue No. 1 (sec. 8.206 of this chapter)	do.[1]	do.	
F.D. & C. blue No. 2 (sec. 8.4022 of this chapter)	do.	do.	Food and ingested drugs.
Lakes (F.D. & C.) (sec. 9.100 of this chapter)			

[1] Lakes only.

(b) * * *

	Closing date	Restrictions
D. & C. green No. 5 (sec. 8.4069 of this chapter)	Dec. 31, 1980	
D. & C. green No. 6 (sec. 8.4070 (a) and (b) of this chapter)	do	
D. & C. yellow No. 10 (sec. 9.133 of this chapter)	do	
D. & C. red No. 6 (sec. 9.151 of this chapter)	do	
D. & C. red No. 7 (sec. 9.152 of this chapter)	do	
D. & C. red No. 8 (sec 9.153 of this chapter)	do	Sec. 8.503.
D. & C. red No. 9 (sec. 9.154 of this chapter)	do	Do.
D. & C. red No. 10 (sec. 9.155 of this chapter)	do	Do.
D. & C. red No. 11 (sec. 9.156 of this chapter)	do	Do.
D. & C. red No. 12 (sec. 9.157 of this chapter)	do	Do.
D. & C. red No. 13 (sec. 9.158 of this chapter)	do	Do.
D. & C. red No. 19 (sec. 9.164 of this chapter)	do	Do.
D. & C. red No. 21 (sec. 9.166 of this chapter)	do	
D. & C. red No. 22 (sec. 9.167 of this chapter)	do	
D. & C. red No. 27 (sec. 9.172 of this chapter)	Dec. 31, 1980	
D. & C. red No. 28 (sec. 9.173 of this chapter)	do	
D. & C. red No. 30 (sec. 9.175 of this chapter)	do	
D. & C. red No. 33 (sec. 9.178 of this chapter)	do	Sec. 8.503.
D. & C. red No. 36 (sec. 9.181 of this chapter)	do	Do.
D. & C. red No. 37 (sec. 9.182 of this chapter)	do	Do.
D. & C. orange No. 4 (sec. 9.201 of this chapter)	Sept. 30, 1977	External use only.
D. & C. orange No. 5 (sec. 9.202 of this chapter)	Dec. 31, 1980	Sec. 8.503.
D. & C. orange No. 10 (sec. 9.207 of this chapter)	do	
D. & C. orange No. 11 (sec. 9.208 of this chapter)	Sept. 30, 1977	
D. & C. orange No. 17 (sec. 9.214 of this chapter)	Dec. 31, 1980	Do.
D. & C. blue No. 6 (sec. 9.242 of this chapter)	do	
Lakes (D. & C.) (sec. 9.280 of this chapter)		

(c) * * *

	Closing date	Restrictions
Ext. D. & C. yellow No. 1 (sec. 9.301 of this chapter)	Sept. 30, 1977	
Ext. D. & C. green No. 1 (sec. 9.400 of this chapter)	do	
Lakes (ext. D. & C.) (sec. 9.440 of this chapter)		

* * * * * * *

(f) * * *

	Closing date	Restrictions
Logwood	Sept. 30, 1977	Surgical suture use only.

(g) * * *

Color additive	Closing date	Restrictions
Aluminum powder	July 1, 1977	None.
Annatto	do	Do.
Bismuth citrate	Sept. 30, 1977	For use as a color component in hair dye.
Bismuth oxychloride	do	None.
Bronze powder	July 1, 1977	Do.
Caramel	Dec. 31, 1980	Do.
Carmine	July 1, 1977	Do.
Carotene	do	Do.
Chromium hydroxide green	do	Do.
Chromium oxide greens	do	Do.
Copper, metallic powder	do	Do.
Ferric ferrocyanide (iron blue)	do	Do.
Graphite	Sept. 30, 1977	None.
Guanine (pearl essence)	July 1, 1977	Do.
Lead acetate	Sept. 30, 1977	For use as a color component in hair dye.
Mica	July 1, 1977	Do.
Zinc oxide	do	Do.

2. By adding new § 8.505 to read as follows:

§ 8.505 Conditions of provisional listing.

The closing dates for the use of the color additives provisionally listed in § 8.501 are postponed until the dates established in that section conditioned on compliance with the requirements of paragraphs (a), (b), (c), and (d) of this section, where applicable. The closing dates will not be postponed beyond the dates in § 8.501 unless extraordinary circumstances are shown. Requests for further postponement based on extraordinary circumstances shall be submitted in writing and state in detail the basis for the request. If the requirements of paragraphs (a), (b), (c), and (d) of this section are not complied with, the provisional listing for the color additive(s) involved will be terminated immediately.

(a) The closing date for the following 14 color additives is postponed until July 1, 1977, while 4-week eye area studies in the rabbit are conducted and evaluated, and subject to compliance with the requirements of this paragraph: Aluminum powder, annatto, bismuth oxychloride, bronze powder, caramel, carmine, carotene, chromium hydroxide green, chromium oxide greens, copper (metallic powder), ferric ferrocyanide, guanine (pearl essence), mica, and zinc oxide.

(1) Each of the petitioners for the 14 color additives listed in paragraph (a) of this section shall agree in writing by (30 days after effective date of final regulation) to undertake the eye area studies.

(2) A full written report of the results of the studies shall be submitted to the Division of Food and Color Additives, Food and Drug Administration, 200 C St. SW., Washington, DC 20204, by (45 days after effective date of final regulation).

(3) The petitioners shall immediately notify the Division of Food and Color Additives of any findings that indicate a potential for the color additive to cause adverse effects.

(b) The closing date for bismuth citrate, bismuth oxychloride, caramel, and lead acetate is postponed until September 30, 1977, while short-term studies are conducted and evaluated, and subject to compliance with the requirements of this paragraph.

(1) The petitioners for the four color additives listed in paragraph (b) of this section shall agree in writing by (30 days after effective date of final regulation) to undertake the short-term studies on the color additives.

(2) A full written report on the absorption studies for bismuth citrate and lead acetate and a full written report on the subchronic studies for bismuth citrate, bismuth oxychloride, and caramel shall be submitted to the Division of Food and Color Additives, Food and Drug Administration, 200 C St. SW., Washington, DC 20204, by (180 days after effective date of final regulation).

(3) The petitioners shall immediately notify the Division of Food and Color Additives of any findings that indicate a potential for the color additive to cause adverse effects.

(c) The closing date for the following 15 color additives is postponed until September 30, 1977, while chemistry data and analytical methods to establish specifications for them are developed and evaluated and subject to compliance with the requirements of this paragraph: FD&C Yellow No. 6, D&C Yellow No. 10, D&C Red No. 6, D&C Red No. 7, D&C Red No. 27, D&C Red No. 28, D&C Red No. 30, D&C Orange No. 4, D&C Orange No. 5, D&C Orange No. 11, D&C Blue No. 6, Ext. D&C Yellow No. 1, Ext. D&C Green No. 1, graphite, and logwood.

(1) Each of the petitioners for the 15 color additives listed in paragraph (c) of this section shall agree in writing by (30 days after effective date of final regulation) to undertake to develop the necessary chemistry data and analytical methods for the color additives.

(2) The required chemistry data and analytical methods shall be submitted to the Division of Food and Color Additives, Food and Drug Administration, 200 C St. SW., Washington, DC 20204, by (180 days after effective date of final regulation).

(3) The petitioners shall immediately notify the Division of Food and Color Additives of any findings that indicate a potential for the color additive to cause adverse effects.

(d) The closing date for the following 31 color additives is postponed until December 31, 1980, while chronic toxicity feeding studies and in the case of caramel, a 2-year mouse skin painting study, are conducted and evalated, and subject to compliance with the requirements of this paragraph: FD&C Yellow No. 5, FD&C Yellow No. 6, D&C Yellow No. 10, FD&C Red No. 3, D&C Red No. 6, D&C Red No. 7, D&C Red No. 8, D&C Red No. 9, D&C Red No. 10, D&C Red No. 11, D&C Red No. 12, D&C Red No. 13, D&C Red No. 19, D&C Red No. 21, D&C Red No. 22, D&C Red No. 27, D&C Red No. 28, D&C Red No. 30, D&C Red No. 33, D&C Red No. 36, D&C Red No. 37, FD&C Green No. 3, D&C Green No. 5, D&C Green No. 6, FD&C Blue No. 1, FD&C Blue No. 2, D&C Blue No. 6, D&C Orange No. 5, D&C Orange No. 10, D&C Orange No. 1, and caramel.

(1) Each of the petitioners for the 31 color additives listed in paragraph (d) of this section shall agree in writing by (30 days after effective date of final regulation) to undertake the required studies on the color additives.

(2) Each of the petitioners shall submit a protocol for the conduct of the studies to the Division of Food and Color Additives, Food and Drug Administration, 200 C St. SW., Washington, DC 20204, for review, and acceptance or rejection, by (60 days after effective date of final regulation).

(3) A full report of the studies conducted on the color additives shall be submitted to the Division of Food and Color Additives by (42 months after effective date of final regulation).

(4) The petitioners shall immediately notify the Division of Food and Color Additives of any findings that indicate potential for the color additive to cause adverse effects.

Interested persons may, on or before November 22, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 17, 1976.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.76–27825 Filed 9–22–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76C-0369]

COLOR ADDITIVES

Denial of Petition for Listing of FD&C Red No. 4 for Use in Maraschino Cherries and Ingested Drugs

The Food and Drug Administration (FDA) is denying the portion of a petition to list "permanently" FD&C Red No. 4 as a color additive that seeks listing for use in maraschino cherries and ingested drugs because evidence is lacking that the color is safe for those uses. Objections to this order may be filed by adversely affected persons by October 26, 1976. Published elsewhere in this issue of the FEDERAL REGISTER are regulations terminating the provisional listing of FD&C Red No. 4 for use in maraschino cherries and ingested drugs and "permanently" listing FD&C Red No. 4 for use in externally applied drugs and cosmetics.

A notice published in the FEDERAL REGISTER of November 20, 1968 (33 FR 17205) stated that a petition (CAP 61) for the "permanent" listing of FD&C Red No. 4 as a color additive for use in maraschino cherries, ingested drugs, and externally applied drugs and cosmetics had been filed by The Toilet Goods Association, Inc. (now the Cosmetic, Toilery, and Fragrance Association, 1133 15th St., NW., Washington, DC 20005); the Pharmaceutical Manufacturers Association (1155 15th St., NW., Washington, DC 20005); and the Certified Color Industry Committee (now the Certified Color Manufacturers Association, 900 17th St., NW., Washington, DC 20006) c/o Hazleton Laboratories, Inc., PO Box 30, Falls Church, VA 22046. The petition was filed pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376).

Results from chronic dog feeding studies with FD&C Red No. 4 have raised questions about the safety of the color additive when ingested. These studies and other available data bearing on the safety of FD&C Red No. 4 are discussed in detail in the preamble to the regulation published elsewhere in this issue of the FEDERAL REGISTER terminating the provisional listing of the color for use in maraschino cherries and ingested drugs. The available data do not permit establishment of a no-effect level for FD&C Red No. 4 in the dog, and a safe level for human ingestion cannot, therefore, be established. Furthermore, chronic feeding studies on FD&C Red No. 4 in rats and mice conducted by FDA in the early 1960's to determine whether the color additive is a carcinogen have recently been reevaluated and found to be inadequate by contemporary standards for such studies. The Commissioner concludes that without chronic feeding studies that meet contemporary standards, for purposes of "permanent" listing under section 706 of the act (21 U.S.C. 376) there are insufficient data to permit a determination about the safety of the use of FD&C Red No. 4 when ingested.

The Commissioner has fully considered the data submitted in support of the petition and other pertinent data related to the use of FD&C Red No. 4 in maraschino cherries and ingested drugs and concludes that the data before him do not establish that ingested use of FD&C Red No. 4 will be safe. The portion of the petition seeking listing for use in maraschino cherries and ingested drugs is therefore denied.

Any person who will be adversely affected by the foregoing order may at any time on or before October 26, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of § 8.19 (21 CFR 8.19). If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Five copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

This notice is issued under provisions of the Federal Food, Drug, and Cosmetic Act (secs. 701, 706, 52 Stat. 1055-1056, 74 Stat. 399-403 (21 U.S.C. 371, 376)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER June 15, 1976 (41 FR 24262)).

Dated: September 17, 1976.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.76-27818 Filed 9-22-76;8:45 am]

[Docket No. 76C-0376]

COLOR ADDITIVES

Denial of Petition for Permanent Listing of Carbon Black

The Food and Drug Administration (FDA) is denying a petition to list carbon black (all-gas channel black) as a color additive for use in food, drugs, and cosmetics because the available data are insufficient to establish safe conditions of use for the color additive. Objections to this order may be filed by adversely affected persons by October 26, 1976. Published elsewhere in this issue of the FEDERAL REGISTER is a regulation terminating the provisional listing of carbon black for use in food, drugs, and cosmetics.

A notice published in the FEDERAL REGISTER of July 24, 1973 (38 FR 19851), stated that a petition (CAP 9C0092) had been filed for the "permanent" listing of carbon black (all-gas channel black) as a color additive for use in food, drugs, and cosmetics, including cosmetics for application in the area of the eye, by the Cosmetic, Toiletry and Fragrance Association, Inc. (CTFA), the National Confectioners Association (NCA), and the Pharmaceutical Manufacturers Association (PMA), c/o Hazleton Laboratories, Inc., PO Box 30, Falls Church, VA 22246. The petition was filed pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376).

Of the five basic types of carbon black, only carbon black produced with natural gas using the impingement or channel process has been provisionally listed under § 8.501 (21 CFR 8.501). The petition to use carbon black for use with food, drugs, and cosmetics seeks listing only for "all-gas channel black." Carbon black (all-gas channel black) cannot be "permanently" listed without data adequate to establish specifications for the color. These specifications are necessary to enable FDA to certify batches of carbon black as being the type produced with natural gas using the impingement or channel process. Without adequate data to establish specifications and to certify batches of carbon black as "all-gas channel black," there is no assurance that the carbon black being used is the type covered by the petition and for which toxicity data have been submitted to and reviewed by FDA. The Commissioner concludes that safe conditions of use cannot be established without adequate specifications for carbon black (all-gas channel black).

Furthermore, carbon black, including all-gas channel black, may contain low levels of polynuclear aromatics (PNA's), some of which are known carcinogens. All-gas channel black is the least likely of the carbon blacks to contain PNA's, but there is no analytical method currently available that is sufficiently sensitive to detect extractable PNA's at low levels. The Commissioner concludes that safe conditions of use for carbon black (all-gas channel black) cannot be established without an appropriately sensitive analytical method for detecting extractable PNA's.

The questions regarding the specifications for carbon black (all-gas channel black) and the Commissioner's unsuccessful efforts to obtain the necessary additional data to resolve the questions from the petitioners are discussed in detail in the preamble to the regulation published elsewhere in this issue of the FEDERAL REGISTER terminating the provisional listing for carbon black.

The Commissioner has fully considered the data submitted in support of the petition and other pertinent data related to the use of carbon black (all-gas channel black) and concludes that the data before him are insufficient to establish safe conditions of use for the color additive. The petition to list carbon black

(all-gas channel black) is therefore denied.

Any person who will be adversely affected by the foregoing order may at any time on or before October 26, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of § 8.19 (21 CFR 8.19). If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Five copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the hearing of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

This notice is issued under provisions of the Federal Food, Drug, and Cosmetic Act (secs. 701, 706, 52 Stat. 1055–1056, 74 Stat. 399–403 (21 U.S.C. 371, 376)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: September 17, 1976.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.76–27820 Filed 9–22–76;8:45 am]

[Docket No. 76C–0363]

COSMETIC, TOILETRY AND FRAGRANCE ASSOCIATION

Withdrawal of Color Additive Petitions

The Food and Drug Administration (FDA) is announcing the withdrawal without prejudice of three petitions to "permanently" list aluminum stearate, bentonite, calcium silicate, calcium stearate, kaolin, lithium stearate, magnesium aluminum silicate, magnesium stearate, and zinc stearate for use as color additives in cosmetics. Published elsewhere in this issue of the FEDERAL REGISTER is a regulation terminating the provisional listing of those nine substances and a tenth, gold, for use as color additives in cosmetics.

A notice published in the FEDERAL REGISTER of August 6, 1973 (38 FR 21200), stated that petitions (CAP 8C-0071, 8C0078, and 9C0094) for the "permanent" listing of aluminum stearate, bentonite, calcium silicate, calcium stearate, caolin, lithium stearate, magnesium aluminum silicate, magnesium stearate, and zinc stearate had been filed by the Cosmetic, Toiletry and Fragrance Association, Inc. (CTFA), 1133 15th St., NW., Washington, DC 20005, c/o Hazleton Laboratories, Inc., P.O. Box 30, Falls Church, VA 22046.

The petitions were filed pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376). On August 9, 1976, CTFA wrote to FDA requesting that the color additive petitions for the nine substances be withdrawn without prejudice to future filing.

Therefore, in accordance with § 8.8(c) of the color additive regulations (21 CFR 8.8(c)); under the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402 (21 U.S.C. 376(d))); and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), notice is given that color additive petitions 8C0071, 8C0078, and 9C0094 have been withdrawn without prejudice to future filing.

Dated: September 17, 1976.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.76–27821 Filed 9–22–76;8:45 am]

federal register

THURSDAY, SEPTEMBER 23, 1976

PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration)

■

LOAN ASSISTANCE FOR PLANNING LOW AND MODERATE INCOME HOUSING

Seed Money Loans

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-76-382]

SUBCHAPTER C—PLANNING ASSISTANCE TO HOUSING SPONSORS

PART 271—LOAN ASSISTANCE FOR PLANNING LOW AND MODERATE INCOME HOUSING

"Seed Money" Loans

Notice was given on April 13, 1976, at 41 FR 15422 that the Department of Housing and Urban Development was proposing amendments to Part 271 in order to make the "seed money" loan program (under section 106(b) of the Housing and Urban Development Act of 1968) more effective for use in conjunction with the Section 202 elderly program and to make use and repayment requirements more specific.

Interested parties were given the opportunity to submit not later than May 14, 1976, data, views and suggestions regarding the proposed amendments. One comment was received. That comment suggested that: (1) The "cash or evidence of prior eligible expenditures" requirement should be reduced from 20 percent to 10 percent and (2) The 106(b) "seed money" loan program should be available to Section 8 nonprofit corporations regardless of whether Section 202 assistance is involved.

With respect to the first suggestion in the comment, the "cash or prior expenditure" requirement cannot be reduced below 20 percent because of the section 106(b)(1) statutory limitation that "seed money" loans "shall not exceed 80 per centum of the reasonable costs expected to be incurred in planning, and in obtaining financing for, such housing * * *" The nonprofit borrower, therefore, must contribute the remaining 20 percent in order to meet the statutory requirement.

With respect to the second suggestion, the proposed rule did not limit the use of section 106(b) "seed money" loans to projects financed by section 202 loans. However, even though no such limitation appeared in the proposed rule, an administrative determination had been made in connection with the proposed rule to limit the use of "seed money" loans to projects financed with section 202 mortgages because of the overwhelming need for housing for the elderly and handicapped and the limited availability of funds under section 106(b). The great number of section 202 applications received by the Department reflects the overwhelming need for housing for the elderly and handicapped. Sections 271.7, 271.13, and 271.15 of the proposed rule have, therefore, been changed to reflect the administrative decision and make it clear that section 106(b) "seed money" loans will be limited to use in conjunction with section 202 loans.

In addition, paragraph (a) of § 271.5 is being amended to correct a technical deficiency. The United States Code citations are being included for the Housing and Urban Development Act of 1968 and section 106 of that Act.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. The Finding of Inapplicability, in accordance with HUD's environmental procedures handbook (HUD Handbook 1390.1), is available for inspection at the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C.

Accordingly, Part 271 is amended as set forth below.

Effective date. These amendments are effective on September 23, 1976.

NOTE: It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OBM Circular A-107.

JAMES L. YOUNG,
Assistant Secretary for Housing,
Federal Housing Commissioner.

1. Section 271.5 is revised by amending paragraph (a) and by adding three new paragraphs, (k), (l), and (m).

§ 271.5 Definitions.

* * * * *

(a) "Act" means the Housing and Urban Development Act of 1968, as amended, (12 U.S.C. 1701 t, et seq), and section 106 references are to section 106 of said Act (12 U.S.C. 1701 x).

* * * * *

(k) "Loan Contract and Trust Agreement" means a legally binding agreement in a form approved by the Secretary governing the use of "seed money" which must be executed by the applicant before loan proceeds can be disbursed.

(l) "Seed money" means the estimated total funds, including both the borrower's cash share and the Federal loan proceeds, determined by the Secretary to be necessary to cover the expense of planning and obtaining financing for an eligible project, which expense must be incurred prior to the first disbursement of the construction loan for the project.

(m) "Cancellation" means the discharge of a "seed money" loan obligation by the Secretary provided the borrower meets all the conditions for cancellation as established by HUD.

2. Section 271.7 is revised to read as follows:

§ 271.7 Scope of assistance.

The Secretary may make loans from the Fund to encourage and facilitate the construction or rehabilitation of housing for low and moderate income families and individuals under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701 q). The conditions of eligibility for applicants and applications for such loans and the terms and conditions under which the proceeds of such loans may be used are specified in this subpart.

3. Section 271.13 is revised to read as follows:

§ 271.13 Filing, processing and approving applications.

(a) The application shall be filed, on a form prescribed by the Secretary, with the HUD area or insuring office having jurisdiction over the area in which the applicant proposes to construct or rehabilitate a housing project for low or moderate income families or individuals to be financed under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701 q).

(b) The application shall be reviewed and may be approved by the appropriate Area or Insuring Office Director, acting by and for the Secretary, provided there is a determination that the financial assistance applied for will carry out the purposes of this part, that the applicant is eligible for such assistance, and that the availability of funding for the loan has been verified by the Central Office.

4. Section 271.15 and the index heading therefore are revised to read as follows:

§ 271.15 Eligible borrowers.

To be eligible for a loan, a borrower must:

(a) Be an incorporated private nonprofit organization whose articles of incorporation are acceptable to the Secretary; however, principals of a private nonprofit corporation to be formed may submit the initial application. The borrower must be the proposed mortgagor of a project to be financed under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701 q).

(b) Have either available cash or evidence of prior eligible expenditures, or both cash and eligible expenditures, in the amount of 20 percent of the estimated allowable "seed money" expense. Loans or donations to the borrower of any portion of these funds by any individual, corporation, partnership or other party or entity seeking a profit or monetary gain from the project are prohibited. This includes but is not limited to attorneys, architects, consultants, mortgagees, builders, developers, management agents, engineers, surveyors, subcontractors, material suppliers, sellers of land, real estate brokers, and banks whose officers have any identity of interest with the applicant/mortgagor. However, the sale of land for a price approved by HUD by a sponsor to the proposed mortgagor shall be permitted.

5. Section 271.17 and the index heading therefor are revised to read as follows:

§ 271.17 Use of "seed money".

(a) The borrower shall agree under the Loan Contract and Trust Agreement to use "seed money" loan proceeds only for those reasonable and actual expenses which must be incurred prior to the initial disbursement of the construction loan for planning the rehabilitation or construction of the proposed project and in obtaining the financing for the proposed project. Loan proceeds may be expended only for those items specified on the approved "seed money" loan application.

(b) Before "seed money" loan proceeds can be disbursed, the borrower's contri-

bution for "seed money" expense must be fully spent or obligated for allowable items of expense. Evidence of such expenditures or obligations shall be in the form of bills, processing fees due for the next stage of processing or outstanding obligations under contracts or options. Obligations must be due and payable within three months of the date of the application for disbursement of loan proceeds from HUD.

(c) The Area or Insuring Office Director may approve requests for disbursements and amounts which vary from the individual line items shown on the approved Section 106(b) loan application, provided the change in amounts disbursed will not result in an increase in the total loan amount. Approval shall be in writing and shall constitute an amendment to the approved loan application and Loan Contract and Trust Agreement.

(d) Revised loan applications must be filed for increases in the total loan amount. In such cases, an additional borrower's share of 20 percent of the estimated increase in "seed money" needs must be spent or obligated as set forth in § 271.17(b) before additional Federal funds can be disbursed.

(e) Expenditures for the purchase of or for contracting to purchase land shall not be considered an eligible "seed money" expense unless the expenditure has the written approval of the Field Office Director. If the borrower owns or acquires any legal or equitable interest in the proposed project site, the "seed money" loan must be secured by a recorded mortgage describing the land comprising the proposed project site. The Area or Insuring Office Director holding the aforesaid mortgage for the Secretary has authority to release the same and shall release the mortgage lien in order to permit the initial disbursement of the construction loan under the following circumstances:

(1) If the Director determines that the "seed money" loan can be repaid from the proceeds of the construction loan.

(2) If the "seed money" loan is repaid from other sources.

(3) If that portion of the "seed money" loan which was disbursed for the payment of the land, if any, is repaid and the Director recommends cancellation of any remaining "seed money" loan.

(f) Loan proceeds shall not be co-mingled with any other funds, including the applicant's 20 percent share, and must be placed in a separate account in a bank, the deposits of which are insured by the Federal Deposit Insurance Corporation, and any interest earned thereon must be returned to HUD immediately after it is paid to the borrower.

6. Section 271.20 is revised to read as follows:

§ 271.20 Maximum amount of loan.

(a) The loan shall not exceed 80 percent of the total and necessary costs which HUD estimated will be incurred in planning the project, for the legal and organizational expense of the borrower and obtaining financing or funding under an eligible federally assisted program.

(b) In no event shall there be more than one "seed money" loan for a proposed housing project and such "seed money" loan shall not exceed $50,000.

7. A new § 271.22 and index heading therefor are added to read as follows:

§ 271.22 Maximum line item expenditures.

(a) The maximum amount of "seed money" expense that will be approved by the Secretary shall be determined by the Area or Insuring Office Director on the basis of estimated project costs which normally occur prior to the disbursement of the construction loan. The following percentages of estimated costs for specific items are the maximum approvable "seed money" expenses for those items:

Item:	*Percent*
Preliminary site engineering (boundary and topographic surveys and soil tests)	100
Architectural design fee	25
Permanent loan commitment fee (included in FNMA/GNMA fee)	100
Site options	100
Organization expenses (reasonable travel, telephone, postage, and similar expenses of the proposed mortgagor)	[1] 75
Legal fees	15
Supplemental management fees	25
Consultant fees	25
FHA application and commitment fees	100

[1] Not to exceed $750.

(b) The total maximum approved "seed money" expense may be increased by up to 10 percent by the Area or Insuring Office Director as a contingency for actual overruns in specified items of approved "seed money" cost.

(c) Additional items of approvable "seed money" expense, such as other financing fees, may be added to the total on a case-by-case basis; however, requests and approval of additional items must be fully documented.

8. Section 271.25 and the index heading therefor are revised to read as follows:

§ 271.25 Cancellation of repayment.

The Secretary may cancel the repayment of all or any portion of the "seed money" loan provided:

(a) The borrower has not violated any of the provisions of the Loan Contract and Trust Agreement and has used "seed money" funds in compliance therewith.

(b) Either monies sufficient to repay the loan cannot be recovered from the loan for the project or the project proposed by the borrower has proved to be infeasible as determined by the Secretary.

(c) The amount of the debt which will be cancelled or waived will be based upon the amount of approved "seed money" expense that was not recovered and repaid from the proceeds of the construction or permanent loan or from the sale of the borrower's assets as provided in paragraph (d) of this section or from any other source. In the event of partial recovery of approved "seed money" expenditures, the amount recovered must be applied first to the repayment of any outstanding "seed money" loan obligation.

(d) That in cases where the "seed money" loan is secured by a lien on the site or where a site or other assets were purchased in part or totally with seed money, and such site or assets are not used by the borrower for a project eligible for Section 106(b) assistance, such site or assets must be sold at fair market value and the net proceeds (sales price less indebtdness and sales expense) used to repay the "seed money" loan to the extent possible.

(e) Borrowers shall be required to certify that the "seed money" loan proceeds have not been used for costs other than costs for proposed projects approved for Section 106(b) assistance.

9. Section 271.27 is revised to read as follows:

§ 271.27 Maturity of loans—contract provisions.

The contract for a loan shall provide for repayment by the borrower within 24 months following the first disbursement of funds pursuant to the Loan Contract and Trust Agreement or at such earlier time as the borrower recovers his expense from the proceeds of the construction financing, or at such other time as may be fixed by contract with the Secretary. In the event the borrower fails to comply with the provisions of the Loan Contract and Trust Agreement, the entire outstanding loan obligation shall immediately become due and payable. In the event the borrower is unable to develop a project pursuant to the terms of the Loan Contract and Trust Agreement or any amendments thereto, the time for repayment may be extended under such terms and conditions as may be prescribed by the Secretary.

10. Section 271.30 is revised to read as follows:

§ 271.30 Interest on loans.

No interest shall be charged to a borrower for loans made under this subpart provided the borrower complies with the provisions of this subpart and the Loan Contract and Trust Agreement.

§§ 271.50, 271.55, 271.60, 271.65, 271.70, 271.75 [Amended]

11. In §§ 271.50, 271.55, 271.60, 271.65, 271.70 and 271.75 the twelve references to "Commissioner" throughout the text of Subpart C are changed to "Secretary."

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d))

[FR Doc.76-27865 Filed 9-22-76;8:45 am]

federal register

THURSDAY, SEPTEMBER 23, 1976



PART IV:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

■

IMPLEMENTATION OF OMB CIRCULAR NO. A-95

Interim Regulations on General Applicability

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY

[Docket No. R-76-410]

PART 52—IMPLEMENTATION OF OMB CIRCULAR NO. A-95

Interim Regulations; General Applicability

On January 13, 1976, the Office of Management and Budget published in the FEDERAL REGISTER (41 FR 2052) a revision to OMB Circular No. A-95. Paragraph 7 of the main body of that Circular requires that certain Federal Departments and Agencies publish interim regulations implementing the requirements of OMB Circular No. A-95, Revised (41 FR 2052) and provide a basis for a higher degree of consistency in the implementation of the A-95 process for Departmental programs. The purpose of this issuance is to conform to paragraph 7 of the main body of OMB Circular A-95, Revised (41 FR 2052). Emphasis has been placed on establishing uniform processing procedures and clearly defining the roles and responsibilities of program staff in complying with the overall intent of the Circular.

The Department hereby proposes to amend Subtitle A by adding a new Part 52, the purpose of which is to further the objectives of: (1) Title IV of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1103), (2) Section 204 of the Demonstration Cities and Metropolitan Act of 1966 (80 Stat. 1263, 82 Stat. 208), (3) Section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 853), (4) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), (5) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) (6) Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701U), and (7) the Housing and Community Development Act of 1974 (42 U.S.C. 5301).

Subpart A defines the administrative responsibilities for carrying out Departmental responsibilities in the evaluation, review and coordination of Departmental programs pursuant to OMB Circular A-95, Revised (41 FR 2052). A special effort has been made to clarify the processing procedures and identify responsibilities at the Headquarters and Field Office levels.

Subpart B describes the evaluation and review procedures for all applicable HUD programs from which Federal assistance is being sought and includes the limitations and procedural variations that apply. Special emphasis has been placed on the coordination and planning functions of the clearinghouse and HUD with respect to reviewing applications for assistance.

Subpart C establishes the procedures to assure that:

(a) All direct Federal development activities which significantly affect area and community development, are in compliance with Part II, Attachment A of the Circular. (Reserved)

(b) All HUD programs which require a State plan as a condition of assistance, are in compliance with Part III, Attachment A of the Circular, and

(c) HUD encourages States to exercise their leadership in establishing a system of coordinated planning and development districts in accordance with Part IV, Attachment A of the Circular.

In developing these regulations particular attention has been given to the concerns of program personnel, HUD field personnel applicants, and the A-95 clearinghouses. In an attempt to achieve better program coordination in the development and implementation of State, areawide and local Comprehensive Plans, emphasis has been placed on the following key areas of the Project Notification and Review System established in Circular No. A-95:

1. Early applicant contact and discussion with clearinghouses prior to submitting applications to HUD.

2. The timing requirements for clearinghouse consultation and review of the applicant's proposals.

3. The attachment of clearinghouse comments and recommendations to the application.

4. Clarification of the procedures for notifying clearinghouses of action taken on the application.

5. Consulting with other Federal Agencies when interagency conflicts or duplication in funding have been identified.

6. HUD use of clearinghouse comments in making decisions on applications for assistance.

7. HUD responsibilities for administration of A-95 at various organizational levels.

These interim regulations, which summarize and clarify procedures and responsibilities for meeting A-95 requirements pertaining to HUD programs, are being published for effect with a thirty day comment period, as required under OMB Circular No. A-95, Revised. Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments to the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Each person submitting a comment should include his name and address and refer to the document by the docket number indicated in the heading and give reasons for any recommendations. Comments received by October 27, 1976, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in the Office of the Rules Docket Clerk at the address listed above. The regulations may be changed in the light of the comments received.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. A Finding of Inapplicability has been made in accordance with HUD Handbook 1390.1 (38 FR 19182). A copy of that Finding is available for public inspection in the Office of the Rules Docket Clerk at the above address.

NOTE.—It is hereby certified that the economic and inflationary impacts of this proposed rule have been carefully evaluated in accordance with OMB Circular A-107.

In consideration of the foregoing, Title 24 CFR, Subtitle A is amended by adding a new Part 52 reading as follows:

Subpart A—General Provisions

Sec.
52.1 Scope and applicability.
52.2 Definitions.
52.3 Responsibilities for administration.

Subpart B—Project Notification and Review Procedures

52.100 General.
52.101 Requirements applicable to all HUD programs.
52.102 Housing programs.
52.103 Community development block grants.
52.104 Freestanding housing assistance plans [Reserved].
52.105 Assistance for new communities.
52.106 Comprehensive planning assistance.
52.107 National flood insurance program.
52.108 Federal disaster assistance program.

Subpart C—Other Circular Requirements

52.200 Direct Federal development [Reserved].
52.201 State plans.
52.202 Multijurisdictional areas.

AUTHORITY: Sec. 7(d) of Department of HUD Act; (42 U.S.C. 3535(d)).

Subpart A—General Provisions

§ 52.1 Scope and applicability.

(a) This Subpart of the regulations covers those policies and procedures relating to the roles and responsibilities of HUD, in cooperation with authorized A-95 clearinghouses, in the Departmental programs pursuant to OMB Circular No. A-95.

(b) The policies and procedures contained herein are applicable to establishing uniform regulations for implementing the A-95 process in Departmental programs identified in:

(1) Attachment D of OMB Circular No. A-95.

(2) Direct Federal Development Activities as defined in Part II, Attachment A of OMB Circular No. A-95.

(3) State plans as defined in Part III, Attachment A of OMB Circular No. A-95.

(4) Coordination of Planning in Multijurisdictional Areas as defined in Part IV, Attachment A of OMB Circular No. A-95.

§ 52.2 Definitions.

(a) The definitions and terminology used in these regulations shall be consistent with:

(1) Those contained in Departmental program regulations as published in the FEDERAL REGISTER, and

(2) Those used in Part V, Attachment A of OMB Circular No. A-95, Revised (41 FR 2052).

(b) "Days". In all contexts referring to the number of days for actions required under OMB Circular No. A-95, the word "days" shall be construed to mean calendar days (including Saturdays, Sundays and holidays).

(c) "Freestanding Housing Assistance Plan." A Freestanding Housing Assistance Plan is an approved housing assistance plan under Title II of the Housing and Community Development Act of 1974 which has been submitted by a unit of general local government which is not

participating in the Community Development Block Grant Program at the time of approval of the Plan.

(d) OMB Circular No. A–95. All references to OMB Circular No. A–95 shall mean the Office of Management and Budget (OMB) Circular No. A–95, Revised (41 FR 2052), dated January 13, 1976 or subsequent amendments.

§ 52.3 Responsibilities for administration.

(a) The Assistant Secretary for Community Planning and Development shall be assisted by the Director of the Office of Community Planning and Program Coordination in carrying out the following functions:

(1) Provide lead responsibility for coordinating and developing a uniform Departmental set of procedures for implementing these regulations;

(2) Serve as the Department's liaison with the Office of Management and Budget and other Federal agencies on A–95 matters;

(3) Serve as liaison with other Headquarters units and Regional Offices and concur in all Headquarters instructions and regulations which refer to the A–95 process;

(4) Issue policies and procedures within the scope of these regulations and develop such written supplemental material as may be necessary to implement these regulations;

(5) Develop and conduct training and information programs, monitoring systems and periodic evaluations designed to improve the implementation and benefits to HUD of the A–95 process and encourage functional coordination and improvement of A–95 clearinghouse activities.

(b) All other Assistant Secretaries, the General Counsel and program Administrators with A–95 compliance responsibilities shall cooperate with the Assistant Secretary for Community Planning and Development in the implementation of these regulations, including the insertion of the A–95 requirements in their program regulations, the development of special A–95 procedures and guidelines where needed, and the designation of an A–95 official for the purposes of contact and coordination.

(c) Within the Regional Office, the Regional Administrator shall designate a staff member responsible for A–95 matters who shall exercise his duties through the Assistant Regional Administrator for Community Planning and Development unless otherwise approved by the Secretary. He shall be the principal advisor to the Regional Administrator on A–95 matters delegated to field offices and have the following duties:

(1) Oversee and monitor A–95 activities on all HUD programs in the Region including compliance with the review requirements;

(2) Act as the principal point of contact for all Area and Insuring Offices relating to A–95 policies and procedures;

(3) Provide necessary training to field staff and clearinghouses concerning their responsibilities under Circular A–95;

(4) Serve as the HUD representative to the appropriate Federal Regional Council in its A–95 activities;

(5) Serve as liaison between HUD Field Offices and clearinghouses and assist them in the resolution of problems;

(6) With the assistance and input of other HUD Regional units and Field Offices, periodically evaluate the A–95 process and procedures for the purpose of improving compliance, upgrading the procedures, and recommending changes where needed;

(7) Serve as liaison with the staff of the Assistant Secretary for Community Planning and Development on issues related to intergovernmental coordination and A–95 matters;

(8) Develop definitive procedures for carrying out the A–95 responsibilities in the Area and Insuring Offices, including monitoring to assure compliance with A–95 requirements within the specified time constraints.

(d) Within the Area Office and the Insuring Office the Office Director shall designate a staff member responsible for A–95 liaison who shall be the principal advisor to the Office Director on A–95 matters for programs delegated to field offices and have the following functions:

(1) Oversee and monitor A–95 activities on all HUD programs which are covered by OMB Circular No. A–95 through periodic evaluations of the A–95 process;

(2) Provide necessary training to assure that the various program staffs understand applicable A–95 requirements;

(3) Advise and provide assistance to local governments and clearinghouses to strengthen the coordination and intergovernmental relations aspects of the A–95 process and to assure that the obligatory referrals are being made by clearinghouses to State and local environmental and civil rights agencies and to coastal zone management agencies.

(4) Advise on the maintenance of appropriate A–95 and community development information to be kept in a Field Office reference library available to all program staff;

(5) Take an active part in the development of procedures which will assure efficient processing and review of all documents related to A–95 activities and will assure adherence to all A–95 requirements and time constraints including coordination with personnel responsible for planning, environmental and civil rights concerns;

(6) Maintains regular contact with clearinghouses to discuss the types of comments which would be helpful to HUD in reviewing applications. Provide regular feedback regarding the quality of comments received and the way in which they have been used in HUD's decision-making process;

(7) Maintain liaison with the Regional Office for purposes of identifying problems and issues and indicating how policies and procedures can be modified to improve the A–95 process.

Subpart B—Project Notification and Review Procedures

§ 52.100 General.

(a) *Purpose.* The principal purpose of this subpart is to provide for intergovernmental coordination of Federally assisted programs and projects. Other purposes are set forth in paragraph 1 of Part I, Attachment A to the OMB Circular No. A–95.

(b) *Applicability to HUD programs.* The general requirements of this subpart are set forth in Part I, Attachment A of the OMB Circular No. A–95, and are fully applicable to all projects and activities for which Federal assistance is being sought from HUD under the programs listed in Attachment D of the Circular or Appendix I of the Catalog of Federal Domestic Assistance, whichever bears the later date.

(c) *Coverage and interpretation.* Questions of program coverage, requests for procedural variations from the normal review procedures by HUD officials, and questions of intrepretation of the A–95 Circular and these regulations shall be addressed to the Assistant Secretary for Community Planning and Development (CPD). The Assistant Secretary for CPD shall refer those matters required by paragraph 8 of Part 1, Attachment A to OMB Circular No. A–95 (coverage, exemptions and variations to the Project Notification and Review system), to OMB for overall policy determination.

(d) *General description.* Part 1, Attachment A of the OMB Circular No. A–95, provides two overall approaches for reviewing applications for assistance, one for housing programs and one for non-housing programs. Procedures uniquely applicable to each of these approaches are described with the appropriate program. Procedures common to both approaches are covered in § 52.101 of these regulations.

§ 52.101 Requirements applicable to all HUD programs.

This section sets forth specific A–95 requirements or procedures which apply to all HUD programs listed in Attachment D of the OMB Circular No. A–95, or Appendix I of the "Catalog of Federal Domestic Assistance." (For variations or procedures unique to individual programs, see the applicable sections of the regulations for those programs and subsequent sections of these regulations.)

(a) *Informing potential applicants.* HUD Field Office staff responsible for specific programs will provide potential applicants and clearinghouses with information on the requirements of the Circular and these implementing regulations in program information materials, in response to inquiries, in pre-applications conferences or by other means which will assure that applicants and clearinghouses understand their A–95 responsibilities.

(b) *Applicants working closely with clearinghouses.* Whether a particular program requires or permits review of an

application by clearinghouses before submission to HUD or whether HUD submits the application to clearinghouses, applicants shall be advised by HUD Field Office staff that prior contact with a clearinghouse may facilitate clearinghouse reviews and HUD processing of the application.

(c) *Contents and basis of clearinghouse comments.* (1) The subject matter of clearinghouse comments and recommendations is discussed in Paragraph 5, Part I, Attachment A of OMB Circular No. A–95. In addition, HUD program officials shall, with concurrence by the Office of Community Planning and Program Coordination, issue A–95 review guidelines specifying the types of clearinghouse comments which would be useful to the responsible HUD officials in making a determination on an application.

(2) HUD expects that State and areawide clearinghouses will use all relevant comprehensive and functional plans, such as the housing and land use elements required by the Comprehensive Planning Assistance Program (40 FR 36856), State Coastal Zone Management Programs and other State and regional planning considerations as a basis for their review of applications for HUD assistance and for their assessment of the consistency of proposed projects with existing plans. Comments which are based on substantive sources resulting from the planning process will be used by the responsible HUD official in making decisions on applications.

(d) *Acceptance of application.* Except in those instances when HUD is responsible for sending the application to the clearinghouse for review, no application for HUD assistance shall be accepted for processing without assurance by the applicant that the A–95 process has been followed, or is not applicable, depending on the regulations or instructions for each program. For all program applications for which clearinghouse review is required or permitted prior to submission to HUD, note Paragraph 4f of Part I, Attachment A of the OMB Circular No. A–95, which sets forth comments or statements required to be submitted with the application.

(e) *HUD use of clearinghouse comments.* (1) *General.* HUD staff responsible for review of applications will take into consideration all comments received within the designated time period prior to making a decision on an application.

(2) Any comments resulting from review by the State clearinghouse or State agency responsible for the State coastal zone management program regarding a project's relationship to the approved coastal zone management program shall be considered by HUD in meeting its responsibilities under the Coastal Zone Management Act of 1972 (86 Stat. 1280). Comments resulting from the obligatory referrals by clearinghouses to State and local environmental agencies and civil rights agencies shall be considered by HUD in meeting its responsibilities under the relevant environmental and civil rights statutes.

(3) Adverse Comments: (i) Clearinghouse comments on an application or proposal which (A) recommended against approval, (B) recommend approval only with specific and major substantive changes, (C) find inconsistency with a State, areawide or local plan, or (D) find non-compliance with applicable civil rights or environmental laws shall be fully documented when submitted to HUD. Program staff shall carefully examine all such comments received on applications submitted to HUD and shall take appropriate actions, which might include discussions and conferences with the applicant, the clearinghouse(s) and other relevant Federal, State and local agencies to attempt to resolve the problem. In such cases the program staff shall consult with the staff member designated to provide A–95 liaison, who shall be involved in preparing the official recommendations to the responsible HUD program official. In instances where clearinghouse comments charge noncompliance with civil rights and environmental laws, the program staff shall consult legal counsel and appropriate civil rights or environmental quality staff at the appropriate Field Office level and/or Headquarters.

(ii) If the problems in an application or proposal which cause the clearinghouse to recommend against approval are caused by inconsistency with a State, areawide or local plan or non-compliance with applicable civil rights or environmental laws and cannot be resolved and the responsible HUD program official feels that the application should nevertheless be approved, that official shall, after consultation with the Regional staff responsible for A–95, obtain the concurrence of the Regional Administrator. When clearinghouse recommendation against approval is received on an application which is to be approved at Headquarters, the responsible program official must obtain concurrence by the Assistant Secretary for Community Planning and Development before approving the application.

(iii) When comments have identified conflicts or duplication with projects funded by another Federal agency, the responsible HUD official shall take necessary action to resolve the problem, including consultations with the other agency to determine whether the application should be approved, which agency should be the funding agency and/or if the project can be jointly funded.

(f) *Notification to clearinghouses of HUD actions.* (1) In accordance with paragraph 6(c), Part I, Attachment A to the OMB Circular No. A–95, clearinghouses that have reviewed an application must be notified by HUD within seven calendar days of any major action taken on the application by HUD, including award, rejection, return for amendment, deferral or withdrawal. Standard Form 424, promulgated by Federal Management Circular 74–7, and published as Attachment E to the OMB Circular No. A–95 shall be used for this purpose.

(2) In accordance with paragraph 6(d), Part I, Attachment A to the OMB Circular No. A–95, an explanation shall be provided by HUD to a clearinghouse along with the notification of action taken described above whenever HUD approves an application substantially as submitted although the clearinghouse recommended against approval or recommended approval only with specific and major substantive changes. Standard Form 424 shall be used for this purpose by checking block No. 37, "yes", and inserting the explanation in Section IV of the Form.

(3) The explanation required in § 52.101(f)(2) of these regulations shall be provided only to clearinghouses themselves and not to agencies commenting through such clearinghouses. HUD will respond only to recommendations that are clearly identified as the official comments of the clearinghouse. Agency comments recommending disapproval that are merely attached to a transmittal letter from the reviewing clearinghouse without an indication that the clearinghouse concurs do not require an explanation from HUD should the application be approved. Where a clearinghouse has concurred with negative comments submitted by another agency, the clearinghouse is responsible for transmitting HUD's explanation back to the agency originating the comment.

(g) *Amendments after application approval.* Program Regulations should specify the types of changes or amendments to an approved application, project or program which are considered significant enough to require submission to HUD for approval. All such changes or amendments are subject to the A–95 process and require clearinghouse review. Amendments not required to be submitted to HUD for approval need not be submitted for clearinghouse review. In general, all changes or amendments that might alter the direction, nature, scope, location or scale of a project or activity being supported or might involve changes in the beneficiary population or target group being served would be subject to review. Applicants should be instructed to consult with the clearinghouse to determine if it wishes to review the change or amendment if there is a question regarding their significance. Clearinghouses shall have 30 calendar days from receipt to review all amendments to approved applications unless the applicant and funding agency decided jointly to extend the review period.

§ 52.102 Housing programs.

The purpose of this section is to implement, with regard to HUD housing programs, the requirements of the OMB Circular No. A–95, and to clarify program review procedures consistent with those identified above and included in Part I, Attachment A of the OMB Circular No. A–95 (regarding the Project Notification and Review System).

(a) *Scope.* The assistance programs related to housing assistance, as listed in Attachment D of the OMB Circular No. A–95, are subject to the review procedures, thresholds, and special exemptions identified in paragraph 7, Part I, Attachment A of the OMB Circular No. A–95.

(b) *Submission to clearinghouses.* All applicants undertaking to apply for assistance under these programs are strongly encouraged to follow the procedure identified in paragraph 7, Part I, Attachment A of the OMB Circular No. A–95, whereby the application is submitted directly to the appropriate clearinghouses to provide them with at least 30 calendar days review time prior to submission to HUD. In such cases the application does not have to be transmitted to the clearinghouses by HUD unless changes are made in the application subsequent to its receipt by the clearinghouse. Regional or Area and Insuring Offices should issue written instructions to developers and applicants with respect to this procedure describing submission procedures for clearinghouse review and identifying all appropriate clearinghouses.

(c) *HUD Processing.* Upon the direct receipt of each application still requiring clearinghouse review, the Area or Insuring Office will forward a copy of the initial application and attachments to the appropriate State and areawide clearinghouses. Where applicable, HUD will also notify, in accordance with 24 CFR Part 891 (Section 213 of the Housing and Community Development Act of 1974), the unit of general local government of the proposed project and send a copy of that notice to the appropriate clearinghouse. During the clearinghouse and/or local government review, processing should proceed concurrently in the HUD Office.

(d) *Clearinghouse Review.* Clearinghouses have a maximum of 30 calendar days from receipt of an application to comment on the application submitted to them from HUD. Clearinghouse reviews and comments may include, but need not be limited to, those items identified in paragraph 5 and 7(b), Part I, Attachment A of the OMB Circular No. A–95 and items specified in any A–95 review guidelines issued for that program by HUD officials. Clearinghouses are encouraged to include a statement about the extent to which the proposed project is consistent with State or areawide plans.

§ 52.103 Community Development Block Grants.

(a) *Complete applications and preapplications.* When submitting an application or preapplication to a clearinghouse, all application materials required to be submitted to HUD, except for Assurances, shall be included for clearinghouse review. Unless exempted from A–95 review requirements by program regulations, Community Development Block Grant applications will be considered to be complete by HUD only when they are submitted to HUD along with comments from all appropriate State and areawide clearinghouses or, in lieu of comments, with a statement by the clearinghouse that the clearinghouse has no comment.

(b) *Performance report.* Although the Annual Performance Report required of grantees is not part of the application documents, applicants shall submit information copies to the appropriate clearinghouses at the same time the report is submitted to HUD.

(c) *Records.* The requirement for records to be maintained by both entitlement and discretionary grantees are set forth in Subpart J of the Community Development Block Grant Regulations (24 CFR Part 570).

(d) *Entitlement grants.* The special procedures to be followed in applying for grants as Entitlement Communities are set forth in Subpart D of the Community Development Block Grant Regulations (24 CFR Part 570). General procedures for meeting the requirements of Part I, Attachment A to the OMB Circular No. A–95 (Project Notification and Review System), and provisions concerning the certifications of A–95, compliance and the acceptance of an application for HUD review are also set forth in Subpart D of the Community Development Block Grant Regulations (24 CFR Part 570).

(e) *Discretionary Grants.*—(1) *General.* The procedures to be followed when applying for Discretionary Grants are fully set forth in Subpart E of the Community Development Block Grant regulations. Discretionary grants not requiring preapplications shall follow the A–95 procedures set forth in Part I, Attachment A to the OMB Circular No. A–95. Modified A–95 procedures involving preapplications are set forth in Subpart E of the Community Development Block Grant regulations (24 CFR Part 570).

(2) *Urgent Needs Fund.* In accordance with paragraph 6(c), Part I, Attachment A to the OMB Circular No. A–95, application involving significant changes or additions to previously approved Federal assistance programs are subject to clearinghouse review. If it is unclear as to whether significant plan changes are involved in the changes, the appropriate clearinghouse shall be consulted on the applicability of the A–95 requirements.

(3) *Disaster Assistance.* Exemption from the normal A–95 process for Discretionary grants authorized by Section 107(a)(5) of the Housing and Urban Development Act of 1974 (42 U.S.C. 5307) applies only to federally recognized disaster areas and only to applications received by HUD within 120 days of the declaration of the disaster. However, applicants are required to submit an information copy of their application to the appropriate clearinghouses at the same time the application is submitted to HUD.

(4) *New Communities.* Applications involving proposed activities which have previously been the subject of a clearinghouse review by virtue of being included in a New Community Development Plan and Program are not subject to an additional clearinghouse review. Significant changes or amendments which by definition require specific HUD approval are subject to the A–95 review conditions identified in § 52.101(g) of these regulations.

§ 52.104 Freestanding Housing Assistance Plans (HAP's). [Reserved]

§ 52.105 Assistance for New Communities.

There are separate procedures governing the application for assistance to develop New Communities under Title VII of the Housing and Urban Development Act of 1970, as amended (42 U.S.C. 4501).

(a) *Applications for original or additional guarantee assistance.* Applications or preapplications for original or additional guarantee assistance are subject to the A–95 review procedures outlined in the regulations in effect under Title VII of the Housing and Urban Development Act of 1970 (42 U.S.C. 4501), as amended.

(b) *Applications for housing located in New Communities.* Applications for Federally assisted and/or insured housing which have previously been the subject of a clearinghouse review by virtue of being included in a New Community Development Plan and Program are not subject to an additional clearinghouse review.

(c) *Changes or amendments.* Substantial changes or amendments to (a) or (b) above which by definition under the Project Agreement require specific HUD approval are subject to the A–95 review conditions identified in § 52.101(g) of these regulations.

(d) *New Communities Supplementary Grants.* An exemption from the A–95 review applies to grants authorized by Section 718 of the Housing and Urban Development Act of 1970 (42 U.S.C. 4501) as amended.

§ 52.106 Comprehensive Planning Assistance.

All applicants for Comprehensive Planning Assistance are required to comply with the requirements of Part I of the OMB Circular A–95, including any additional requirements identified in the Comprehensive Planning Assistance Regulations (24 CFR Part 600).

§ 52.107 National Flood Insurance Program.

Communities that submit an application for participation under the emergency provisions of Part 1909 of the National Flood Insurance Program shall follow the A–95 procedures identified in Part 1909 of those regulations. The A–95 procedures identified in Part 1910 shall be followed in establishing eligibility for conversion to the Regular Program. These A–95 procedures also apply when communities request exceptions from the flood plain management requirements pursuant to Part 1910 but are not applicable to individual property owner requests for map corrections for Federal Insurance Administration Flood Hazard Boundary Maps and Flood Insurance Rate Maps issued pursuant to Part 1915.

§ 52.108 Federal Disaster Assistance Program.

The assistance authorized by the Disaster Relief Act of 1974 (Pub. L. 93–288) and implemented by 24 CFR Part 2205 is

not covered by the requirements of the A–95 Circular except for the State Disaster Preparedness Grant program. Applications for State Disaster Preparedness Grants (Title II of the Disaster Relief Act of 1974 and implemented by 24 CFR Part 2205) are subject to the provisions of Part I, Attachment A of the A–95 Circular (Project Notification and Review System) and HUD Handbook 3300.8. For disaster assistance under Title I of the Housing and Community Development Act of 1974, see § 52.103(d)(3) of these regulations.

Subpart C—Other Circular Requirements

§ 52.200 Direct Federal Development. [Reserved]

§ 52.201 State Plans.

The purpose of this section is to assure that all HUD programs requiring State plans as a precondition for assistance are in compliance with Part III, Attachment A to the OMB Circular No. A–95. (For a definition of State plans, see paragraph 2(b), Part III, Attachment A to the OMB Circular No. A–95.)

(a) The Comprehensive Planning Assistance Program may be used in the development of State plans in accordance with regulations 24 CFR Part 600. The Governor or his designee will be afforded 45 days prior to submission of the State plans to HUD in which to comment on the relationship of the plans developed under the Comprehensive Planning Assistance Program to other State plans and programs and to those of affected areawide and local jurisdictions. The Governor is urged to involve areawide clearinghouses in the review of State plans, particularly where such plans have specific applicability to or affect areawide or local plans and programs. Any such comments shall be transmitted with the required plans or plan element.

(b) State Disaster Preparedness Grants may be used in the development of State plans in accordance with the policies that govern that program. Applications for such assistance are subject to the provisions of Part I, Attachment A to the OMB Circular No. A–95, except as modified in HUD Handbook 3300.8, Requirements and Guidelines for State Disaster Preparedness Grants.

§ 52.202 Coordination of Planning In Multi-jurisdictional Areas-Part IV, A–95.

In the interest of improving the quality and reducing the costs of regional development, the Department will encourage States to establish areawide planning and development districts which, to the maximum degree feasible, serve to coordinate all development planning occurring within each governmental unit; between jurisdictions at the same level of government; and between States, regions and local governments and which have the capacity to participate in a unified fashion in the review and comment procedures under Part I of OMB Circular A–95. The Department will encourage each State, acting so as to involve all of its principal agencies having planning and development responsibilities, to assume a leadership role in delineating areawide planning jurisdictions and establishing unified or coordinated areawide organizations.

(a) *Coordinated Planning and Development Districts.* In allocating assistance under the Comprehensive Planning Assistance Program and other programs, HUD will utilize to the fullest extent possible, agencies and geographical areas that have been designated for carrying out planning and coordination on a multijurisdictional basis.

(1) Prior to the recognition or redesignation of any planning and development districts or region, the Department will provide the Governor(s) of the State(s) a period of 30 calendar days to review the proposed boundaries thereof and comment on their relationship to the planning and development districts established by the State. The boundaries of areas recognized under any HUD program are to conform to those of State-established planning and development districts unless there is clear justification for not doing so such as non-recognition of contiguous potential growth areas. In cases where State-established planning and development districts are not used, the Governor or his designee shall be provided an explanation for not doing so.

(2) Where a State has not established planning and development districts or regions, units of general local government and the appropriate Federal Regional Council will be consulted prior to HUD recognition of the area to assure consistency with districts or regions which may have been established by local agreement or under other Federal programs.

(3) In Interstate Areas, HUD will, whenever possible, utilize agencies designated to perform metropolitan areawide comprehensive planning which have the capacity to represent entire metropolitan areas. If, after consultation with the Governors or their designees, the Federal Regional Council and the elected official of the principal general local governments in the area, it appears impossible to agree on a single organization and common boundaries, HUD will require one subregional intrastate planning agency within such metropolitan area to coordinate any planning assistance activities supported by HUD through the designated A–95 clearinghouse mechanism or, in the absence of such a clearinghouse, a metropolitan coordinating mechanism recognized by HUD.

(4) HUD Field Offices will notify the Office of Community Planning and Program Coordination at HUD Headquarters and the appropriate Federal Regional Council of any districts proposed to be recognized at least 30 days prior to a final determination. Any conflicts regarding proposed recognition shall be brought before the appropriate Federal Regional Council. The Federal Regional Council will notify OMB of all proposed designations.

(b) *Coordination of Planning Activities.* Applications for Comprehensive Planning Assistance, Community Development Block Grants and/or other forms of HUD planning assistance shall, to the fullest extent possible, be coordinated with related planning and development activities now being carried out by the A–95 clearinghouse or the areawide comprehensive planning agency where there is no clearinghouse performing the planning function.

(1) If the proposed planning assistance is for an area or district other than the officially designated area, and the submission is from an applicant other than the designated areawide comprehensive planning agency, a memorandum of agreement shall be entered into between the applicant and the officially designated comprehensive planning agency which describes the means by which their planning activities will be coordinated. Such agreements shall include but need not be limited to the following matters:

(i) Identification of relationships between the planning activities proposed by the applicant and the planning and related activities of the areawide comprehensive planning agency which will require coordination;

(ii) The organizational and procedural arrangements for coordinating such activities such as overlapping board memberships, procedures for joint reviews of projected activities and policies and information exchange;

(iii) Cooperative arrangement for sharing planning resources including funds, personnel, facilities, and services;

(iv) Agreements regarding social, economic, demographic and environmental base data, statistics, and projections constituting the basis on which planning in the area will proceed.

(2) Where the applicant has been unable to develop such an agreement, he will submit to HUD a statement indicating the efforts he has made to secure agreement and the issues that have prevented it. In such case, the responsible HUD official in consultation with the appropriate Federal Regional Council and State clearinghouse will have 30 days in which to resolve these issues before acting on the application.

(c) Joint Funding. In allocating assistance, HUD will utilize, to the fullest extent possible, opportunities for joint funding with other Federal programs which will enhance the quality, comprehensive scope and coordination of planning in multijurisdictional areas.

Effective date: This interim regulation shall be effective on September 23, 1976.

JOHN B. RHINELANDER,
Under Secretary of Housing and Urban Development.

[FR Doc.76–27933 Filed 9–22–76;8:45 am]

federal register

THURSDAY, SEPTEMBER 23, 1976



PART V:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration)

■

MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER THE NATIONAL HOUSING ACT

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

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R-76-409]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments are being made to this chapter (1) to increase the maximum per unit mortgage amounts and (2) to change from 75 percent to 50 percent the percentage for increasing, in high cost areas, the maximum per unit dollar amount limitations used in arriving at a maximum mortgage amount for the multifamily mortgage insurance programs. These amendments are authorized by Section 8 of the "Housing Authorization Act of 1976" Pub. L. 94-375 dated August 3, 1976. The Secretary has determined that these changes should be implemented immediately in order to make insurance on mortgage loans up to the newly authorized maximums available to the public as soon as possible, and that advance notice and public procedure are unnecessary and good cause exists for making these amendments effective on publication.

The Department has determined that an Environmental Impact Statement is not required with respect to these amendments. The Finding of Inapplicability, in accordance with HUD's environmental procedures handbook (HUD Handbook 1390.1), is available for inspection at the Office of the Rules Docket Clerk, Department of Housing and Urban Development, Room 10141, 451 Seventh Street, SW., Washington, D.C.

Accordingly, Chapter II is amended as follows:

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

1. Section 207.4 (a)(2), (b) and (c)(1) are revised to read as follows:

§ 207.4 Maximum mortgage amounts.

(a) * * *

(2) For such part of the property or project attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner) an amount per family unit, depending on the number of bedrooms, which may be:

(i) $19,500 without a bedroom.
(ii) $21,600 with one bedroom.
(iii) $25,800 with two bedrooms.
(iv) $31,800 with three bedrooms.
(v) $36,000 with four or more bedrooms.

(b) *Increased mortgage amount—elevator type structures.* In order to compensate for the higher costs incident to construction of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitations per family unit as provided in paragraph (a)(2) of this section not to exceed:

(1) $22,500 without a bedroom.
(2) $25,200 with one bedroom.
(3) $30,900 with two bedrooms,
(4) $38,700 with three bedrooms.
(5) $43,758 with four or more bedrooms.

(c) *Increased mortgage amount—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase by not to exceed 50 percent, the dollar amount limitations set forth in paragraphs (a)(2) and (b) of this section.

* * * * *

2. In § 207.32a, paragraphs (b)(2), (b)(2)(i) and (b)(2)(ii) (A) are revised to read as follows:

§ 207.32a Eligibility of mortgages on existing projects.

* * * * *

(b) * * *

(2) The total of the amounts per family dwelling unit (excluding exterior land improvements as defined by the Commissioner) depending on the number of bedrooms which may be:

$19,500 without a bedroom.
$21,600 with one bedroom.
$25,800 with two bedrooms.
$31,800 with three bedrooms.
$36,000 with four or more bedrooms.

(i) *Increased mortgage amount—elevator type structures.* In order to compensate for the higher costs incident to construction of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitations per family unit as provided in paragraph (b)(2) of this section, not to exceed:

$22,500 without a bedroom.
$25,200 with one bedroom.
$30,900 with two bedrooms.
$38,700 with three bedrooms.
$43,758 with four or more bedrooms.

(ii) *Increased mortgage amount—high cost areas.* (A) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 50 percent, the dollar amount limitations set forth in paragraphs (b)(2) and (b)(2)(i) of this section.

* * * * *

3. In § 207.33, paragraphs (b) (1) and (2) are revised to read as follows:

§ 207.33 Eligibility of mortgages on mobile home parks or courts.

* * * * *

(b) * * *

(1) An amount not exceeding the lesser of $3,900 per space (as defined by the Commissioner), or 90 percent of the estimated value of the property after the improvements are completed.

(2) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase by not to exceed 50 percent, the $3,900 limitation set forth in paragraph (b)(1) of this section.

* * * * *

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

4. In § 213.7, paragraphs (a)(2), (d)(1) and (g) are revised to read as follows:

§ 213.7 Maximum insurable amounts.

(a) * * *

(2) For such part of the property or project attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner) an amount per family unit, depending on the number of bedrooms, which may be:

(i) $19,500 without a bedroom.
(ii) $21,600 with one bedroom.
(iii) $25,800 with two bedrooms.
(iv) $31,800 with three bedrooms.
(v) $36,000 with four or more bedrooms.

* * * * *

(d) *Increased mortgage amounts—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 50 percent, the dollar amount limitations set forth in paragraphs (a)(2) and (g) of this section.

* * * * *

(g) *Increased mortgage amount—elevator type structures.* In order to compensate for the higher costs incident to construction of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitations per family unit as provided in paragraph (a)(2) of this section not to exceed:

(1) $22,500 per family unit without a bedroom.
(2) $25,200 per family unit with one bedroom.
(3) $30,900 per family unit with two bedrooms.
(4) $38,700 per family unit with three bedrooms.
(5) $43,758 per family unit with four or more bedrooms.

* * * * *

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

5. In § 220.507, paragraphs (a), (b) and (c)(1) are revised to read as follows:

§ 220.507 Maximum mortgage amounts.

(a) *Dollar limitation—in general.* A mortgage may involve a principal obligation not in excess of the following:

(1) For such part of the property or project attributable to dwelling use (excluding exterior land improvements as defined by the Commission), an amount per family unit, depending on the number of bedrooms, which may be:

(i) $19,500 without a bedroom.
(ii) $21,600 with one bedroom.
(iii) $25,800 with two bedrooms.
(iv) $31,800 with three bedrooms.
(v) $36,000 with four or more bedrooms.

(2) Where the project involves the rehabilitation of not more than five family units, the mortgage amounts per family unit designated in paragraph (a)(1) of

this section may be increased by 25 percent as follows:

(i) $32,250 for a two bedroom unit.
(ii) $39,750 for a three bedroom unit.
(iii) $45,000 for a four or more bedroom unit.

(b) *Increased dollar limitation—elevator type structures.* In order to compensate for higher costs incident to the construction of elevator type structures, the Commissioner may increase the dollar amounts per family unit in paragraph (a)(1) of this section as follows:

(1) With respect to any elevator type structure:

(i) $22,500 without a bedroom.
(ii) $25,200 with one bedroom.
(iii) $30,900 with two bedrooms.
(iv) $38,700 with three bedrooms.
(v) $43,758 with four or more bedrooms.

(2) With respect to an elevator type project involving the rehabilitation of not more than five family units, the dollar amounts per family unit, in subparagraph (1) of this paragraph may be increased by 25 percent as follows:

(i) $38,625 for a two bedroom unit.
(ii) $48,375 for a three bedroom unit.
(iii) $54,697.50 for a four or more bedroom unit.

(c) *Increased mortgage amount—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 50 percent, the dollar limitations set forth in paragraphs (a) and (b) of this section.

* * * * *

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

6. In § 221.514, paragraphs (a)(1), (b) and (c)(1) are revised to read as follows:

§ 221.514 Maximum mortgage amounts.

(a) The mortgage shall involve a principal obligation not in excess of the lesser of the following:

(1) *Dollar limitations on units.* For such part of the property or project attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner) an amount per family unit, depending on the number of bedrooms, which may be:

(i) For projects to be insured under section 221(d)(3) of the Act:
(a) $16,860 without a bedroom.
(b) $18,648 with one bedroom.
(c) $22,356 with two bedrooms.
(d) $28,152 with three bedrooms.
(e) $31,884 with four or more bedrooms.

(ii) For projects to be insured under section 221(d)(4) of the Act:
(a) $18,450 without a bedroom.
(b) $20,625 with one bedroom.
(c) $24,630 with two bedrooms.
(d) $29,640 with three bedrooms.
(e) $34,846 with four or more bedrooms.

* * * * *

(b) *Increased mortgage amount—elevator type structures.* In order to compensate for higher costs incident to construction of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitations per family unit as provided in paragraph (a) of this section not to exceed:

(1) For projects to be insured under section 221(d)(3) of the Act:

(i) $19,680 per family unit without a bedroom.
(ii) $22,356 per family unit with one bedroom.
(iii) $26,496 per family unit with two bedrooms.
(iv) $33,120 per family unit with three bedrooms.
(v) $38,400 per family unit with four or more bedrooms.

(2) For projects to be insured under section 221(d)(4) of the Act:

(i) $20,962 per family unit without a bedroom.
(ii) $24,030 per family unit with one bedroom.
(iii) $29,220 per family unit with two bedrooms.
(iv) $37,800 per family unit with three bedrooms.
(v) $41,494 per family unit with four or more bedrooms.

(c) *Increased mortgage amount—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase by not to exceed 50 percent, the dollar limitations set forth in paragraphs (a) and (b) of this section.

* * * * *

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

7. In § 231.3, paragraph (a) is revised to read as follows:

§ 231.3 Maximum mortgage amounts—new construction.

The mortgage shall involve a principal obligation not in excess of the lesser of the following:

(a) *Family unit limitations.* For such part of the property or project attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner) an amount per family unit, depending on the number of bedrooms which may be:

(1) $18,450 without a bedroom.
(2) $20,625 with one bedroom.
(3) $24,630 with two bedrooms.
(4) $29,640 with three bedrooms.
(5) $34,846 with four or more bedrooms.

* * * * *

8. Section 231.5 is revised to read as follows:

§ 231.5 Increased mortgage amounts—elevator type structures.

In order to compensate for the higher costs incident to construction of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitations per family unit as provided in § 231.3(a) not to exceed:

(a) $20,962 per family unit without a bedroom.
(b) $24,030 per family unit with one bedroom.
(c) $29,220 per family unit with two bedrooms.
(d) $37,800 per family unit with three bedrooms.
(e) $41,494 per family unit with four or more bedrooms.

9. In § 231.6, paragraph (a) is revised to read as follows:

§ 231.6 Increased mortgage amounts—high cost areas.

(a) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 50 percent, the dollar amount limitation set forth in §§ 231.3 (a) and 231.5.

* * * * *

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

10. In § 234.525, paragraph (b) is revised to read as follows:

§ 234.525 Maximum mortgage amounts—new construction.

The mortgage may involve a principal obligation not in excess of the lowest of the following limitations:

(a) * * *

(b) *Family unit limitation.* For such part of the property or project attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner) and amount per family unit, depending on the number of bedrooms, which may be:

(1) $19,500 without a bedroom.
(2) $21,600 with one bedroom.
(3) $25,800 with two bedrooms.
(4) $31,800 with three bedrooms.
(5) $36,000 with four or more bedrooms.

* * * * *

11. In § 234.530, paragraphs (a) and (b)(1) are revised to read as follows:

§ 234.530 Increased mortgage amounts.

(a) *Elevator type structures.* In order to compensate for the higher costs incident to construction of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitation per family unit as provided in § 234.525(b) to not to exceed:

(1) $22,500 per family unit without a bedroom.
(2) $25,200 per family unit with one bedroom.
(3) $30,900 per family unit with two bedrooms.
(4) $38,700 per family unit with three bedrooms.
(5) $43,758 per family unit with four or more bedrooms.

(b) *High cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 50 percent, the dollar amount limitations set forth in paragraph (a) of this section and in § 234.525(b).

* * * * *

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENT FOR RENTAL PROJECTS

12. In § 236.12, paragraphs (a)(1), (b) and (c)(1) are revised to read as follows:

§ 236.12 Maximum mortgage amounts.

(a) The mortgage shall involve a principal obligation not in excess of the lowest of the following:

(1) *Dollar limitations on units.* For such part of the property or project attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner) an amount per family unit, depending on the number of bedrooms, which may be:

(i) $16,860 without a bedroom.
(ii) $18,648 with one bedroom.
(iii) $22,356 with two bedrooms.
(iv) $28,152 with three bedrooms.
(v) $31,884 with four or more bedrooms.

* * * * *

(b) *Increased mortgage amount—elevator type structures.* In order to compensate for higher costs incident to construction of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitations per family unit as provided in paragraph (a)(1) of this section not to exceed:

(1) $19,680 per family unit without a bedroom.
(2) $22,356 per family unit with one bedroom.
(3) $26,496 per family unit with two bedrooms.
(4) $33,120 per family unit with three bedrooms.
(5) $38,400 per family unit with four or more bedrooms.

(c) *Increased mortgage amount—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 50 percent, the dollar amount limitations set forth in paragraphs (a)(1) and (b) of this section.

* * * * *

(Sec. (7d), Department of HUD Act; 42 U.S.C. 3535(d).)

NOTE.—It is hereby certified that the economic and inflationary impacts of this final rule have been carefully evaluated in accordance with OMB Circular A–107.

Effective date: These amendments will be effective September 23, 1976.

JAMES L. YOUNG,
Assistant Secretary for Housing—FHA Commissioner.

[FR Doc.76–27934 Filed 9–22–76;8:45 am]

federal register

THURSDAY, SEPTEMBER 23, 1976



PART VI:

UNITED STATES INFORMATION AGENCY

■

PRIVACY ACT OF 1974

Systems of Records

U.S. INFORMATION AGENCY

PRIVACY ACT OF 1974

Annual Compilation of Systems of Records

Pursuant to the Privacy Act of 1974 (Public Law 93-579), section 552a(e)(4), the United States Information Agency hereby publishes the first Annual Compilation of systems of records maintained by the Agency. Notices of proposed rules and systems of records were published in the Federal Register on August 27, 1975 (40 FR 39335 and 39430) and on February 24, 1976 (41 FR 8154). Notices of adoption of the systems of records were published in the Federal Register on February 24, 1976 (41 FR 8154) and on May 17, 1976 (41 FR 20234). Notice of adoption of the rules was published in the Federal Register on October 21, 1975 (40 FR 49278). Amendments or corrections to the systems of records were published in the Federal Register on September 9, 1975 (40 FR 41988); March 10, 1976 (41 FR 10272); March 31, 1976 (41 FR 13686); May 17, 1976 (41 FR 20234); June 4, 1976 (41 FR 22653); and July 21, 1976 (41 FR 30029).

In the Federal Register of June 4, 1976 (41 FR 22653), notice was given to correct the previous proposal and adoption of a system of records designated as "USIA-11, Employee Merit Promotion File—IPT." As a result of this correction which deleted the file, there has been a renumbering of the Agency's systems of records in the Annual Compilation that follows, beginning with the system now designated as "USIA-11, Employee Payroll and Retirement System—IOA/F—USIA."

No comments having been received, the Agency adopts the additional routine use proposed in the Federal Register on June 4, 1976 (41 FR 22653).

A Prefatory Statement of General Routine Uses follows the Annual Compilation of systems of records as Appendix I.

R. Kenneth Towery,
Deputy Director Policy and Plans.

Dated: August 27, 1976.

USIA—1

System name: Americans Residing in Foreign Countries-USIA

System location: The U.S. Information Agency maintains establishments overseas in 111 foreign countries, which are designated as mission posts, branch posts, regional service centers, VOA relay stations and media extensions. A current listing of names and addresses of overseas establishments is not considered practical for Privacy Act purposes, due to the fact that such a list would require frequent amendment. Changing of office locations, opening of new offices, closing of established offices and realignment of geographic areas have become practical realities in conducting the Agency's mission overseas. Individuals who feel that records pertaining to themselves are maintained at any of our overseas locations may contact the Agency's Office of Public Information in Room 719, 1750 Pennsylvania Avenue, N.W., Washington, D.C., 20547. The Agency maintains an index of its records, including a current listing of overseas posts, which is available to the public as indicated in 22 CFR Ch. V, Rules for Implementing the Freedom of Information Act.

Categories of individuals covered by the system: American citizens and aliens admitted for permanent U.S. residence, who are residing Overseas, i.e., journalists, businessmen, scholars, artists, representatives of other U.S. Government agencies, missionaries.

Categories of records in the system: Names and addresses.

Authority for maintenance of the system: Public Law 402, Information and Educational Exchange Act of 1948; Federal Records Act, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Distribution of printed matter; invitation lists of official social functions and programs; selection of candidates for temporary employment, as needed; location of specialists to arrange, conduct, appear in or appraise Agency programs organized overseas; press briefings for American journalists residing in foreign countries; appraisal of American specialists whose services are utilized in Agency programming overseas.

Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

Information in these records is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other government agencies having statutory or other legal authority to maintain such information.

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

Storage: Addressograph plates or paper records in file folders.

Retrievability: By name of the individual.

Safeguards: Records are kept in locked file cabinets or in locked rooms when not in use.

Retention and disposal: Records are updated regularly, and metal plates or paper files no longer useful or current are destroyed.

System manager(s) and address: See "System Location" above.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Avenue, N.W., Washington, D.C., 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Avenue, N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Information obtained from the individual concerned.

USIA—2

System name: Artists and Speakers-INA-USIA

System location: Office of the Assistant Director (USIA), North Africa, Near East and South Asia, 1750 Pennsylvania Avenue, N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Artists and speakers considered qualified to conduct programs at USIA's overseas posts in the Near East, North Africa and South Asia.

Categories of records in the system: Biographic data on speakers and artists; evaluation reports of past service with USIA; travel arrangements; program arrangements.

Authority for maintenance of the system: The Federal Records Act, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide basic personnel and program information in order to arrange regional schedules for speakers and artists. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

Information in these records is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records in file folders.

Retrievability: By the name of the individual concerned.

Safeguards: Maintained in locked file cabinets.

Retention and disposal: Records are held as long as the individual is a prospective speaker or artist needed for or willing to conduct programs overseas.

System manager(s) and address: Office of Assistant Director, INA, Program Development Officer, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Information provided by the individual artists and speakers; evaluation of speaker or artist by overseas posts; public documents and publications.

USIA—3

System name: Bidders Mailing List Application-IOA/C-USIA

System location: U.S. Information Agency, Contract and Procurement Division, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Prospective Government contractors and Agency contractors.

Categories of records in the system: Information is contained on a standard form which requests the individual's name and address, type of business, number of employees, average annual sales or receipts, facilities (space), net worth, security clearances held, and a certification of the accuracy of the information provided on the form.

Authority for maintenance of the system: Federal Procurement Regulations (41 CFR 1-2.205-1(c) and 1-16.802).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To prepare the Agency's Bidders Mailing List and for use of contracting specialists to determine adequacy of facilities, and financial responsibility of prospective contractors. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information.

The principal user of this information outside the U.S. Information Agency is the General Services Administration.

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

Storage: Information included on Standard Form 129, and maintained in binders.

Retrievability: By the name of the individual.

Safeguards: Maintained in combination lock file cabinet, available only to authorized personnel.

Retention and disposal: A routine update of information is conducted approximately every five years. Outdated information disposed of by burning.

System manager(s) and address: Agency Contracting Officer, Contract and Procurement Division, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W. Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Information provided by individuals, companies and corporations.

USIA—4

System name: Contract Talent and Employee Recruitment Files-IMV-USIA.

System location: U.S. Information Agency, Motion Picture & Television Service, 601 "D" Street, N.W., Washington, D.C. 20547.

U.S. Information Agency, Motion Picture & Television Service, 1657 Broadway, New York, New York 10019.

Categories of individuals covered by the system: Job applicants; professional talent specialists in languages, camera, acting, etc., contractual motion picture and television producers.

Categories of records in the system: Records on individuals who have applied for employment as free-lance talent; correspondence between contractual motion picture and television producers; film review sheets; producer questionnaire forms; duplicate copies of security clearance information on talent vendors and contractual producers; card files on applicants for employment with USIA's Motion Picture and Television Service.

Authority for maintenance of the system: Federal Records Act, 44 USC 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To identify sources for contract productions; to identify individuals who have applied to USIA for employment as free-lance talent vendors; to fill vacant positions in production and/or technical positions as they become vacant; to determine security clearance status of contractual individuals or companies. Also see Prefatory Statement of General Routing Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

Information in these files is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Card records and paper records in file folders.

Retrievability: By name of the individual concerned.

Safeguards: Maintained in locked file cabinets and available only to authorized personnel.

Retention and disposal: Records on talent vendors and contractual producers retained indefinitely; records on job applicants retained for ten years, and disposed of in accordance with internal schedules for retention and disposal of files.

System manager(s) and address: Chief, General Program Production Division, Motion Picture and Television Service, 601 "D" Street, N.W., Washington, D.C. 20001. Executive Officer, Motion Picture and Television Service, 601 "D" Street, N.W., Washington, D.C. 20001.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Provided by vendors, contractors and job applicants concerned; by employees of USIA's Motion Picture and Television Service.

USIA—5

System name: Contract Talent Vendor Files-IBS-USIA

System location: U.S. Information Agency, "Voice of America" Broadcasting Service, HEW North Building, 330 Independence Ave., S.W., Washington, D.C. 20547.

U.S. Information Agency, "Voice of America" Broadcasting Service, 25 "M" Street, S.W., Washington, D.C. 20547.

Categories of individuals covered by the system: All contract talent vendors who perform free-lance services in the U.S. for the Voice of America.

Categories of records in the system: Records and information pertaining to the testing and qualifications of vendors; security clearance applications and approvals; copies of contracts, and detailed record of services performed by vendors and payments made by VOA for these services.

Authority for maintenance of the system: Public Law 402: United States Information & Educational Exchange Act of 1948, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Provide necessary reference information for use by VOA administrative offices in meeting their daily responsibilities of advising on and coordinating programming and fiscal activities relating to the recruitment and contracting of free-lance talent vendors. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties. These records are not normally available to individuals and agencies outside the U.S. Information Agency, but information may be released to other government

agencies who have statutory or other lawful authority to maintain such information.

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

Storage: All information is retained in document form in file folders.

Retrievability: Files are indexed alphabetically by vendor.

Safeguards: All files are locked in security-approved file cabinets. Access to files is permitted only to administrative staffs and other top management officials having a need to know such information in the normal performance of their duties.

Retention and disposal: Files are retained for three to four years after last date of services rendered by vendor, after which time files are then destroyed in accordance with established USIA records-disposal procedures.

System manager(s) and address: Deputy Assistant Director, USIA (Broadcasting) (Administration), Room G-749, HEW North Building, 330 Independence Ave., S.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Information is received from vendor (application forms); from USIA Security Office (approval of security clearance request); from documents generated through the normal process of using a vendor and making payments for services rendered (purchase orders and payment records).

USIA—6

System name: Cultural and Centers Coordination Division Recruitment Files-ICS-USIA

System location: U.S. Information Agency, Cultural and Center Coordination Division, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: American Scholars who may be used as consultants or specialists in American studies domestically or overseas; applicants for employment, contracts or grants with regard to USIA's Library Program and Library Fellows; applicants for employment, contracts or grants with regard to USIA's English Teaching Program; other applicants for employment, contracts or grants with regard to specific positions in overseas cultural operations.

Categories of records in the system: Biographic data on American Scholars provided by the individuals themselves upon request; biographic data on applicants for employment, contracts and grants, including previous employment, education, recommendations and security clearance status; library field reports, comments and evaluation on library visits written by Public Affairs Officers, and letters of correspondence between supervisors and librarians.

Authority for maintenance of the system: Executive Order 11034, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Screening of applicants for employment, contracts or grants, for appraisal by Agency's geographic area offices and Public Affairs Officers located overseas; evaluation by Library Program Staff of candidates for librarian positions; to develop work requirements for regional librarians; to identify scholars with skills related to academic projects. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

The principal user of this information outside the U.S. Information Agency is the U.S. Department of State.

The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records in file folders.

Retrievability: By name of the individual.

Safeguards: Maintained in locked file cabinets.

Retention and disposal: Files retained as long as they are of active interest or the individual is employed. Inactive files destroyed by burning.

System manager(s) and address: Chief, Cultural and Centers Coordination Division, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Records on American Scholars provided by applicants; records on all other applicants are submitted to the Agency or authorized by the applicants.

USIA—7

System name: Director's Secretariat Staff Files-I-USIA

System location: U.S. Information Agency, Executive Secretariat, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Members of the White House Staff, Congressmen, heads of other executive agencies of the Federal Government, Federal Judges and members of the general public.

Categories of records in the system: Correspondence addressed to the Director of USIA, and copies of responses to requests for reports, information and/or assistance of various kinds prepared by the Director or his designated representative.

Authority for maintenance of the system: The Federal Records Act of 1950, as amended, 44 USC 3101-3107; Records Disposal Act of 1943m as amended, 44 USC 3301-3314.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference file to provide oversight of the flow of requests to the USIA Director for reports, information and/or assistance of various kinds, and to monitor the accomplishment of responses to such requests. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Records are stored in a computer maintained by and located within the U.S. Department of State, and maintained as paper records in file folders in USIA.

Retrievability: Records are cross-indexed by individual name and by computer reference number.

Safeguards: Computer records are accessible only to authorized employees of the U.S. Information Agency or the Department of State. Paper records are kept in locked file cabinets.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Chief, Executive Secretariat, U.S. Information Agency, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Unsolicited correspondence from U.S. Government officials and members of the general public addressed to the Director of USIA.

USIA—8

System name: Employee Administrative Files-IBS-USIA

System location: U.S. Information Agency, Broadcasting Service, "Voice of America", HEW North Building, 330 Independence Avenue, S.W., Washington, D.C. 20547.

U.S. Information Agency, Broadcasting Service, "Voice of America", Engineering Division, 25 "M" Street, S.W., Washington, D.C. 20547.

Also see Appendix II for locations of domestic relay stations.

Categories of individuals covered by the system: "Voice of America" domestic employees and overseas American employees.

Categories of records in the system: Records and information pertaining to testing, recruitment and appointment of employees (application forms, fiscal documents covering related expenses); records concerning post-appointment changes in employee skills, qualifications, and experience; copies of SF-50 "Notice of personnel Action" and payroll change slips.

Authority for maintenance of the system: Public Law 402, United States Information and Educational Exchange Act of 1948, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Files maintained for convenience due to physical separation from Personnel Office; provide necessary background/reference information for use by VOA Administrative Offices in meeting their daily responsibilities of advising on and co-ordinating programming, personnel and fiscal activities relating to recruitment, hiring and employment of staff employees. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

These records are not normally available to individuals and agencies outside the U.S. Information Agency, but information may be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: All information is retained in document form in file folders.

Retrievability: Files are indexed alphabetically by employee name.

Safeguards: All files are locked in security-approved file cabinets. Access to files is permitted only to administrative staffs and other top management officials having a need-to-know such information in the normal performance of their duties.

Retention and disposal: Files may be retained for up to ten years after departure of employee, then destroyed in accordance with established USIA records disposal procedures. Copies of documents for which originals exist in Official Personnel Folders and which are removed from official personnel folders when an employee resigns, are also removed from administrative files and destroyed.

System manager(s) and address: Deputy Assistant Director (USIA), Broadcasting, (Administration), Room G-749, HEW North Building, 330 Independence Avenue, S.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Avenue, N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Information is received from employees (application forms); from employees' supervisors (employees' experience, performance, and recommendations for promotions, etc.); from organizational personnel and fiscal elements (SF-50 personnel actions, payroll change slips, etc.)

USIA—9

System name: Employed Awards, Health Programs, Retirement and Out-Placement Records IPT-USIA.

System location: U.S. Information Agency, Office of Personnel & Training, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547, and 300 "C" Street, S.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Employees electing coverage under health benefit program; employees who are Red Cross blood donors; employees who borrow from a small, agency maintained revolving loan fund; employees nominated for honor awards; employees who are in retirement processing or who have retired from the Agency; employees approaching mandatory retirement.

Categories of records in the system: Records of employees electing health benefit programs; records of employees' blood type; journal used to record employee loans and repayments; nominations of employees for awards and copies of award certificates; retirement eligibility status; biographic and work experience data for out-placement purposes.

Authority for maintenance of the system: FPM Supp. 8901-1, 52-3, 55-1, 44 USC 3101; FPM Supp. 831-1, 51, 58-2.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record keeping on health programs statistical data on blood donor program; recording of loan granted and repayments nomination of employees for awards; processing retirement applications and counseling prospective retirees, on annuities and other benefits, and out-placement. Also see Prefatory Statement of General Routing Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

The principal users of this information outside the U.S. Information Agency are: the Civil Service Commission; other agencies considering individual for employment or detail for record and credit checks; accredited investigators.

The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records in file folders.

Retrievability: Manually retrieved by name of the employee.

Safeguards: Maintained in locked file cabinets.

Retention and disposal: Out-placement and blood donor files destroyed upon separation of employee; health benefits records updated annually; old records destroyed; retirement and honor award files retained indefinitely; loan records destroyed after three years.

System manager(s) and address: Chief, Personnel Services Division, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: The employee; official personnel folder; employee relations officers; supervisors' nominations for awards.

USIA—10

System name: Employee Identification Card and Photograph File-IOS-USIA

System location: U.S. Information Agency, Office of Security, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Current and past employees of the U.S. Information Agency.

Categories of records in the system: Personal description; date of birth; height; weight; color of hair and eyes; color photograph of full face.

Authority for maintenance of the system: Executive Order 11652 dated March 8, 1972.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Personal proof of employee identity; to provide Passport photos of employee and dependents for official use; provide photographs for official use by the

Office of Public Information (USIA) and other Agency elements having official need to have visual identification records, such as a Senior Officer Staffing display. Photographs are also available to employees for official uses. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

The principal user of this information outside the U.S. Information Agency is the U.S. Department of State.

The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Written form record and photograph film.

Retrievability: By name of the individual employee.

Safeguards: Access by security-cleared employees having a need-to-know. When not in personal custody during processing, stored in combination-locked security container.

Retention and disposal: Records of former employees destroyed after five years under security controls. Records of current employees retained indefinitely, or until employee is separated.

System manager(s) and address: Assistant Director (USIA), Security, 1750 Pennsylvania Ave., N.W., Washington, D.C., 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Applicant and employment records (with verification from the individual concerned).

USIA—11

System name: Employee Payroll and Retirement System-IOA/F-USIA

System location: U.S. Information Agency, Finance and Data Management Division, 1776 Pennsylvania Ave., Washington, D.C. 20547.

Categories of individuals covered by the system: Employees currently on Agency rolls.

Categories of records in the system: Civil Service and Foreign Service individual retirement records, time and attendance records (domestic employees only), master employee registers (domestic only), payroll folders, overseas pay cards for foreign service employees.

Authority for maintenance of the system: Section 113 of the Budget and Accounting Procedures Act of 1950 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To assure proper salary payment to employees and for reference regarding salary history; master record of employee accumulation and use of annual and sick leave; recording of employee contributions to the Civil Service and Foreign Service Retirement Systems. Also see Prefatory Statement of General Routine Uses.

Information is made available to personnel of the U.S. Information Agency on a need-to-know basis or as may be required in the performance of their official duties.

The principal users of this information outside the U.S. Information Agency are the U.S. Treasury, the Civil Service Commission, and the Director General of the Foreign Service, U.S. Department of State.

The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Time and attendance cards maintained on punched cards; retirement records are recorded on 5 x 7 cards and maintained in a file cabinet; the master employee register is a computer report; payroll records are maintained in manila folders; overseas pay cards are manually prepared or maintained as a computer report, depending upon the facilities available at various overseas locations.

Retrievability: By the name of the individual employee.

Safeguards: Records maintained in various types of containers; security provided by surveillance of responsible employees during working hours, and by building security guards during non-working hours.

Retention and disposal: Retirement records are forwarded to the Civil Service Commission for domestic employees, and the State Department for foreign service employees, upon retirement, resignation or transfer of employee. Payroll records are retired to Federal Records Center, St. Louis, after two years.

System manager(s) and address: Assistant Chief for Fiscal Operations, Finance and Data Management Division, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Various forms provided by individual and by USIA's Office of Personnel and Training, i.e., personnel action forms, payroll change forms, Federal and state withholding exemption certificates, employee allotment deduction forms, time and attendance cards.

USIA—12

System name: Employee Relations Files-IPT-USIA

System location: U.S. Information Agency, Office of Personnel & Training, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547, and 300 "C" Street, S.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Employees who have filed informal grievances or appeals on job classification action or position audits; individual employees affected by a workforce or element reorganization; employees who have requested restoration of forfeited leave; individuals for whom special disciplinary actions are in process.

Categories of records in the system: Documents relating to grievances; position descriptions and evaluations; organization charts and background materials; documents related to leave records and descriptions of operational demands necessitating cancellation of annual leave.

Authority for maintenance of the system: USIA Manual of Operations and Administration, FPM 511, Subch. 6, 44 USC 3101, P.L. 93-181, FPM Ltr. 630-22, FPM Chaps. 335, 752, 831.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Investigation and resolution of employee grievances; to provide reports to Congress and CSC on the status of grievances and appeals; to provide information to federal, state or local law enforcement agencies for civil or criminal investigation; guidance in planning and evaluating internal reorganizations; to adjudicate requests for leave restoration and other employee relations matters. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency in the performance of their official duties.

The principal users of this information outside the U.S. Information Agency are: the Civil Service Commission; the Department of Justice; other federal, state and local law enforcement agencies; accredited investigators; other government agencies considering the individual for employment or detail.

The information may also be released to other government agencies who have statutory or other legal authority to maintain such information.

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

Storage: Paper records in file folders.

Retrievability: By name of individual, or by a combination of name, organizational element and position title.

Safeguards: Maintained in locked file cabinets.

Retention and disposal: Records retained indefinitely or until no longer needed. Grievance files considered as "classified" and destroyed when no longer useful. Leave files retained for two years or until lump-sum payment is made.

System manager(s) and address: Chief, Employee-Management Relations Division, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: The employee; supervisors; personal representative of grievant; grievance examiner; position classifier; personnel officers; USIA payroll office; administrative officers and executive officers of Agency elements.

Systems exempted from certain provisions of the act: Certain records contained within this system of records may be exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See 22 CFR Part 505.15 as published in the Federal Register on July 21, 1976 (41 FR 30029).

USIA—13

System name: Employee Training Files-IPT-USIA

System location: U.S. Information Agency, Office of Personnel & Training, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: All Agency employees receiving training, workshop lecturers, language students, employees in university or service college training, personnel and management interns.

Categories of records in the system: Employee training applications, biographic data, educational background, record of training received by the Agency, outline of training program, unofficial performance evaluations, language proficiency and test scores, course grade, biographic data on non-agency lecturers in agency sponsored seminars and workshops, and employee's evaluation of training courses.

Authority for maintenance of the system: P.L. 85-507, 72 Stat. 335, Reorganization Plan No. 8 of 1953, 22 USC 1461, 67 Stat. 642, P.L. 79-724, Foreign Service Act of 1946, as amended, FPM 410, Subch. 3.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Background material used to determine eligibility; assignment and progress in language courses; used by career counselors to determine training needs; justification and record keeping; evaluation of intern training and potential for job growth; used to evaluate and select lecturers for agency workshops or seminars; preparation of reports to Congress and other government agencies on training provided and costs, as well as projected training needs and costs. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

The principal users of this information outside the Agency are: the Civil Service Commission; personnel officers in other government agencies as a result of transfer of the individual to whom the personnel records pertain; other agencies considering employees for detail purposes; the National Personnel Records Center upon separation of the employee; for record and credit checks; accredited investigators.

The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records in file folders.

Retrievability: Manually retrieved by name, by computer generated lists of training statistics, or by seminar title.

Safeguards: File maintained in locked cabinets or protected by routine office safeguards, i.e., surveillance by responsible personnel and disclosure only to authorized individuals.

Retention and disposal: Training records maintained until employee is separated, at which time records are included with official personnel folder; other records are retained indefinitely or until no longer needed; budget records and cost statistics retained indefinitely.

System manager(s) and address: Chief, Training Division, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determination by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: The employee; employment applications; official personnel records; personnel action forms; personnel officers; training officers and other officers involved in personnel management; supervisors; USIA Office of Security; lecturers; training records; application for training; trainee evaluations of courses.

Systems exempted from certain provisions of the act: Certain records contained within this system of records may be exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See 22 CFR Part 505.15 as published in the Federal Register on July 21, 1976 (41 FR 30029).

USIA—14

System name: Employee's Confidential Statement of Employment and Financial Interests-IGC-USIA

System location: U.S. Information Agency, Office of the General Counsel, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Experts or consultants, employees paid at the Executive Schedule level; employees classified at GS-13, FSIO-4, FSR-5, FSS-2, or above, who are in positions of responsibility for a Government decision or taking a Government action in regard to: (1) contracting or procurement; (2) Administering or monitoring grants or subsidies; (3) regulating or auditing private or other non-Federal enterprise; or required to report employment and financial interests in order to avoid possible conflicts of interest.

Categories of records in the system: Statements of personal and family shareholdings and other interest in business enterprises; copies of blind trust and other agreements pertaining to such interests; correspondence as to insulation of control or conflicts of interest; opinions of counsel, including recommendations on waivers.

Authority for maintenance of the system: E.O. 11222; 5 U.S.C. 7301; 18 U.S.C. 208.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Review by Assistant General Counsel for possible conflict of interest. Provide necessary reference information should allegations of conflict of interest arise. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

Information in these records is not normally made available to individuals or agencies outside the U.S. Information Agency, but records may be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records in file folders.

Retrievability: Alphabetically by name and by Agency element or geographic area.

Safeguards: Maintained in bar-lock cabinet.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Disposed of 2 years after employee leaves a position in which a statement is required, or 2 years after the employee is separated from the Agency, whichever is earlier.

System manager(s) and address: General Counsel, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: From the individual who filed the statement.

USIA—15

System name: Equal Employment Opportunity Complaint Files—IEO—USIA.

System location: Office of Equal Opportunity, U.S. Information Agency, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Any aggrieved employee or applicant for employment with USIA who believes he or she has been discriminated against because of race, color, religion, sex, national origin, and/or age, and who has consulted with an Equal Opportunity Counselor of the Agency or a member of the EEO Staff about the matter.

Categories of records in the system: Communications of EEO Counselor with aggrieved person, written report of precomplaint counseling efforts by the EEO Counselor, the complaint, the investigative file, written records of adjustment of complaint; written record of complaint withdrawal by complainant, Agency letter proposing disposition of the case, transcripts of hearing, Agency letter advising of final disposition of the case.

Authority for maintenance of the system: FPM Suppl. 990-1 (Part 713).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To record actions taken, with verifying statements, regarding employees' and employment applicants' complaints of discrimination. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

The principal users of this information outside the U.S. Information Agency are the Civil Service Commission and the Department of Justice.

The information may also be released to other Government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records in file folders.

Retrievability: Indexed by the individual's last name.

Safeguards: Records are stored in cabinets with bar locks. Except for copy of individual file provided to complainant and/or his or her representative, and copies furnished as needed to the office of the USIA General Counsel, and to officials of the Civil Service Commission and the Department of Justice, files are not removed from the EEO Office.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Assistant Director (USIA), Equal Opportunity, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Personal interviews, affidavits, USIA personnel and employment records and procedures, transcript of hearings, and related correspondence.

Systems exempted from certain provisions of the act: Certain records contained within this system of records may be exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See 22 CFR, Part 505.15 as published in the Federal Register on July 21, 1976 (41 FR 30029).

USIA—16

System name: Equal Employment Opportunity General Files—IEO—USIA.

System location: U.S. Information Agency, Office of Equal Employment Opportunity, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Employees of the Office of Equal Employment Opportunity; employees selected for employment and applicants for positions with USIA; significant women, minority group members, and specialists in the area of Equal Employment Opportunity.

Categories of records in the system: Copies of applications and resumes of women and minority group members seeking employment with USIA; biographical materials describing significant women, minority group members and specialists in the area of Equal Employment Opportunity who can be used as speakers, selection board members, and consultants; miscellaneous information about individual employees and job applicants involved in the USIA Equal Employment Opportunity Affirmative Action Plan; training requests, travel documents, and notices of personnel actions for employees of the Office of Equal Employment Opportunity.

Authority for maintenance of the system: FPM Supplement 990-1, Part 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To supply names of women and minority group candidates to USIA recruitment officers; determine effectiveness of Agency's female and minority recruitment programs; select significant Equal Employment Opportunity speakers, consultants, and selection board members; maintain records of significant personnel actions involving employees in the Office of Equal Employment Opportunity. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnnel of the U.S. Information Agency as may be required in the performance of their official duties.

This information is available upon request to the Civil Service Commisssion.

The information may also be released to other Government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records in file folders.

Retrievability: Indexed by individual name and types of activity; e.g., speaker's file, Affirmative Action Plan file, travel file.

Safeguards: Maintained in locked file cabinets.

Retention and disposal: Records maintained indefinitely.

System manager(s) and address: Assistant Director (USIA), Equal Employment Opportunity, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Correspondence; memos of conversation; Agency records of personnel actions; published biographical sources.

Systems exempted from certain provisions of the act: Certain records contained within this system of records may be exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See 22 CFR, Part 505.15 as published in the Federal Register on July 21, 1976 (41 FR 30029).

USIA—17

System name: Foreign Service Ranking and Promotion Files—IPT—USIA.

System location: U.S. Information Agency, Office of Personnel and Training, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Foreign service employees of the Agency.

Categories of records in the system: Personal data on foreign service employees, such as name, class, specialty code, position, foreign service ranking and findings of the selection boards on foreign service promotions.

Authority for maintenance of the system: Foreign Service Act of 1946, as amended, Sec. 611.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Preparation of promotion projections and foreign service information officer nominations lists; may be used by Agency's Equal Employment Opportunity Officer in the event of an employee grievance. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

The principal user of this information outside the U.S. Information Agency is the Director General of the Foreign Service, U.S. Department of State.

The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records in file folders.

Retrievability: Manually retrieved by individual name and class.

Safeguards: Maintained in locked file cabinets.

Retention and disposal: Maintained during period of employment with the Agency, records destroyed upon separation of the officer.

System manager(s) and address: Chief, Personnel Services Division, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director, (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Reports of Selection Boards on the review of pertinent promotion documentation such as officer evaluation; notifications of personnel actions; foreign service residency and dependency reports; notifications to officers of low ranking; materials submitted by officer on his or her own behalf.

USIA—18

System name: General Counsel's Congressional Correspondence—IGC—USIA

System location: U.S. Information Agency, Office of the General Counsel, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Current and former Members of Congress.

Categories of records in the system: Incoming and outgoing correspondence to Members of Congress, including requests for information and referral of job applicants by Members.

Authority for maintenance of the system: Federal Records Act of 1950, as amended, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference file for oversight of Congressional requests. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their duties.

Information in these records is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records in file folders.

Retrievability: Indexed alphabetically by individual name.

Safeguards: Maintained in bar-lock file cabinets.

Retention and disposal: Records are kept as long as the individual is a Member of Congress, or the files are of active interest. Thereafter the records are destroyed.

System manager(s) and address: General Counsel and Congressional Liaison, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Letters from Members of Congress and copies of responses generated by various Agency personnel.

USIA—19

System name: Legal Files—IGC—USIA

System location: U.S. Information Agency, Office of the General Counsel, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Individuals who have filed grievances or discrimination complaints; employees separated or considered for separation for cause; officers selected out; individuals taking legal action against the Agency or its employees; tort claimants and accident victims; employees and related persons for whom legislative action is sought; personal property loss claimants; employees and applicants raising legal issues concerning rights or benefits.

Categories of records in the system: Investigatory reports; litigation reports; pre-hearing and trial preparatory materials; evidence for discovery and submission to hearing officers or courts; pleadings, briefs, transcripts, decisions and other related documents.

Authority for maintenance of the system: The Federal Records Act as amended, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To represent the Agency in claims and other actions; to issue legal opinions or determinations on further Agency action. Also see Prefatory Statement of General Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

The principal users of this information outside the Agency are the Department of Justice, Department of State, Civil Service Commission, Foreign Service Grievance Board and the Employee Management Relations Committee.

Records contained in these files may be released to agencies outside the U.S. Information Agency who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records in file folders.

Retrievability: By the name of the individual, and the nature of the legal action.

Safeguards: Maintained in locked file cabinets.

Retention and disposal: Records may be retained indefinitely or disposed of when no longer useful or current.

System manager(s) and address: General Counsel, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Information provided by the individuals and their attorneys or representatives, and by employees of the Agency; information produced in the processing of a claim, grievance, legal action or issue.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(2) and (k)(5), all investigatory material in the record which meets the criteria of these subsections is exempted from the notice, access and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Agency regulations in order for the Agency's legal staff to properly perform its functions. See also 22 CFR Part 505.15 as published in the Federal Register on July 21, 1976 (41 FR 30029).

USIA—20

System name: Locator Cards-IOA/S—USIA

System location: U.S. Information Agency, Administrative Services Division, General Services Branch, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Past and present domestic employees of USIA.

Categories of records in the system: Locator card prepared for each domestic employee, containing the name, office location, telephone number, home address and telephone number of person to contact in case of emergency.

Authority for maintenance of the system: USIA's Manual of Operations and Administration, Part-II 495.2.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To assist USIA elements and others in locating employees; basic input source for telephone directory; also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Material maintained on index cards.

Retrievability: Filed alphabetically by name, sorted as to active and inactive.

Safeguards: Cards maintained in index card boxes which are locked in bar-lock cabinets after working hours.

Retention and disposal: Cards retained for one year after departure of employee and disposed of by shredding.

System manager(s) and address: Chief, General Services Branch, Office of Administration and Management, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: The individual on whom information is maintained.

USIA—21

System name: Master Employee Records—IPT—USIA

System location: U.S. Information Agency, Office of Personnel and Training, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547, and U.S. Information Agency 300 "C" Street, S.W., Washington, D.C. 20547. Computer records are maintained by the Finance and Data Management Division, U.S. Information Agency, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: All Domestic and Foreign Service employees of USIA.

Categories of records in the system: Data on employees' work experience, assignments, promotions, transfers, within-grade increases, personnel actions, ethnic origin, organizational unit, employee code numbers, pay plan, tenure code, sex, marital status, age, dependents, veterans preference, service computation date, commendations, evaluation of work performance, medical files, training, certificates, home address, next-of-kin and information related to security, clearances; work copies of performance evaluations accessible to rating officers (copies of which are maintained at various locations in the Agency under the control of rating officers).

Authority for maintenance of the system: E.O. 10561; FPM Chap. 291-93, 5 USC 13-2, 2951, 4118, 4308, 4506; FPM Chap. 713 Subch. 3; E.O. 14492; 44 USC 3101; FPM Chap. 732.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To prepare reports required by the Civil Service Commission, Congress and OMB; to assist personnel officers in flagging suspense actions such as expiration of LWOP, within-grade salary increase due date, etc.; used by Civil Service Commission and investigatory agencies to verify employment and employee statements on applications for employment with other agencies; investigation of discrimination complaints; statistical reporting to CSC on minority employment; control of personnel ceilings; movement dynamics and organizational structure as required by law; location of foreign service employees; to conduct security checks and updating security clearances; for preparation of employee performance rating. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

The principal users of this information outside the U.S. Information Agency are: The Department of State, the Civil Service Commission, Personnel offices in other government agencies as a result of a transfer or potential transfer of the individual to whom the record pertains, other agencies considering employees for detail purposes, the National Personnel Records Center upon separation of the employee, for record and credit checks, accredited investigation investigators.

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

Storage: Computer storage on discs and magnetic tape, computer reports, visual card file drawers, paper records in file folders.

Retrievability: By employee name, agency element, employee identification number, grade, class, tenure code, retirement code or other unique computer sorting capability.

Safeguards: Computer records are stored in tape files or internally in the computer and cannot be physically accessed except by authorized personnel; all other files are kept locked in metal file cabinets. Access controlled by "sign out" records. By law, minority codes and names of employees never appear together except to "Equal Employment Opportunity" officers. Computer access to EEO information controlled by written direction of Assistant Director (USIA) IEO.

Retention and disposal: Old computer reports destroyed by shredding when new listings are produced; computer tapes and discs are retained indefinitely; other records are retained until employee is separated, and disposed of by transfer to Civil Service Commission, other employing agency, Federal Records Center, or destruction as directed by internal agency regulations.

System manager(s) and address: Chief, Personnel Operations Division, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, room 719, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director, (USIA), Public Information, room 719, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: The employee himself or herself; employment applications; official personnel records; personnel action forms; personnel officers; administrative files; budget and personnel authorizations; employees' supervisors; USIA Office of Security; training officers and other officials involved in personnel management.

Systems exempted from certain provisions of the act: Certain records contained within this system of records may be exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f).

See 22 CFR Part 505.15 as published in the Federal Register on July 21a 1976 (41 FR 30029).

USIA—22

System name: Non-Official Personnel Files—USIA

System location: U.S. Information Agency, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

System location: U.S. Information Agency, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

System location: U.S. Information Agency, 1717 "H" Street, N.W., Washington, D.C. 20547.

System location: U.S. Information Agency, 601 "D" Street, N.W., Washington, D.C. 20547.

See Appendix I for details of offices located in Washington, D.C.

See Appendix II for the locations of Agency offices located outside of Washigton, D.C.

Categories of individuals covered by the system: Current employees and employees of other agencies detailed to USIA, and who are assigned to any of the following Agency elements:

Office of the Director
Office of Policy and Plans
Office of Research
Office of Equal Employment Opportunity
Office of Assistant Director (Public Information)
Office of the General Counsel
Office of Security
Office of the Assistant Director (Africa)
Office of the Assistant Director (East Asia and Pacific)
Office of the Assistant Director (Europe)
Office of the Assistant Director (Latin America)
Office of the Assistant Director (North Africa, Near East and South Asia)
Office of Administration and Management
Office of Personnel and Training
Office of the Assistant Director (Information Centers)
Office of the Assistant Director (Motion Pictures and Television)
Office of the Assistant Director (Press and Publications)

(Note: For Non-Official Personnel Records maintained by the Office of the Assistant Director (Broadcasting), see USIA—8, Employee Administrative Files—IBS—USIA).

Categories of records in the system: Job descriptions; personnel action forms; payroll change slips; service record cards; employee locator cards; letters of commendation and other correspondence; material related to employment, experience, training, special qualifications and skills; salary and leave records. (Note: the record material listed above may not be contained in the files of all Agency elements listed under "Categories of Individuals Covered by the System").

Authority for maintenance of the system: FPM-293-31, Subch. S-8; USIA's Manual of Operations and Administration. Part III—520.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To prepare requests for personnel action; to provide convenient access to information about employees, in view of the office's physical separaton from the Office of Personnel and Training, which maintains Official Personnel Files.

Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the Performance of their official duties.

Information in these files is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records in file folders.

Retrievability: Indexed by individual name.

Safeguards: Maintained in locked file cabinets.

Retention and disposal: When employee separates from the Agency, file is forwarded to the Office of Personnel and Training for screening and disposal.

System manager(s) and address: Chief, Secretariat Staff, Office of the Director, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Records Control Officer, Office of Policy and Plans, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Executive Officer, Office of Research, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Records Control Officer, Office of Equal Employment Opportunity, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Access to Information Officer, Office of Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Administrative Assistant, Office of the General Counsel, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Chief, Personnel Security Division, Office of Security, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Program Coordinator, Office of the Assistant Director (Africa), 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Program Coordinator, Office of the Assistant Director (East Asia and Pacific), 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Program Coordinator, Office of the Assistant Director (Europe), 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Program Coordinator, Office of the Assistant Director (Latin America), 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Program Coordinator, Office of the Assistant Director (North Africa, Near East and South Asia), 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Records Control Officer, Office of Administration and Management, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Records Control Officer, Office of Personnel and Training, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Records Control Officer, Office of the Assistant Director, Information Centers, 1717 "H" Street, N.W., Washington, D.C. 20547.

Executive Officer, Motion Picture and Television Service, Patrick Henry Building, 601 "D" Street, N.W., Washington, D.C. 20547.

Executive Officer, Press and Publications Service, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: From the individual concerned; copies of actions originated by the USIA Office of Personnel and Training; USIA Payroll Office; supervisors of employees on whom records are maintained.

USIA—23

System name: Overseas Personnel Files and Records—USIA

System location: The U.S. Information Agency maintains establishments overseas in 111 foreign countries which are designated as mission posts, branch posts, regional service centers, VOA relay stations, and media extensions. A current listing of names and addresses of overseas establishments is not considered practical for Privacy Act purposes, due to the fact that such a list would require frequent amendment. Changing of office locations, opening of new offices, closing of established offices and realignment of geographic areas have become practical realities in conducting the Agency's mission overseas. Individuals who feel that records pertaining to themselves are maintained at any one of our overseas locations may contact the Agency's Office of Public Information, room 719, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547. The Agency maintains an index of its records, including a current listing of overseas posts, which is available to the public as indicated in 22 CFR Ch. V, Rules for Implementing the Freedom of Information Act.

Categories of individuals covered by the system: Foreign Service employees of the U.S. Information Agency who are serving or have served at any of the Agency's overseas establishments.

Categories of records in the system: Personnel evaluation reports, travel orders, personnel action forms, payroll change forms, travel vouchers, residence and dependency reports, correspondence related to transfer of duty station or training assignments.

Authority for maintenance of the system: The Foreign Service Act of 1946.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Maintained for convenience due to separation from main office; for use by senior

USIA officers at overseas establishments in evaluating the performance of subordinate officers; for planning future staffing requirements; dates of reassignment of officers; entitlement to foreign service allowances; home address and next of kin in the United States in case of emergency; settlement of personal business after departure of employee from the overseas establishment. Also see Prefatory Statement of General Routine Uses.

Information in these files is available only to American foreign service employees on a need-to-know basis as may be required in the performance of their official duties.

The principal user of this information outside the U.S. Information Agency is the U.S. Department of State.

The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records in file folders.

Retrievability: By name of the individual.

Safeguards: Maintained in locked file cabinets.

Retention and disposal: Destroyed three years after employee's departure from the post. (Reference USIA's Manual of Operations and Administration, Part III, Exhibit 630A-3, Page 3).

System manager(s) and address: See "System Location" above.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: All documents contained in these records are duplicates of material originated by other elements of the U.S. Information Agency or, in some instances, by the Department of State.

USIA—24

System name: Personnel Security and Integrity Records—IOS—USIA

System location: Office of Security, Room 911, U.S. Information Agency, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: All persons currently or formerly employed or used under contract in the U.S.; all Americans currently or formerly employed or used under contract in other countries; some but not all foreign nationals currently or formerly employed or used under contract in other countries; former applicants who were not employed; persons whose services are or were otherwise utilized by a component of USIA, whether compensated or not; prospective spouses of USIA employees; and other persons who are significantly identified with persons whose services have at one time or another been utilized or considered by the Agency in one or more of the manners indicated herein. Names are also cross-indexed on persons not so identified but who are or were significantly involved in non-security related administrative inquiries conducted by the Security Office of USIA, such as malfeasance, nonfeasance, misfeasance, conflicts of interest, tort matters, equal employment opportunity inquiries and other administrative investigations conducted at the request of other elements of the Agency, and on persons of intelligence and counterintelligence interest whose names appeared in the press, or are contained in documents furnished by the FBI, CIA and other intelligence and counterintelligence agencies of the U.S. Government.

Categories of records in the system: Reports of Investigation conducted by the Security Office of USIA and by other government agencies, inter-office correspondence, relevant correspondence and memoranda originated by other elements of USIA, other federal agencies, other governmental entities (i.e., state and local authorities), corporate and private entities and by individuals. Additionally, records are maintained of security violations and consequent recommendations for disciplinary action. The system contains reports of briefings and debriefings of employees and other performing services for USIA at overseas posts and evaluative summaries of individual files. Not all files, however, contain all of the above elements.

Authority for maintenance of the system: The authority of the Office of Security to collect and maintain security data is based on Section 1001 of the United States Information and Education Exchange Act of 1948, 62 Stat. 13, 22 U.S.C. Section 1434, as amended, 66 Stat. 43, (1952), Reorganization Plan No. 8 of 1953, 67 Stat. 642, Executive Order 10477 of August 1, 1953 as amended, the Act of August 26, 1950 64 Stat. 476, 5 U.S.C.A. 3571, 7312, 7501, 7512 and 7532, Executive Order No. 10450 of April 27, 1953 as amended, and Executive Order 11652 of March 8, 1972.

The authority of the Office of Security to collect and maintain certain administrative data, as the investigative arm of the Agency, is based on 22 USC 1434; Foreign Service Act of 1946, Sec. 611; Reorganization Plan No. 8; Executive Order 10477; 5 USC Chap. 33.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Making security decisions on applicants for employment. In certain cases data in security files is used by the Personnel Office and the Foreign Service Board of Examiners to determine the qualifications and suitability of an applicant.

Making security decisions on Agency employees to determine whether previously granted security clearances may remain in effect.

Making advisory opinions on individuals used by the Agency in a limited or unlimited contractual manner or otherwise and granting exceptions to the Agency's regulations governing such usage under a delegation of authority from the Director.

Giving security certifications in writing or orally to other Security Offices of the Federal Government.

Making security decisions as to the advisibility of assigning employees to certain areas of the world or to certain positions within the Agency.

Making security decisions as to the advisibility of certain promotions as required by Agency regulations.

Making security decisions as to granting an employee a cryptographic clearance under regulations for such clearance enforced by the Department of State.

Making an advisory opinion as to the effect on an employee's security clearance of a marriage to a non-U.S. citizen.

Reviewing the files in certain cases of non-citizen employees of USIA abroad to determine whether they may be granted a security certification.

Reviewing the files of former Agency employees and applicants never employed to determine what investigative material must be returned to the Civil Service Commission as required by that Commission.

Forwarding the investigative material to certain designated employees of the Personnel Office and of other offices of USIA.

Advising duly authorized security officers of other agencies of significant security data in the file of an Agency employee or applicant.

Advising the Civil Service Commission that significant security or suitability data was developed during a pre-employment investigation of an applicant, or during an investigation of an Agency employee who left the Agency's employment prior to a final adjudication of the case.

To determine whether the Office of Security has previous record of individuals or organizations of interest to the Agency as potential employees, contractors or in some non-compensated activity, or previous record of individuals or organizations becoming of interest as the result of significant identification with persons or organizations of current interest to the Agency.

To determine what investigation might be required in the processing of individuals or organizations of interest to the Agency as potential employees or contractors, or in non-compensated use.

To determine specific areas of inquiry by Agents of the Office of Security or agents of other federal agencies acting in our behalf, engaged in the various types of security/suitability investigations conducted by the office, i.e., applicant interviews, applicant update investigations, employee investigations, administrative inquiries, debriefings and employee interviews.

To determine whether periodic updating of employee security clearances are required and further determine the appropriate scope of update investigations.

To assist in determining the extent to which allegations against employees or applicants should be investigated.

Review of IOS investigative material by authorized representatives of other U.S. Government agencies having security or suitability interests.

Furnish to the Department of Justice information indicating possible violation of criminal laws.

Review for research projects originating from within and outside IOS, i.e., surveys of exhibit guide debriefings, and statistical surveys regarding the conduct of various types of investigations and the results thereof.

To determine whether debriefings are indicated.

To furnish biographical data to other elements of the agency.

To furnish data, to the extent necessary to identify the individual adequately, to any other record custodian in order to obtain information relevant to a legitimate investigative or intelligence interest of the U.S. Information Agency.

To provide guidance for employees having had and anticipating contacts with certain foreign nationals.

To assess recommendations for disciplinary action based on violations of security regulations.

Also see Prefatory Statement of General Routine Uses.

Individual files are used by the Assistant Director (Security) as reference in contacts and correspondence with USIA Director, Deputy Director, General Counsel, Assistant Directors and other USIA personnel when necessary to resolve specific personnel security matters. In addition, files are also used by him in correspondence and contacts with other government agency officials when necessary to inform them of information available in USIA Office of Security files.

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

Storage: Various written-entry document forms.

Retrievability: Indexed by serial file number through card index by name.

Safeguards: Persons having access are security-cleared and must establish a "need-to-know" the information under routine use policies and practices established by Statute, Executive Order, and Agency Regulation. When not in personal custody, files are stored in combination-locked containers or intrusion alarmed area.

Retention and disposal: Records are retained indefinitely, with CSC investigative reports returned to that agency and the balance of records sent to archival storage when no longer active.

System manager(s) and address: Assistant Director (Security), U.S. Information Agency, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (Public Information) U.S. Information Agency, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (Public Information) U.S. Information Agency, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Biographic and personal history information furnished voluntarily by applicants and employees.

Reports of Investigation conducted by the Civil Service Commission, the Federal Bureau of Investigation, the Department of State and other government investigative agencies.

Reports of Investigation conducted by the Office of Security, USIA.

Investigative sources include information furnished by the subject of the investigation during personal interviews, record checks at other government agencies, records of professional organizations, real estate and rental agencies, baptismal records, police and credit records, interviews of former and present employers, supervisors, references, teachers, neighbors and other acquaintances. Educational and medical records are also checked when appropriate.

Intelligence reports relating to USIA interests which are furnished by other Federal agencies.

Various public records and indices such as those produced by committees of Congress.

Information furnished by employees of USIA, employees of other Government agencies, nongovernmental entities or members of the public at large who occasionally furnish information to USIA in the interests of national security or the integrity of the Federal service.

Systems exempted from certain provisions of the act: Certain records contained within this system of records may be exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See 22 CFR, Part 505.15 as published in the Federal Register on July 21, 1976 (41 FR 30029).

USIA—25

System name: Press Service Contributors—IPS—USIA.

System location: U.S. information Agency, Press and Publication Service, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Free-lance writers, photographers and artists who are available to USIA on an intermittent, fixed-fee basis to perform services for the Agency outside of Washington, D.C.; authors of newspaper and magazine articles.

Categories of records in the system: Copies of purchase orders issued to contributors; biographic data on contributors, including addresses, phone numbers, type of security clearances, specialities, foreign languages; data on number of times contributors have been used and fees paid for services; cross-indexed records, by author, of newspaper and magazine articles for which reprint/translation rights have been obtained covering republication by USIA/USIS and/or the local press outside the United States.

Authority for maintenance of the system: IAPR—191.103 issued under authority of 5 U.S.C., Chap. 3 and Federal Property and Administrative Services Act of 1949 (P.L. 152, 81st Congress) as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference material used to select writers, artists and/or photographers, as required, to provide coverage of newsworthy events, such as, interviews with foreign visitors and students, and coverage of conferences outside of Washington, D.C.; also used to determine the type of security clearance held by contributor before granting an assignment; used to check on completion of assignment before payment for services is approved; for office reference in identifying articles, locating authors, checking the extent of rights previously obtained and for use in the Agency's Overseas Information Program. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

Information in these files is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other Government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Purchase order paper records in file folders. Biographic data is kept on 3x5 cards.

Retrievability: By name and geographic location of the contribution; author files maintained alphabetically by name.

Safeguards: Maintained in locked file cabinets.

Retention and disposal: Purchase orders retained for 2 years and then destroyed. Biographic data retained until contributor is no longer available, has died or moved; author index retained indefinitely.

System manager(s) and address: Executive Office, Press and Publications Service, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Referrals by city editors of local newspapers; other free-lance contributors; biographic data provided by individual concerned; data on authors obtained from the newspaper or magazine article in which the original article appeared, from the author directly or from standard references such as "Who's Who" and "Editor and Publisher."

USIA—26

System name: Press Service Photographer File—IPS—USIA.

System location: U.S. Information Agency, Press and Publications Service; 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Free-lance photographers and picture agents; prominent Americans.

Categories of records in the system: Personal data on free-lance photographers such as name, address, telephone number, price charged for services, specialties, availability of rights, previous USIA assignments, evaluations of photographer's work; photographs of prominent Americans.

Authority for maintenance of the system: IAPR—191.103 issued under authority of 5 U.S.C., Chap. 3 and the Federal Property and Administrative Services Act of 1949 (P.L. 152, 81st Congress), as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To acquire existing pictures; to select photographers for specific assignments; for general photo research; for use in the Agency's Overseas Information Program. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

Information in these files is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Card file and paper records in file folders; mounted and unmounted prints; 3 x 5 index cards and 35 mm and 4 x 5 transparencies

Retrievability: By name of the individual concerned.

Safeguards: Maintained in locked file cabinets.

Retention and disposal: Paper records on photographers are maintained indefinitely, or until individual is no longer available for assignment; picture files retained indefinitely or until no longer useful; outdated pictures retired to Federal Records Center.

System manager(s) and address: Executive Office, Press and Publication Service, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: From the individuals concerned; from publications, photo agencies, and photographer associations; photos taken by USIA photographers or obtained from various news services.

USIA—27

System name: Printout of Minority Group Designator (MGD) Data System—IEO—USIA.

System location: U.S. Information Agency, Office of Equal Employment Opportunity, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: All current employees of USIA.

Categories of records in the system: Computer printout containing names of all USIA employees identified by name, sex, race, national origin, age, grade, and wage scale.

Authority for maintenance of the system: Draft FPM 713, and Public Law 93-571, 5 U.S.C. 552 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To compile statistical records of minority and female employment and promotion within the Agency; for inclusion in Agency's Equal Employment Opportunity Affirmative Action Plan; for determinations in complaints of discrimination.

Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

Information in these records is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other government agencies who have statutory or other lawful authority to maintain such information.

The principal user of this information outside the U.S. Information Agency is the Civil Service Commission.

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

Storage: Paper records in file folders (computer reports).

Retrievability: By name, sex, race, national origin, age, grade, and wage scale.

Safeguards: Maintained in locked file cabinets.

Retention and disposal: Records maintained indefinitely.

System manager(s) and address: Assistant Director (USIA), Equal Employment Opportunity, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: From the employee concerned; USIA personnel data; visual inspection of the employee.

USIA—28

System name: Recruitment, Contractor and Vendor File-IOR-USIA

System location: U.S. Information Agency, Office of Research, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Job applicants; prospective contractors or vendors (or principals of firms); and any other individuals from whom services (whether compensated or not) may be formally solicited by the Office of Research.

Categories of records in the system: Resumes, employment inquiries and related correspondence; records on the security clearance status of prospective contractors or vendors.

Authority for maintenance of the system: USIA's Manual of Operations and Administration, Part VIII; Federal Records Act, 44 USC 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To review qualifications of candidates for employment; to comply with security regulations in procurement actions or when soliciting services from outsiders. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

This information is not normally available to individuals or agencies outside the U.S. Information Agency, but it may be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records maintained in file folders.

Retrievability: Indexed alphabetically by the name of the individual.

Safeguards: Files are kept in bar-lock file cabinets.

Retention and disposal: Security clearance status records on contractors and vendors maintained indefinitely; employment applications and inquiries are retained for two years or as long as there is an interest or prospect of employment of the individual, at which time, records are disposed of in accordance with internal disposal requirements.

System manager(s) and address: Executive Officer, Office of Researh, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave.e N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: From the individuals concerned and from USIA's Office of Security.

USIA—29

System name: Recruitment Records-IGC-USIA

System location: U.S. Information Agency, Office of the General Counsel, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Applicants for legal and summer intern positions.

Categories of records in the system: Inquiries from attorneys and law students seeking employment with the Office of the General Counsel, resumes and responses to inquiries.

Authority for maintenance of the system: Federal Records Act of 1950, as amended, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For reference and screening of candidates for vacancies on the Agency's legal staff. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

Information in these records is not normally made available to individuals or agencies outside the U.S. Information Agency, but records may be released to other lawful authority to maintain such information.

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

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Maintained in locked file cabinets.

Retention and disposal: Records are kept one year and then destroyed by shredding.

System manager(s) and address: Administrative Assistant, Office of the General Counsel, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Unsolicited inquiries and job applications received from individuals who are seeking employment with USIA's legal staff.

USIA—30

System name: Recruitment Records-IPT-USIA

System location: U.S. Information Agency, Office of Personnel & Training, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547, and 300 "C" Street, S.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Applicants for foreign service or domestic employment; applicants for personnel or management intern positions; employees hired under the worker-trainee program; individuals certified by the Civil Service Commission for appointment consideration.

Categories of records in the system: Employment application forms; resumes and replies to employment inquiries; personnel security data forms; results of written examinations; notes on interviews by selection panels; records on availability of job applicants; CSC employment certificates.

Authority for maintenance of the system: 44 USC 3101; FPM 333 Subch. 1-1, FPM Chap. 713, FPM Bulletin 713-31, FPM 332, Appendix B, FPM Chap. 731, FPM Chap. 732.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for recruitment and evaluating employment applicants; to determine Agency employment needs; evaluation of minority hiring practices; selection of candidates for intern and other programs; evaluation of progress of employees on worker-trainee programs; monitor status of pre-employment security investigation. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

The principal users of this information outside the U.S. Information Agency are: the Civil Service Commission; the Director General of the Foreign Service; U.S. Department of State; accredited investigators.

The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records in file folders.

Retrievability: By name of the individual.

Safeguards: Maintained in locked file cabinets.

Retention and disposal: Records of successful employment candidates transferred to official personnel folder; records of unsuccessful candidates destroyed; CSC certificates retained indefinitely; security files destroyed after candidate is given security clearance; other records retained indefinitely or disposed of in accordance with Agency's internal regulations.

System manager(s) and address: Chief, Personnel Operations Divisions, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Employment applicants; college transcripts and other recruitment sources; test scores provided by testing Agency; notes prepared by selection panels; the Civil Service Commission; USIA Office of Security.

Systems exempted from certain provisions of the act: Certain records contained within this system of records may be exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See 22 CFR Part 505.15 as published in the Federal Register on July 21, 1976 (41 FR 30029).

USIA—31

System name: Senior Officer and Prominent Employee Information Files I/R-USIA

System location: U.S. Information Agency, Office of Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Leaders of the U.S. Information Agency and other prominent employees.

Categories of records in the system: Photographs, biographic data sheets and past press releases.

Authority for maintenance of the system: The Federal Records Act, 44 USC 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For responding to press inquiries and in the preparation of Agency press releases concerning leaders of the U.S. Information Agency and prominent employees. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

While this information is generally available to the public upon request, it may also be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records and photographs in file folders.

Retrievability: By name of the individual employee.

Safeguards: Maintained in locked file cabinets.

Retention and disposal: Records are disposed of upon separation of the employee.

System manager(s) and address: Deputy Assistant Director, Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: The Department of State's Biographic Register; from the individual concerned; copies of press releases concerning the individual.

USIA—32

System name: Senior Officer Files—IPT—USIA

System location: U.S. Information Agency, Office of Personnel and Training, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Employees in grades GS—14, 15, 16, 17, 18 and foreign service officer class equivalents (FSIO, FSR, FSLR—1, 2, 3.2)

Categories of records in the system: Biographical, professional and experience information on employees nominated for senior level positions, position descriptions and position evaluations.

Authority for maintenance of the system: FPM 305, Supp. 305—1, FPM—300 subch. 3.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference material for the Director's staff, element heads and personnel officers; placement of high level employees in proper management positions and to insure their consideration for vacancies government-wide; used by personnel officers for personnel management functions; requested from time to time by CSC, OMB, and Congress for position control of supergrade employees. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

The principal users of this information outside the U.S. Information Agency are: the Civil Service Commission; the Office of Management and Budget; the Congress; personnel officers in other government agencies as a result of a transfer or potential transfer of the individual to whom the records pertain.

The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records in file folders.

Retrievability: By name and grade of individual, or combinations of name and grade.

Safeguards: Maintained in locked file cabinets.

Retention and disposal: Records maintained indefinitely, or until employee is separated, at which time pertinent information is filed in the official pesonnel folder; all other material is destroyed as provided in Agency internal regulations.

System manager(s) and address: Chief, Personnel Operations Divison, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Informatin, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director, (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Official Personnel Folders; from the employee; element heads; position classifiers.

USIA—33

System name: Speaker File—IAA—USIA

System location: Office of the Assistant Director (Africa), U.S. Information Agency, room 519, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Artists and Speakers considered qualified to conduct programs at USIA's oversea posts in sub—Sahara Africa.

Categories of records in the system: Biographic data on speakers and artists; evaluation of reports of past service; itineraries.

Authority for maintenance of the system: The Federal Records Act, 44 USC 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide basic personnel and program information in order to arrange regional schedules for speakers and artists. Also see Prefatory schedules for speakers and artists. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties. Information in these records is not normally made available to individuals or agencies outside USIA, but records may be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records in file folders.

Retrievability: By the name of the individual concerned.

Safeguards: Maintained in locked file cabinets.

Retention and disposal: Records are held as long as the individual is a prosective speaker or artist.

System manager(s) and address: Regional Cultural Affairs Officer, Office of the Assistant Director (Africa), U.S. Information Agency, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director, (USIA), Public Information 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Originated through correspondence with speakers and correspondence with individual USIA posts overseas.

USIA—34

System name: Speaker File—IEA—USIA

System location: U.S. Information Agency, Office of the Assistant Director, East Asia and Pacific, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Prospective individual and actual speakers at USIA overseas posts in the East Asia and Pacific geographic area. Speakers may include STAGS, volunteers, U.S. Government officials, and others.

Categories of records in the system: Biographic data on prospective speakers, including lists of topics, dates of previous service to USIA, travel vouchers processed, amounts charged Agency and method of payment, and in some cases, evaluations of speakers by overseas posts.

Authority for maintenance of the system: Federal Records Act, 44 USC 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Biographic data and evaluations of speakers and their suitability to engage in Agency programs. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

The principal user of this information outside the U.S. Information Agency is the U.S. Department of State.

The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records in file folders.

Retrievability: Indexed by name of the individual.

Safeguards: Maintained in locked file cabinets, available only to authorized persons.

Retention and disposal: Retained as long as the speaker has topicality for area programs. Records are destroyed thereafter in accordance with Agency's internal records retirement procedures.

System manager(s) and address: Program Coordinator, Office of the Assistant Director, East Asia and Pacific, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA) Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Originated through correspondence with speakers and correspondence with individual USIA posts overseas.

USIA—35

System name: Speaker Name Files—ICS—USIA

System location: U.S. Information Agency, 1717 "H" Street, N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: American specialists and experts in a variety of fields who have participated or been considered for participation in the Volunteer Speakers Program.

Categories of records in the system: A typical file contains the following information on or about speakers and prospective speakers in the Volunteer Speakers Program administered by the U.S. Informaton Agency; Biographic data including education and professional experience, correspondence between the speaker and ICS and communications between the Agency and its overseas posts regarding the speaker's participation in the program. Many of these files also include the results of requests for security information from the Office of Security, USIA.

Authority for maintenance of the system: Executive Order No. 11034 and Executive Order 11034 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Speakers files are used routinely by program development officers, program assistants and clerical personnel in the daily conduct of the speaker program. They are occasionally consulted by other Agency personnel for such purposes as preparing advance publicity on speakers who will lecture abroad under USIS auspices. Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

Information in these files is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: The files are stored in individual folders by name and consist of the types of information specified under "Category of Record."

Retrievability: File folders are indexed alphabetically by name and filed under five major subjects: Arts and Humanities, Economics, International Political and Security Affairs, Political and Social Processes, and Science and Technology.

Safeguards: The files are kept in locked file cabinets and, when open during office hours, are always tended by one or more employees. Only appropriate personnel are normally allowed to consult these files routinely. Other Agency personnel wishing to consult them are asked to identify themselves. U.S. government personnel other than USIA very rarely seek access to these files. When they do, they are asked to produce specific identification.

Retention and disposal: These records are normally maintained for approximately 3 years. Afterward, they are retired to the USIA archives for a period of from 5-7 years.

System manager(s) and address: Speaker Coordinator, U.S. Information Agency, 1717 "H" Street, N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Without significant exceptions, the information on individuals maintained in these files has come from the individual concerned or, occasionally, from others at the request of that individual.

USIA—36

System name: Advisory, Referral and Counseling Records—IPT—USIA.

System location: U.S. Information Agency, Office of Personnel and Training, Employee-Management Relations Division, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Employees with serious, job-related or medical problems such as alcoholism, drug abuse or behavioral problems.

Categories of records in the system: Confidential statements relating to specific problems.

Authority for maintenance of the system: Public Law 91-616, Sec. 201 (Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970); Public Law 92-255, Sec. 413 (Drug Abuse Treatment Act of 1972).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used on occasion to provide necessary background to medical personnel to arrange for medical examinations or treatment of employees. The program is a confidential resource within the Agency available voluntarily to employees for assistance with personal or job-related problems. Employees are advised of rights, obligations as well as benefits available; referrals of employees to professional resources within the Government and in the community; continuing on-the-job counseling is available.

Also see Prefatory Statement of General Routine Uses.

Without the express written consent of the employee, this information is not available to other personnel of the U.S. Information Agency. The only user of this information outside the U.S. Information Agency is the Department of State, Deputy Assistant Secretary for Medical Services, with the employee's consent.

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

Storage: Paper records in file folders.

Retrievability: By the employee's name.

Safeguards: Records are maintained in a combination bar-lock cabinet at all time, accessible only to the Advisory, Referral and Counseling Officer.

Retention and disposal: Records retained as long as individual is an employee of the Agency; file destroyed by shredding when employee is separated, or when incumbent counselor is separated from the Agency; exceptions to rules for retention can be made only with the concerned employee's specific approval.

System manager(s) and address: Advisory, Referral and Counseling Officer, Office of Personnel and Training, 1776 Pennsylvania, Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Principally from the individual concerned; background information provided by the person who initiates referral of the employee, such as supervisors or medical personnel.

USIA—37

System name: Book Adaptation Files—ICA—USIA

System location: U.S. Information Agency, Information Center Service, 1717, "H" Street, N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Authors of books selected for inclusion in the Current Thought Series and the Ladder Series; contractual adapters of books.

Categories of records in the system: Correspondence with authors; rights agreements for use of books; USIA book appraisals and reviews; biographic data on authors; correspondence with and biographic data and namecheck forms on adapters; correspondence with contracting agency concerning contractual arrangements with adapters, qualifying tests and sample material submitted by adapters.

Authority for maintenance of the system: Executive Order 11034, as amended, Public Law 87-256, Mutual Educational and Cultural Exchange Act of 1961.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference material for determination of suitability of books for use in the Agency's Current Thought Series and Ladder Series; to arrange for clearances to use books in Agency programs; for the selection of adapters who can adapt books for use by foreign nationals; final clearance of adaptation by authors of books.

Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

Information in these records is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Card records and paper records in file folders.

Retrievability: By individual name, by date of assignment, or both.

Safeguards: Maintained in bar-lock file cabinets.

Retention and disposal: Biographic data and personnel statistical data subject to update periodically; old records destroyed by shredding when no longer needed.

System manager(s) and address: Chief, Foreign Service Personnel Office, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20457.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Officer Evaluation Reports; official administrative file (OPP); records of interviews and correspondence with officers; minutes of meetings held to discuss assignment of Foreign Service Officers by the career management staff.

USIA-38

System name: Career Counseling Records—IPT—USIA

System location: U.S. Information Agency, Office of Personnel and Training, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: All foreign service officers of the Agency.

Categories of records in the system: Computer listing of work experience and biographic data; assignment history data; education data; position data; grade; title; post of assignment; date of employment with USIA; dependents, proposed position detail to "pipeline" complement; roster of personnel available for domestic assignments; notes of personnel discussions between counselors and individual clients on preferences and other factors bearing on assignments.

Authority for maintenance of the system: The Foreign Service Act of 1946 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by career counselors and personnel officers for assignment and rotation of Agency foreign service officers, within USIA or to other federal agencies to which assignment of detail may be made.

Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Card records and paper records in file folders.

Retrievability: By individual name, by date of assignment, or both.

Safeguards: Maintained in bar-lock file cabinets.

Retention and disposal: Biographic data and personnel statistical data subject to update periodically; old records destroyed by shredding when no longer needed.

System manager(s) and address: Chief, Foreign Service Personnel Office, 1776 Pennsylvania Avenue, N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Avenue, N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Officer Evaluation Reports; official administrative file (OPP); records of interviews and correspondence with officers; minutes of meeting held to discuss assignment of Foreign Service officers by the career management staff.

USIA—39

System name: Employee Parking—USIA

System location: U.S. Information Agency, Office of Administration and Management, General Services Branch, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

U.S. Information Agency, Broadcasting Service, "Voice of America," 330 Independence Ave., S.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Agency employees assigned USIA controlled parking spaces; employees awaiting assignment of vacated parking spaces.

Categories of records in the system: Names, office locations and telephone numbers of employees assigned parking space; participants in car-pools; records of payments for parking space use; records on employees with physical handicaps and doctors or others to contact in case of emergency; waiting list of employees desiring assignment of official parking space.

Authority for maintenance of the system: General Services Administration Regulations dated February 6, 1974, prescribing regulations regarding the use of federally controlled parking spaces.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Assignment of parking space to Agency executives; to assure fairness in the assignment of parking space to employees and to give priority to the handicapped and to car-pools; to assure timely payment of fees for parking space.

Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information.

The principal user of this information outside the U.S. Information Agency is the General Services Administration.

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

Storage: Paper records maintained in file folders.

Retrievability: By name of the employee.

Safeguards: Maintained in bar-lock cabinets.

Retention and disposal: Records destroyed when employee relinquishes assigned parking space or is separated from the Agency.

System manager(s) and address: Executive Officer, Broadcasting Service, "Voice of America," HEW-N Bldg., 330 Independence Ave., N.W., Washington, D.C. 20547.

Chief, General Services Branch, 1776 Pennsylvania Ave., S.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: All information obtained from individuals concerned.

USIA—40

System name: Employment Requests—IPT—USIA

System location: U.S. Information Agency, Office of Personnel and Training, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Individuals seeking employment with the Agency.

Categories of records in the system: Letters, memos, resumes, recommendations, biographic data and referrals submitted to the Assistant Director, Personnel and Training, for the purpose of soliciting consideration for employment with the Agency.

Authority for maintenance of the system: The Federal Records Act, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To answer inquiries from Members of Congress regarding employment opportunities for constituents; referrals to Agency elements for qualification evaluations.

Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

Information in these records is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records in file folders.

Retrievability: By name of the individual.

Safeguards: Maintained in bar-lock file cabinets.

Retention and disposal: Records retained until no longer useful, or until after 5 years from date of submission, whichever is first. Records are destroyed by shredding.

System manager(s) and address: Assistant Director, Personnel and Training, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Unsolicited information submitted to the Agency by individuals seeking information on employment possibilities.

USIA—41

System name: Exhibit Guide Training File—ICS—USIA.

System location: U.S. Information Agency, Information Center Service, 1717 "H" Street, N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Translators and various instructors hired periodically by the Information Center Service to train Exhibit Guides before assignment overseas.

Categories of records in the system: Biographic data, security name-check forms, history of assignments with the Agency, and routine correspondence.

Authority for maintenance of the system: Executive Order 11034, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A ready reference file for locating specialists and translators, evaluating their qualifications and determining their availability to train individuals hired by the Agency for overseas assignments as Exhibit Guides.

Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

Information in these records is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other government agencies who have statutory or other lawful authority to maintain such information.

Storage: Paper records in file folders.

Retrievability: By name of the individual.

Safeguards: Records maintained in bar-lock cabinets, available only to authorized personnel.

Retention and disposal: Records kept as long as person is of employment interest and/or employed. Files are destroyed by burning when no longer needed.

System manager(s) and address: Records Control Officer, Exhibits Development and Production Division, U.S. Information Agency, 1717 H Street, N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register..

Record source categories: Information included in these records is submitted or authorized by the individual concerned and is available for his or her review.

USIA—42

System name: Exhibit Specialist Grantees—ICS—USIA.

System location: U.S. Information Agency, Information Center Services, 1717 H Street, N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Private individuals under grant or contractual agreement with the Agency, or Government employees on temporary duty assignments with USIA, to provide services to Agency exhibits as expert specialists, usually involving overseas travel.

Categories of records in the system: Name, address, itinerary of travel, description of services, records of security clearance and of grants or orders, resume of career and list of publications, correspondence, informal evaluations of performance as an exhibit specialists, photographs, publications by the concerned individuals.

Authority for maintenance of the system: Executive Order 11034, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for the purpose of selecting specialists in various fields to assist in the design of exhibits for use overseas; as consultants during fabrication of exhibits; to assist USIA personnel overseas to construct exhibits.

Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

Information in these records is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other Government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records in file folders.

Retrievability: By show name, the word "specialist," followed by individual's name.

Safeguards: Maintained in bar-lock file cabinets.

Retention and disposal: Records kept as long as individual is of employment interest and/or employed. Files are destroyed by burning when no longer needed.

System manager(s) and address: Records Control Officer, Information Center Service, U.S. Information Agency, 1717 H Street, N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Information included in records was either submitted or authorized by the individual concerned, or was available from public sources, such as book reviews or material printed in various publications; National Agency namecheck infomation is obtained through the Agency's Office of Security.

USIA—43

System name: Foreign Service Locator File—IPT—USIA.

System location: U.S. Information Agency, Office of Personnel and Training, Employee Relations and Retirement Branch, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: All Agency foreign service employees.

Categories of records in the system: For foreign service employees: employees' present place of assignment overseas, position held, home address, address of next-of-kin, employee's personal bank.

Authority for maintenance of the system: The Federal Records Act, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by USIA officials to locate a Foreign Service employee; salary deposits; informing next-of-kin.

Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

Information in these records is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other Government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: information maintained on 5x8 index cards.

Retrievability: By the officer's name.

Safeguards: Records are under surveillance by authorized employees during working hours, and by security guards after official working hours.

Retention and disposal: Locator information is constantly changing, thus not a permanent record; locator card is removed from the file when the officer is separated from the Agency.

System manager(s) and address: Chief, Employee Relations and Retirement Branch, Office of Personnel and Training, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: From the officer concerned; copies of Personnel Action Forms (SF-50); travel memos.

USIA—44

System name: Information Center Service Contractors and Grantees—ICS—USIA

System location: U.S. Information Agency, Information Center Service, 1717 "H" Street, N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Private individuals who are under grant or contractual agreement with the Agency's Information Center Service to provide goods or services required in conducting cultural programs.

Categories of records in the system: Name, address, itinerary of travel, goods and/or services to be provided to the Information Center Service under grant, contract or purchase order grant; records of payments for services rendered or goods delivered.

Authority for maintenance of the system: Executive Order 110477 of August 1, 1953; Executive Order 10822 of May 20, 1953, implementing Section 2(d) of the Reorganization Plan No. 8 of 1953.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Files are used by the Budget Office and the Executive Office staffs of the Agency's Information Center Service as reference material to assure proper expenditure of Agency funds, to monitor the completion of grant or contractual arrangements, and to assure proper payment for goods delivered or services rendered.

Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

Information in these records is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records maintained in file folders.

Retrievability: By document number cross-referenced by a name card file.

Safeguards: Maintained in bar-lock file cabinets.

Retention and disposal: Records of transactions over 10,000 dollars retained for six years, then sent to the Federal Records Center. For transactions under 10,000 dollars, records retained for three years, then sent to Federal Records Center.

System manager(s) and address: Budget Officer, Information Center Service, 1717 "H" Street, N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: From the individual concerned; copies of contracts and grants; travel authorizations provided by Agency Transportation Branch; copies of invoices for payment.

USIA—45

System name: Mailing Lists—IOA/SS—USIA

System location: U.S. Information Agency, Office of Administration and Management, Reproduction and Special Services Branch, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: USIA domestic and Foreign Service officers; radio station managers, personalities and technicians; foreign correspondents; American and foreign diplomats; librarians; scholars; Members of Congress; information counselors of other Federal agencies and the military; officers of international organizations; American journalists; newspaper and magazine editors and publishers; public relations officers; musicians; historians.

Categories of records in the system: Records contain name, address, occupation, title and profession of individuals who need to have access to, or have requested information concerning: Agency publications, news pictures, reports on current issues and other reports; messages for overseas distribution; press releases; USIA Manual of Operations and Administration; adaptations and conden-

sations; current events picture packs; FYI kits; VOA frequency schedule; standsby officer lists; special packets; Music USA packets; VOA program highlights.

Authority for maintenance of the system: Public Law 402.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Mailing lists are used by Agency elements to distribute printed materials to Agency personnel who need access to such information in the performance of their duties, and to members of the public listed under Categories of Individuals covered by the system as shown above who have requested such information, or who have a professional need and interest in acquiring such information.

Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

Information in these records is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Addressograph plates filed in special drawers.

Retrievability: By code number of the distribution list and the subject matter of the printed material, and then by name arranged alphabetically.

Safeguards: Maintained in locked cabinets when not in use.

Retention and disposal: Plates are updated frequently, with old plates removed from the system and destroyed.

System manager(s) and address: Chief, Reproduction and Special Services Branch, U.S. Information Agency, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: From the individual concerned and from public documents such as Congressional and professional directories and journals.

USIA—46

System name: Officer Assignment Requests—IPT—USIA

System location: U.S. Information Agency, Office of Personnel and Training, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Agency officers who have written or spoken to the Assistant Director, Office of Personnel and Training, regarding assignment preferences or problems.

Categories of records in the system: Letters, memos, and occasionally biographic data submitted by the individual seeking particular assignments; written answers to specific requests.

Authority for maintenance of the system: The Federal Records Act, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used exclusively by the Assistant Director and the Deputy Assistant Director, Office of Personnel and Training, for discussion of officer assignments and officer career interests.

Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

Information in these records is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper Records in file folders.

Retrievability: By the name of the individual.

Safeguards: Maintained in metal bar-lock file cabinets.

Retention and disposal: Usually retained until officer is assigned or for longer period depending upon the assignment actions; destroyed when no longer needed.

System manager(s) and address: Assistant Director, Office of Personnel and Training, U.S. Information Agency, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: From the officer requesting assignment consultation, replies of the Assistant Director, Office of Personnel and Training, to such requests.

USIA—47

System name: Official Travel Records—IOA/ST—USIA

System location: U.S. Information Agency, Office of Administration and Management, Transportation Branch, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Past and present USIA employees and private citizens who have traveled under Agency auspices.

Categories of records in the system: Travel authorizations, documents related to shipment and storage of personal effects and automobiles, worksheets on itineraries and correspondence related to the above. Records of active passports and passports issued. Records of temporary duty travel. Location and cost of storage of personal effects.

Authority for maintenance of the system: Supplemental Appropriations Act of 1955, Public Law 663, Section 1311 (83d Congress) (31 U.S.C. 200); Section 3679 of the Revised Statutes, as amended, Antideficiency Act (31 U.S.C. 665).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as reference material by the staff of the Agency's Transportation Branch, and as authorization for issuance of transportation requests, travel advances, and passports; for payment to carriers for transportation of travelers and their personal effects; for payment to storage and transfer companies for the packing and storage of household effects.

Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

Information in these records is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records maintained in file folders and in index boxes.

Retrievability: Indexed alphabetically by name.

Safeguards: Passports and related material such as correspondence and messages are kept in bar-lock cabinets. Other records are kept in unlocked cabinets which are under surveillance of authorized employees during the working day, and by security guards after official working hours.

Retention and disposal: Temporary duty travel authorizations are maintained for four years and then sent to a Federal records center. All other records are retained indefinitely, or until after an employee has been separated from the Agency for six months.

System manager(s) and address: Chief, Transportation Branch, U.S. Information Agency, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Travel request forms initiated by various Agency elements; information regarding personal and household effects obtained from the traveler and from carriers; passport information received from the Department of State's Passport Office.

USIA—48

System name: Photographers and Photographs for Exhibits Use—ICS—USIA

System location: U.S. Information Agency, Exhibits Division, 1717 H Street, N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Names and addresses of photographers hired by the Information Center Service to provide photographs suitable for use in the Agency's overseas Exhibits Program; collection of photographs for possible use in Exhibits programs with the names and addresses of the individuals holding copyrights.

Categories of records in the system: Correspondence with individuals concerning employment with the Information Center Service to perform photographic services; personal data on photographers such as name, address, telephone number, price charged for services, specialties, availability of rights, previous USIA assignments, evaluation of photographer's work; names and addresses of persons owning rights to photographic work considered suitable for overseas exhibits.

Authority for maintenance of the system: Executive Order 11034, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To acquire existing pictures; to select photographers for specific assignments; for general photo research; for use in the Agency's Exhibits Program.

Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

Information in these records is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records and photographs maintained in file folders.

Retrievability: By name of the individual.

Safeguards: Maintained in combination bar-lock cabinets.

Retention and disposal: Records kept as long as person's photographs are of interest for use in particular exhibits. Files are destroyed by burning when no longer useful.

System manager(s) and address: Records Control Officer, Exhibits Division, U.S. Information Agency, 1717 H Street, N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Information included in records is provided or authorized by the individual concerned and is available for his or her review.

USIA—49

System name: Records on Shipment of Effects, Unaccompanied Baggage and Automobile—IOA/F—USIA

System location: U.S. Information Agency, Office of Administration and Management, Finance and Data Management Division, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Foreign Service employees authorized to ship effects and automobiles overseas at USIA expense.

Categories of records in the system: Paper cards listing payments made to packers, carriers, etc., in connection with shipments of effects, baggage and automobiles pursuant to travel authorizations.

Authority for maintenance of the system: 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To determine if unauthorized charges were incurred due to excess shipments, indirect routing, or other reasons.

Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

Information in these records is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records maintained in tub file.

Retrievability: Filed alphabetically by individual name.

Safeguards: Records are under surveillance by authorized employees during the working day, and by security guards after official working hours.

Retention and disposal: Records destroyed four years after the fiscal year in which shipment is authorized.

System manager(s) and address: Assistant Chief for Fiscal Operations, U.S. Information Agency, Finance and Data Management Division, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: USIA offices issuing travel authorizations; travel vouchers submitted by employees; invoices submitted by carriers for payment.

USIA—50

System name: Salary Computation Records—IOA/B—USIA

System location: U.S. Information Agency, Office of Administration and Management, Budget Division, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Persons employed by the Agency during any past fiscal year, and the current fiscal year.

Categories of records in the system: Personnel Action Forms, Standard Forms 50.

Authority for maintenance of the system: Executive Order 10477 of August 1, 1953; Executive Order 10822 of May 20, 1953, implementing Section 2(d) of the Reorganization Plan No. 8 of 1953; Budget-Treasury Regulation No. 1 (revised); The Economy Act (31 U.S.C. 686), Section 601; Section 3679 of the Revised Statutes as amended (31 U.S.C. 665).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For the use of the Budget Division Staff only, for salary computations for Agency budget purposes.

Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

Information in these records is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other government agencies who have statutory or other lawful authority to maintain such information.

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

Storage: Paper records maintained in files.

Retrievability: By name of individual.

Safeguards: Security provided by surveillance of authorized employees during working hours and by security guards after working hours.

Retention and disposal: Retained until no longer needed.

System manager(s) and address: Chief, Media and Support Branch, Budget Division, IOA, U.S. Information Agency, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: USIA's Office Personnel and Training.

USIA—51

System name: Travel Authorization Obligation File—IOA/F-USIA

System location: U.S. Information Agency, Office of Administration and Management, Finance and Data Management Division, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Individuals authorized to travel for which costs of travel are chargeable to USIA appropriations.

Categories of records in the system: Copies of travel authorizations and copies of paid vouchers and/or abstracts or other documents relating to payments for authorized travel.

Authority for maintenance of the system: 31U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To support recording of obligations of funds for travel; for audit of travel and transportation vouchers prior to certification and payment; control to avoid duplicate payment of claims.

Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

Information in these records is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other government agencies who have statutory or other lawful authority to maintain such information.

Storage: Paper files maintained in three-ring binders and in file folders.

Retrievability: By name; cross-reference to travel authorization number filed by appropriation/allotment chargeable.

Safeguards: Records are under surveillance by authorized employees during the working hours, and by security guards after official working hours.

Retention and disposal: Alphabetical copy of travel authorizations destroyed 3 years after close of fiscal year in which issued. Folders destroyed between 4 and 10 years after close of fiscal year, depending upon the type of travel.

System manager(s) and address: Chief, Finance and Data Management Division, U.S. Information Agency, 1776 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Standard forms and Agency forms prepared in connection with official travel by personnel.

USIA—52

System name: Source File—IMV-USIA

System location: Motion Picture and Television Service, U.S. Information Agency, 601 D Street, N.W., Washington, D.C. 20547.

Categories of individuals covered by the system: Individuals in the audio-visual field who are in contact with the International Communications Media Staff on attestation, film festivals and other activities.

Categories of records in the system: Biographical data, press releases, routine correspondence, and similar material.

Authority for maintenance of the system: To provide a source of information file for the International Communications Media Staff on subjects such as attestation and film festivals.

Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties. Information Agency as may be required in the performance of their official duties.

Information in these records is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other government agencies who have statutory or other lawful legal authority to maintain such information.

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

Storage: Paper records in file folders.

Retrievability: By name of individual concerned.

Safeguards: Maintained in locked file cabinets and available only to authorized personnel.

Retention and disposal: Files are reviewed approximately every 5 years and retained, retired or destroyed as appropriate.

System manager(s) and address: Chief, International Communications Media Staff, U.S. Information Agency, 601 D Street, N.W., Washington, D.C. 20547.

Notification procedure: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures: Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures: The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear in the Rules Section of the Federal Register.

Record source categories: Information is provided by the individual concerned or from published sources.

APPENDIX I

Prefatory Statement of General Routine Uses

The following routine uses apply to, and are incorporated by reference into, each system of records set forth above.

1. In the event that a system of records maintained by the Agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed, as a routine use, to a federal, state, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use,to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. A record in this system of records which contains medical information may be disclosed, as a routine use, to the medical advisor of any individual submitting a request for access to the record under the Act and 22 CFR 505 if, in the sole judgment of the Agency, disclosure could have an adverse effect upon the individual, under the provision of 5 U.S.C. 552a(f)(3) and implementing regulations at 22 CFR 505.6.

6. The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

7. A record from this system of records may be disclosed to an authorized appeal grievance examiner; a formal complaints examiner; an equal employment opportunity investigator; an arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint or appeal filed by an employee. A record from this system of records may be disclosed to the U.S. Civil Service Commission in accordance with the Agency's responsibility for evaluation and oversight of federal personnel management.

8. A record from this system of records may be disclosed to authorized employees of a federal agency for purposes of audit.

9. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

10. A record from this system of records may be disclosed, as a routine use, to the Department of State and its posts abroad for the purpose of transmission of information between organizational units of the Agency, or for purposes related to the responsibilities of the Department of State in conducting foreign policy or protecting United States citizens, such as the assignment of employees to positions abroad, the reporting of accidents abroad, evacuation of employees and dependents, and other purposes for which officers and employees of the Department of State have a need for the records in the performance of their official duties.

11. A record in this system of records may be disclosed, as a routine use, to a foreign government or international agency when necessary to facilitate the conduct of U.S. relations with that government or agency through the issuance of such documents as visas, country clearances, identification cards, drivers' licenses, diplomatic lists, licenses to import or export personal effects, and other official documents and permits routinely required in connection with the official service or travel abroad of the individual and his or her dependents.

12. A record in this system of records may be disclosed, as a routine use, to Federal agencies with which the Agency has entered into an agreement to provide services to assist the Agency in carrying out its functions under the Foreign Assistance Act of 1961, as amended. Such disclosures would be for transmitting information between organizational units of the Agency; for providing to the original employing agency information concerning the services of its employee while under the supervision of the Agency, including performance evaluations, reports of conduct, awards and commendations and information normally obtained in the course of personnel administration and employee supervision; or for providing other information directly related to the purpose of the inter-agency agreement as set forth therein, and necessary and relevant to its implementation.

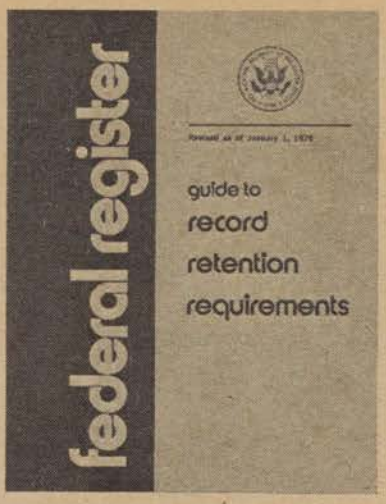
13. A record in this system of records may be disclosed, as a routine use, to the Department of Justice to determine whether disclosure thereof is required by the Freedom of Information Act (5 U.S.C. 552).

14. A record in this system of records may be disclosed, as a routine use, when the information is subject to exemption under the Freedom of Information Act (5 U.S.C. 552) but the Agency, in its discretion, determines not to assert the exemption.

15. A record from this system of records may be disclosed, as a routine use, only to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements and only to those State and local taxing authorities for which the employee is subject to tax (whether or not tax is withheld).

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