AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol.41—No.209
10–28–76

PAGES
47203–47405

federal register

THURSDAY, OCTOBER 28, 1976

highlights

PART I:

AMERICAN EDUCATION WEEK
Presidential proclamation 47203

NATIONAL FARM-CITY WEEK
Presidential proclamation 47205

NATIONAL FAMILY WEEK
Presidential proclamation 47207

THANKSGIVING DAY
Presidential proclamation 47209

WRIGHT BROTHERS DAY
Presidential proclamation 47211

ADJUSTMENTS OF CERTAIN RATES OF PAY AND ALLOWANCES
Executive order amending Schedule 3 47213

WHITE HOUSE FELLOWSHIPS
Executive order 47219

NORTHERN MARIANA ISLANDS
Executive order delegating authority to Secretary of the Treasury to administer social security fund 47215

NATIONAL PHYSICAL FITNESS AND SPORTS PROGRAM
Executive order providing for development and coordination of a national program by the Secretary of Health, Education, and Welfare 47217

SALE OF AGRICULTURAL COMMODITIES TO PORTUGAL
Presidential determination 47223

SALE OF WHEAT TO EGYPT
Presidential determination 47221

SALE OF WHEAT AND TOBACCO TO EGYPT
Presidential determination 47225

NATIONAL FIRE CODES
OFR announces availability of NFPA technical committee reports 47295

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

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.

federal register

Area Code 202 Phone 523-5240

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

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

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

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

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202–523–5240.**

FEDERAL REGISTER, Daily Issue:

Subscriptions and distribution	202–783–3238
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202–523–5022
Scheduling of documents for publication.	523–5220
Copies of documents appearing in this issue.	523–5215
Corrections	523–5286
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–5282
Code of Federal Regulations (CFR)	523–5266
Finding Aids	523–5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523–5233
Weekly Compilation of Presidential Documents.	523–5235
Public Papers of the Presidents	523–5235
Index	523–5235

PUBLIC LAWS:

Public Law dates and numbers	523–5237
Slip Laws	523–5237
U.S. Statutes at Large	523–5237
Index	523–5237
U.S. Government Manual	523–5230
Automation	523–5240
Special Projects	523–5240

HIGHLIGHTS—Continued

COAL
Interior/BLM proposes new leasing regulations; comments by 12–13–76 ... 47258

ENERGY CONSERVATION PROGRAM FOR APPLIANCES
FEA announces delay in publication of proposed test procedures ... 47286

INDIAN AFFAIRS
Interior/BIA revises law enforcement standards on reservations; effective 11–29–76 ... 47233

PIPELINE SAFETY
DOT/MTB amends maximum allowable operating pressure for offshore facilities ... 47252

SCHOOLS
FTC publishes Presiding Officer's findings on proposed rules ... 47267

IMPORTED MEAT
USDA issues limitations on meat processed in foreign trade zone and U.S. territories; effective 10–28–76 ... 47254

LETTERS OF CREDIT
Treasury/Comptroller proposes revised standards for issuance by national banks; comments by 11–29–76 ... 47258

TRADE REGULATION
FTC amends procedures to ensure consideration to the effect of rules on State and local laws; effective 10–28–76 ... 47230

MEETINGS—
Commerce/Census: Census Advisory Committee on Housing for the 1980 Census, 11–18–76 ... 47271
CRC: North Carolina Advisory Committee, 11–19–76 ... 47282
DOT/FAA: Radio Technical Commission for Aeronautics Executive Committee, 11–17–76 ... 47280
UMTA: Research and Development Priorities Conference, 11–30 and 12–1–76 ... 47281
EPA: Environmental Health Advisory Committee, Mutagenicity Testing, 11–12–76 ... 47282
HEW: National Professional Standards Review Council, 11–22 and 11–23–76 ... 47278
ADAMHA: National Panel on Alcohol, Drug Abuse and Mental Health, 11–15–76 ... 47272
NIH: Artificial Kidney-Chronic Uremia Advisory Committee, 12–9–76 ... 47273
Cooperative Group Chairmen, Clinical Investigations Branch, Division of Cancer Treatment, National Cancer Institute, 12–14–76 ... 47273
Dental Research Institutes and Special Programs Advisory Committee, 11–11 and 11–12–76 ... 47273
Periodontal Diseases Advisory Committee, 12–9 and 12–10–76 ... 47274
Sickle Cell Disease Advisory Committee, 12–16 and 12–17–76 ... 47274
OE: Executive Committee, National Advisory Council on Equality of Educational Opportunity, 11–12–76 ... 47274
NFAH: Architecture and Environmental Arts Advisory Panel, 11–16 and 11–17–76 ... 47289
Theatre Advisory Panel, 11–13 and 11–14–76 ... 47290
SEC: National Market Advisory Board, 11–15 and 11–16, 12–13 and 12–14–76 ... 47300

St. Lawrence Seaway Development Corporation: Advisory Board, 11–12–76 47296
USDA/FS: Tonto National Forest Grazing Advisory Board, 12–16–76 47271
VA: Station Committee on Educational Allowances, 11–23–76 47301

CANCELLED MEETING—
DOT/NHTSA: Youth Highway Safety Advisory Committee, 11–6 and 11–7–76 47281

CORRECTED MEETING—
DOT/NHTSA: National Highway Safety Advisory Committee, 11–8 thru 11–11–76 47281

PART II:

AIRCRAFT NOISE
DOT/FAA proposes new standards, test procedures, evaluation specifications and announces public hearing (4 documents) 47342, 47358, 47385, 47378

PART III:

DOMESTIC CRUDE OIL ALLOCATION PROGRAM
FEA publishes entitlement notice for August 1976 47379

PART IV:

PRIVACY ACT OF 1974
NSF notice of systems of records 47383

PART V:

PRIVACY ACT OF 1974
USDA notices of systems of records (3 documents) 47397

contents

THE PRESIDENT

Proclamations
American Education Week 47203
Family Week, National 47207
Farm-City Week, National 47205
Thanksgiving Day 47209
Wright Brothers Day 47211

Executive Orders
Mariana Islands, Northern; delegation of authority to Secretary of the Treasury to administer social security fund 47215
Pay and allowances for certain Federal employees amendment to Schedule 3 47213
Physical fitness and sports program, national; development and coordination by Secretary of Health, Education, and Welfare 47217
White House fellowships 47219

Memorandums
Egypt; sale of wheat 47221
Egypt; sale of wheat and tobacco products 47225
Portugal; sale of agricultural commodities 47223

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE

Rules
Eggs, poultry and rabbit products; inspection and grading standards 47254
Limitation of handling:
Oranges (Valencia) grown in Ariz. and Calif 47256

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Farmers Home Administration; Forest Service.

Rules
Meat imports limitation:
Foreign-trade zones, meat processed in 47254

Notices
Privacy Act; systems of records (3 documents) 47398, 47399, 47403

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Notices
Meetings:
Advisory Committees; November 47272

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Notices
Meetings:
Architecture and Environmental Arts Advisory Panel 47289
Theatre Advisory Panel 47290

CENSUS BUREAU

Notices
Meetings:
Housing for 1980 Census Advisory Committee 47271
Surveys, determinations, etc.:
Registration and voting statistics 47271

CIVIL RIGHTS COMMISSION

Notices
Meetings; state advisory committees:
North Carolina 47282

COAST GUARD

Rules
Cadets; appointments to Academy; application and admission requirements 47235

Proposed Rules
Drawbridge operations:
California 47263
Michigan 47264

Notices
Committees; establishment, renewals, etc.:
Chemical Transportation Industry Advisory Committee 47279

COMMERCE DEPARTMENT

See also Census Bureau.

Notices
Southwest Border Economic Development Region; designation 47272

COMPTROLLER OF CURRENCY

Proposed Rules
Rulings:
Letters of credit 47258

CUSTOMS SERVICE

Notices
Customhouse broker license:
Jensen, Norman G.; cancelled 47268
Foreign value determinations:
Roller bearings (tapered) from Japan 47268
Tariff-rate quotas:
Potatoes (white or Irish other than certified seed) 47268

DRUG ENFORCEMENT ADMINISTRATION

Notices
Registrations, actions affecting:
Collaborative Research, Inc 47268
Fher Corp., Ltd 47269

EDUCATION OFFICE

Notices
Meetings:
Equality of Educational Opportunity National Advisory Council 47274

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Notices
Environmental statements, availability, etc.:
Savannah River Plant, Aiken, S.C.; waste management plan 47284

ENVIRONMENTAL PROTECTION AGENCY

Notices
Air quality implementation plans:
Del Monte de Puerto Rico and Star-Kist Caribe, Inc., list of violating facilities 47282
Air quality implementation plans, various States:
New Jersey 47283
Meetings:
Environmental Health Advisory Committee Study Group on Metagenicity Testing 47282
Pesticide applicators certification, State plans:
New York 47283

FARMERS HOME ADMINISTRATION
Rules
Business and industrial loans, guaranteed:
Lenders, applications, liquidation, and transfer; requirement and eligibility changes; correction 47257
Notices
Disaster and emergency areas:
Maine 47271

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Bellanca Aircraft Corp 47227
Jet routes 47227
Operations review program; agenda, etc 47227
VOR Federal airways 47227
Proposed Rules
Air carriers certification and operations:
Regulatory review program; conference 47266
Airworthiness directives:
Hawker Siddeley Aviation, Ltd 47264
Noise standards:
Measurement and evaluation specifications 47342
Subsonic transport, turbojet, and transport-category airplanes; alternative noise reduction stages 47375
Turbojet and transport-category airplanes; noise level limits 47358
Restricted area 47265
Transition area 47265
Notices
Meetings:
Radio Technical Commission for Aeronautics Executive Committee 47280
Noise levels for turbojet aircraft and transport large aircraft; hearing 47378

FEDERAL COMMUNICATIONS COMMISSION
Notices
Hearings, etc.:
CBS, Inc.; correction 47285

FEDERAL DISASTER ASSISTANCE ADMINISTRATION
Notices
Disaster areas:
South Dakota 47279

FEDERAL ENERGY ADMINISTRATION
Notices
Consent orders, proposed action taken:
Dow Chemical Co 47285
Martin Oil Service, Inc. et al 47285
Domestic crude oil allocation program; entitlement notice for August 1976 47379
Energy conservation program for appliances; delay in publication of proposed test procedures and in prescription of test procedures 47286
Industrial energy conservation; requirements for corporations to file information on energy consumption 47285

FEDERAL HIGHWAY ADMINISTRATION
Notices
Bridge tolls, etc.:
Bayonne Bridge et al.; hearings 47280

FEDERAL INSURANCE ADMINISTRATION
Rules
Flood Insurance Program, National:
Communities eligible for sale of insurance (2 documents) 47231, 47232

FEDERAL MARITIME COMMISSION
Notices
Oil pollution, certificates of financial responsibility 47286
Agreements filed:
Los Angeles, city of, and Matson Terminals, Inc 47287
Puerto Rico Maritime Shipping Authority and Trailer Marine Transport, Inc 47287
Puerto Rico Ports Authority and Sea-Land Service, Inc 47287

FEDERAL REGISTER OFFICE
Notices
National Fire Codes; National Fire Protection Association Technical Committee reports; availability 47295

FEDERAL TRADE COMMISSION
Rules
Procedures and practice rules:
Rule effect on State and local law, consideration 47230
Proposed Rules
Vocational and home study schools; advertising, disclosure, cooling-off and refund requirements 47267

FISH AND WILDLIFE SERVICE
Rules
Hunting:
Hillside National Wildlife Refuge, Miss 47253
Notices
Stamp contest; duck 47269

FOOD AND DRUG ADMINISTRATION
Rules
Pesticide tolerances in food, animal drugs, feeds, and related products:
2 - (1 - Methylethoxy) phenol methylcarbamate 47231

FOREIGN-TRADE ZONE BOARD
Notices
Foreign trade zone applications:
Eastern Distribution Center, Inc. — and Wilkes - Barre/Scranton International Airport 47288

FOREST SERVICE
Notices
Meetings:
Tonto National Forest Grazing Advisory Board 47271

GENERAL ACCOUNTING OFFICE
Notices
Regulatory reports review; proposals 47288

GENERAL SERVICES ADMINISTRATION
Rules
Procurement, Federal, by negotiation; cost accounting standards 47236

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Alcohol, Drug Abuse and Mental Health Administration; Education Office; Food and Drug Administration; Health Services Administration; National Institute of Education; National Institutes of Health.
Notices
Meetings:
National Professional Standards Review Council 47278
Organization, functions, and authority delegations:
Health, Office of Assistant Secretary 47274
Planning and Evaluation, Office of Assistant Secretary 47275

HEALTH SERVICES ADMINISTRATION
Notices
Health maintenance organizations, qualified 47274

HEARINGS AND APPEALS OFFICE, INTERIOR DEPARTMENT
Notices
Applications, etc.:
J. T. Coal Co 47269
Lena Coal Co 47269
Mink Branch Coal Co., Inc 47270
Triangle Coal Co 47270

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See also Federal Disaster Assistance Administration; Federal Insurance Administration.
Notices
Authority delegations:
Procurement and Contracts Office Director et al 47279

INDIAN AFFAIRS BUREAU
Rules
Law and order on Indian reservations 47233

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Hearings and Appeals Office; Indian Affairs Bureau; Land Management Bureau.

INTERNATIONAL TRADE COMMISSION

Notices

Import investigations:
Swimming pools, above ground 47289

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section application for relief 47302
Hearing assignments 47301
Motor carriers:
Irregular route property carriers; gateway elimination 47302
Temporary authority applications 47307
Petitions filing:
Signal Delivery Service, Inc 47310

JUSTICE DEPARTMENT

See Drug Enforcement Administration.

LAND MANAGEMENT BUREAU

Rules

Public land orders:
Wyoming; correction 47252
Rights-of-way:
Damages liability; State or other government agency 47252

Proposed Rules

Minerals leasing:
Coal leasing, competitive 47258

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notices

Committees; establishment, renewals, etc.:
Ad Hoc Advisory Subcommittee for Evaluation of Applications Explorer Mission-B/Stratospheric Aerosol and Gas Experiment Proposals 47289

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Notices

Motor vehicle safety standards; exemption petitions, etc.:
American Motors Corp.; lamps, reflective devices, and associated equipment 47280
Meetings:
National Highway Safety Advisory Committee; cancelled 47281
Youth Highway Safety Advisory Committee; cancellation 47281

NATIONAL INSTITUTE OF EDUCATION

Notices

Meetings:
Educational Research National Council 47273

NATIONAL INSTITUTES OF HEALTH

Notices

Committees; establishment, renewals, etc.:
Recombinant DNA Molecule Program Advisory Committee 47274
Meetings:
Artificial Kidney-Chronic Uremia Advisory Committee 47273
Cancer Institute, National; Cancer Treatment Division 47273
Dental Research Institutes and Special Programs Advisory Committee 47273
Periodontal Diseases Advisory Committee 47274
Sickle Cell Disease Advisory Committee 47274

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rules

Marine mammals:
Incidental taking of porpoises; limit, determining when reached; effective date suspended 47254

NATIONAL SCIENCE FOUNDATION

Notices

Privacy Act of 1974; systems of records 47383

NATIONAL TRANSPORTATION SAFETY BOARD

Notices

Safety recommendations and accident reports; availability, responses, etc 47290

NUCLEAR REGULATORY COMMISSION

Notices

Nuclear facility sites; ways to improve efficiency of Federal/State review, study 47293
Regulatory guides; issuance and availability 47293
Applications, etc.:
Arkansas Power and Light Co 47294
Long Island Lighting Co 47291
Northern States Power Co 47291
Offshore Power Systems 47292
Public Service Co. of Oklahoma, et al 47292
Public Service Electric and Gas Co 47292

PIPELINE SAFETY OPERATIONS OFFICE

Rules

Pipeline transportation of gas:
Offshore facilities 47252

POSTAL SERVICE

Rules

Postal Service Manual:
Rubber bands on packages of presorted first-class mail 47236

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Notices

Meetings:
Advisory Board 47296

SECURITIES AND EXCHANGE COMMISSION

Notices

Meetings:
Market Advisory Board, National 47300
Self-regulatory organizations; proposed rule changes:
National Association of Securities Dealers, Inc 47300
Options Clearing Corp 47296
Hearings, etc.:
Diversified Industries, Inc 47297
First Income Shares, Inc. and First Investors Fund for Income, Inc 47297
Standard Shares, Inc 47301

TRANSPORTATION DEPARTMENT

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

TREASURY DEPARTMENT

See Comptroller of Currency; Customs Service.

URBAN MASS TRANSPORTATION ADMINISTRATION

Notices

Meetings:
Research and development priorities conference 47281

VETERANS ADMINISTRATION

Notices

Meetings:
Station Committee on Educational Allowances 47301

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

Weekly Briefings at the Office of the Federal Register

(For Details, See 41 FR 46527, Oct. 21, 1976)

RESERVATIONS: JANET SOREY, 523–5282

list of cfr parts affected in this issue

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

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

3 CFR

PROCLAMATIONS:

4471 ... 47203
4472 ... 47205
4473 ... 47207
4474 ... 47209
4475 ... 47211

EXECUTIVE ORDERS:

11021 (Amended by EO 11944) ... 47215
11183 (Amended by EO 11946) ... 47219
11562 (Amended by EO 11945) ... 47217
11941 (Amended by EO 11943) ... 47213
11943 ... 47213
11944 ... 47215
11945 ... 47217
11946 ... 47219

MEMORANDUMS:

September 21, 1976 ... 47221
October 18, 1976 ... 47223
October 18, 1976 ... 47225

7 CFR

16 ... 47254
55 ... 47255
56 ... 47255
59 ... 47255
70 ... 47256
908 ... 47256
1980 ... 47256

12 CFR

PROPOSED RULES:

7 ... 47258

14 CFR

39 ... 47227
63 ... 47228
71 ... 47227
75 ... 47227
91 ... 47228
105 ... 47229
121 ... 47229
123 ... 47229
129 ... 47230
135 ... 47230
145 ... 47230
147 ... 47230

PROPOSED RULES:

36 (3 documents) ... 47342, 47358, 47375
39 ... 47264
71 ... 47265
73 ... 47265
135 ... 47266

16 CFR

1 ... 47230

PROPOSED RULES:

438 ... 47267

21 CFR

193 ... 47231
561 ... 47231

24 CFR

1914 (2 documents) ... 47231, 47232

25 CFR

11 ... 47233

33 CFR

40 ... 47235

PROPOSED RULES:

117 (2 documents) ... 47263, 47264

39 CFR

111 ... 47236

41 CFR

1–3 ... 47236

43 CFR

2800 ... 47252

PUBLIC LAND ORDERS:

5601 (corrected by PLO 5606) ... 47252
5606 ... 47252

PROPOSED RULES:

3520 ... 47258

49 CFR

192 ... 47252

50 CFR

32 ... 47253
216 ... 47254

CUMULATIVE LIST OF PARTS AFFECTED DURING OCTOBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR

PROCLAMATIONS:

4334 (See Proc. 4466) 44031
4463 (Amended by Proc. 4466) 44031
4465 43361
4466 44031
4467 44851
4468 44853
4469 44995
4470 46287
4471 47203
4472 47205
4473 47207
4474 47209
4475 47211

EXECUTIVE ORDERS:

October 10, 1854 (Revoked in part by PLO 5605) 46297
March 11, 1912 (Revoked in part by PLO 5604) 45006
April 16, 1912 (Revoked in part by PLO 5604) 45006
June 23, 1913 (Revoked in part by PLO 5604) 45006
July 1, 1913 (Revoked in part by PLO 5604) 45006
July 26, 1913 (Revoked in part by PLO 5604) 45006
October 23, 1914 (Revoked in part by PLO 5604) 45006
July 19, 1915 (Revoked in part by PLO 5604) 45006
December 20, 1916 (Revoked in part by PLO 5604) 45006
February 25, 1919 (Revoked in part by PLO 5604) 45006
April 22, 1919 (Revoked in part by PLO 5604) 45006
February 1, 1921 (Revoked in part by PLO 5604) 45006
10000 (Amended by EO 11938) 43383
11021 (Amended by EO 11944) 47215
11157 (Amended by EO 11939) 43705
11183 (Amended by EO 11946) 47219
11322 (See EO 11940) 43707
11419 (See EO 11940) 43707
11533 (See EO 11940) 43707
11562 (Amended by EO 11945) 47217
11683 (See EO 11940) 43707
11798 (See EO 11940) 43707
11818 (See EO 11940) 43707
11883 (Superseded by EO 11941) 43889
11907 (See EO 11940) 43707
11938 43383
11939 43705
11940 43707
11941 43889
11941 (Amended by EO 11943) 47213
11942 46841
11943 47213
11944 47215
11945 47217
11946 47219

DIRECTIVES:

May 17, 1972 (Amended by Directive of October 7, 1976) 45535
October 7, 1976 45535

3 CFR—Continued

MEMORANDUMS:

September 21, 1976 47221
September 30, 1976 46579
October 18, 1976 ..... 47223, 47225
October 22, 1976 47019
123 44359
307 46582
350 46582
351 46582
354 46582
355 46582
362 46582
381 46582

PROPOSED RULES:

160 44407
161 44407
381 46625

5 CFR

213 ..... 43385, 44358, 45977, 46581, 46582
316 46865
771 46866
2300 43709

7 CFR

2 ..... 44185, 44186, 45994
6 45994
16 47254
51 ..... 44187, 46289, 46448
52 ..... 43385, 46289
53 45014
55 47255
56 47255
59 47255
70 47256
210 43909
230 ..... 43388, 45569, 46856
240 46601
354 45995
401 46448
722 ..... 45995, 45996
907 47021
908 ..... 43709, 44187, 44860, 45014, 47256
910 ..... 43389, 44357, 45569, 46603
911 45570
919 43709
915 44861
917 46290
927 43389
928 43909
931 44357
932 45996
958 45997
966 43909
980 43910
981 43710
982 43710
1004 46449
1030 43390
1421 ..... 44701, 44704, 44707, 45997, 46858
1446 46290
1701 45997
1832 46449
1980 ..... 43390, 47256
2507 43392

7 CFR—Continued

PROPOSED RULES:

2 45577
250 46873
905 44865
906 44867–44868
907 44189
912 45844
944 44869
966 ..... 46452, 46606
971 ..... 46453, 47058
980 46454
981 ..... 44191, 44869
982 ..... 44407, 45999
989 ..... 45575, 47059
1001 46454
1030 46605
1046 45999
1068 46458
1098 46005
1464 ..... 43729, 45575
1701 43912
1822 ..... 46315, 47060
1871 45576
1904 46315

8 CFR

100 46425
238 46425
299 46425
316a 46426
341 43393
499 46426

9 CFR

73 46843
101 44358
102 44358
105 44359
112 44359
113 44359
114 44687

10 CFR

9 44997
210 44151
211 ..... 44152, 44360
212 ..... 43393, 43895, 44152, 47077

PROPOSED RULES:

50 46467
51 45849
211 ..... 45585, 46011

11 CFR

PROPOSED RULES:

102 45952
104 45952
134 45952

12 CFR

11 44822
206 46427
220 43895
225 45977
226 ..... 44855, 45537
227 44361

12 CFR—Continued

523 ... 43395
545 ... 43395
563 ... 43395
701 ... 44687

PROPOSED RULES:

7 ... 47258
18 ... 46144
212 ... 46352
225 ... 47083
563 ... 44057
570 ... 44057
720 ... 44430

13 CFR

102 ... 43711
115 ... 43409
120 ... 44856
303 ... 45985
309 ... 45985
316 ... 45128, 46420

PROPOSED RULES:

118 ... 44430
121 ... 46624

14 CFR

37 ... 46843
39 ... 43712, 43713, 44152, 44153, 44997, 44998, 45817, 45818, 46430–46432, 46847, 47227
63 ... 47228
67 ... 46432
71 ... 43712, 43714, 44153, 44687, 44688, 44998, 45819, 45820, 46433, 46847, 47227
73 ... 45820
75 ... 44688, 46847, 47227
91 ... 47228
97 ... 43714, 44688, 45820, 46433
105 ... 47229
121 ... 47229
123 ... 47229
129 ... 47230
135 ... 47230
145 ... 47230
147 ... 47230
152 ... 46434
241 ... 46582
288 ... 44154
300 ... 43715
298 ... 44033
371 ... 43396
399 ... 46290

PROPOSED RULES:

36 ... 47342, 47358, 47375
37 ... 45019
39 ... 43742, 44192, 45020, 45848, 47264
71 ... 44193, 46458, 46459, 46875, 47265
73 ... 44193, 47265
75 ... 46459
91 ... 46875
135 ... 47266
207 ... 45021, 46322, 46464
208 ... 46322, 46464
212 ... 46322, 46464
214 ... 46322, 46464
221 ... 44424
223 ... 45848
241 ... 46324
250 ... 44424
252 ... 44424
371 ... 45024

14 CFR—Continued

PROPOSED RULES—Continued

372 ... 45024
372a ... 45024, 45028
373 ... 45024
378 ... 45024
378a ... 45024, 45028

15 CFR

270 ... 43396
369 ... 44861, 46443
371 ... 44155
377 ... 44155

PROPOSED RULES:

931 ... 46724

16 CFR

1 ... 47230
13 ... 46847, 46848
1018 ... 45821
1609 ... 45821

PROPOSED RULES:

438 ... 47267
1150 ... 44126
1500 ... 44126, 46347
1511 ... 46347
1615 ... 43917
1616 ... 43919

17 CFR

1 ... 44565
30 ... 44566
32 ... 44566
140 ... 46435
145 ... 46435
200 ... 44695
202 ... 44695
231 ... 43398, 46851
240 ... 44699
270 ... 47023, 47032
271 ... 46851

PROPOSED RULES:

1 ... 45706
145 ... 45706
210 ... 45030
230 ... 43876
239 ... 43876
240 ... 43876, 46353
249 ... 46353
259 ... 44863

18 CFR

PROPOSED RULES:

2 ... 46618
141 ... 46467
260 ... 43743

19 CFR

1 ... 47032

PROPOSED RULES:

1 ... 45015, 46605
18 ... 43922
123 ... 43922
144 ... 43922

20 CFR

404 ... 44362
405 ... 46291
416 ... 43399

20 CFR—Continued

PROPOSED RULES:

405 ... 43917, 46321
416 ... 44192
651 ... 44014
653 ... 44014
658 ... 44014

21 CFR

1 ... 46584
3 ... 44380
4 ... 46585
17 ... 45540, 46851
27 ... 45543
80 ... 46156
121 ... 43715, 44381, 45546, 46587
125 ... 46156
193 ... 47231
430 ... 44381
431 ... 46852
436 ... 46852
522 ... 43400, 43896, 45547
556 ... 44381
558 ... 44381
561 ... 43896, 47231
620 ... 46587
630 ... 43400
1308 ... 43401

PROPOSED RULES:

2 ... 46606
18 ... 46873
27 ... 45582
36 ... 46606
341 ... 46009
809 ... 46009
1000 ... 44421
1010 ... 43412

22 CFR

PROPOSED RULES:

42 ... 45571

23 CFR

140 ... 45547
230 ... 46293
260 ... 44034
750 ... 45826

PROPOSED RULES:

665 ... 46877
750 ... 46877
752 ... 46877
753 ... 46877

24 CFR

16 ... 44556
42 ... 46994
202 ... 44162
203 ... 46302
207 ... 45827
213 ... 46302
234 ... 46302
570 ... 43887, 45966, 46303
860 ... 44002
881 ... 45120
883 ... 47168
1909 ... 46969
1910 ... 46975
1911 ... 46981
1912 ... 46984
1914 ... 43402, 43716, 44382, 44998, 45000, 45986, 46303–46314, 46986, 47231, 47232

24 CFR—Continued

1915 ... 45548, 46987
1916 ... 44036, 44037, 46587, 46852, 46988, 47033
1917 ... 44162–44169, 44383–44391, 45000, 46588–46597, 46989, 47033–47045
1918 ... 46990
1920 ... 45829–45841, 46991
1925 ... 46991

PROPOSED RULES:

115 ... 43734
600 ... 44122
1917 ... 43735–43741, 47065–47075

25 CFR

11 ... 47233
221 ... 45562, 45563
252 ... 45563

26 CFR

1 ... 44391, 44690
11 ... 46597
301 ... 44038
601 ... 44038

PROPOSED RULES:

1 ... 45571
31 ... 45571
53 ... 47053

27 CFR

Ch. I ... 44038
5 ... 46859
170 ... 46860
173 ... 46860
194 ... 46860
201 ... 43717, 46436, 46861
250 ... 46863
251 ... 46864
252 ... 46865

PROPOSED RULES:

186 ... 47053
201 ... 47053
251 ... 47053

28 CFR

0 ... 46598

29 CFR

94 ... 44393
97 ... 45987
98 ... 44393
700 ... 44695
701 ... 43403
727 ... 43403
1910 ... 46742
1928 ... 46599
1952 ... 43404–43406, 43896–43901, 45563

PROPOSED RULES:

29 ... 46148
94 ... 46124, 46617, 46998
95 ... 46998
96 ... 46998
97 ... 46124, 46617
98 ... 46998
99 ... 46998
1952 ... 43411

30 CFR

75 ... 43532

PROPOSED RULES:

11 ... 44864
100 ... 45574
211 ... 43912, 45999

31 CFR

52 ... 44842
128 ... 43719
240 ... 43903
309 ... 44006

PROPOSED RULES:

51 ... 47054

32 CFR

505 ... 47046
832 ... 46599
889 ... 46855
1453 ... 46600
1608 ... 44169

PROPOSED RULES:

251 ... 46867
867 ... 47056

32A CFR

113 ... 43720

33 CFR

40 ... 47235

PROPOSED RULES:

117 ... 47263, 47264
183 ... 43858

34 CFR

PROPOSED RULES:

Ch. I ... 43743

35 CFR

133 ... 44394

36 CFR

2 ... 45564

PROPOSED RULES:

7 ... 46452
251 ... 45577
261 ... 45577
291 ... 45577
295 ... 45577

37 CFR

1 ... 43720
3 ... 43721
4 ... 43721

PROPOSED RULES:

1 ... 43729

38 CFR

36 ... 44039, 44858, 47049

PROPOSED RULES:

3 ... 45031

39 CFR

111 ... 44059, 47236
601 ... 44040

PROPOSED RULES:

111 ... 46295
3001 ... 45587

40 CFR

35 ... 43727
52 ... 43406–43408, 43903, 44395, 45565
55 ... 43904
180 ... 43421, 43920, 45029, 46011
435 ... 44945
61 ... 44859, 46560
180 ... 43408, 44395
435 ... 44949
459 ... 43409

40 CFR—Continued

PROPOSED RULES:

50 ... 44049
52 ... 43421, 43920, 44194, 46010, 46617
60 ... 44194, 44859, 46618
162 ... 43920
180 ... 47076
408 ... 44194
411 ... 45583

41 CFR

1–1 ... 43538
1–3 ... 46295, 47236
1–4 ... 43538
3–4 ... 44170
7–7 ... 44396
8–3 ... 46436
15–3 ... 46600
51–1 ... 45565
51–2 ... 45565
51–3 ... 45565
51–4 ... 45566
101–5 ... 46295
101–11 ... 46297
101–26 ... 43722
101–32 ... 43536
101–35 ... 46297
105–61 ... 45000
128–1 ... 45987

42 CFR

52a ... 44171
52e ... 44174
82 ... 44396
85a ... 45002

PROPOSED RULES:

36 ... 46792
52f ... 46318
101 ... 44286

43 CFR

2650 ... 44040
2800 ... 47252
3040 ... 43722
3100 ... 45566

PUBLIC LAND ORDERS:

5601 (Corrected by PLO 5606) ... 47252
5603 ... 44041
5604 ... 45006
5605 ... 46297
5606 ... 47252

PROPOSED RULES:

4 ... 45574
2370 ... 43411
3500 ... 45571
3520 ... 45571, 47258
4100 ... 43912
4200 ... 43912
4300 ... 43912
4700 ... 43912
9230 ... 43912

45 CFR

74 ... 44552
177 ... 44041
182a ... 47162
196 ... 44860
233 ... 47065
1005 ... 44860
1006 ... 44860
1010 ... 44860
1012 ... 44860
1015 ... 44860
1026 ... 44860
1042 ... 44860
1050 ... 44860

45 CFR—Continued

1060 44860
1061 44860
1062 44860
1067 44860
1068 44860
1069 44860
1070 44860
1071 44860
1075 44860
1076 44860
1078 44860

PROPOSED RULES:

103 46608
160f 46576
185 ..... 45702, 46317
193 45962
205 43420
302 43414
303 43414
305 43414

46 CFR

10 45841
297 44403
536 44041

PROPOSED RULES:

31 ..... 43822, 44711
34 43822
54 43822
98 43822
154 43822
171 ..... 44711, 44712
177 44712
298 44408
502 ..... 44059, 46889
511 46352

47 CFR

1 ..... 44042, 44177
2 ..... 44042, 46436, 47049
5 45007
13 44178
31 46853
68 46298
73 ..... 44178, 44403, 44404, 47050–47051
87 44690
89 ..... 44180, 46853
91 ..... 44182, 46853
93 ..... 44183, 46853
97 ..... 44042, 44183

PROPOSED RULES:

2 45584
21 45584
64 44057
73 ..... 43422, 43922, 44427, 44712, 44713, 46350, 46465, 47076
76 46466
81 45584
83 ..... 44194, 45584, 46888

49 CFR

1 ..... 44042, 44710, 45011
192 47252
215 44043
217 46853
218 46854
258 ..... 44570, 46601
260 ..... 44577, 46601
571 46437
609 45842
1033 ..... 43723, 45567, 45842, 45843, 45989

49 CFR—Continued

1034 ..... 45568, 45990
1047 45011
1048 44405
1057 46438
1061 45843
1109 44183
1131 43904
1254 44045

PROPOSED RULES:

91 44871
192 46463
195 46463
265 46612
268 44954
527 46878
571 ..... 45021, 46460
1048 46353
1109 43743
1211 46013

50 CFR

17 ..... 45990, 47180
20 46854
32 ..... 43723–43726, 43905–43908, 44046–44048, 44184, 44185, 44406, 44693–44695, 45012, 45013, 45568, 46314, 46460, 47253
33 ..... 44048, 45013
216 ..... 43550, 43726, 45569, 47254

PROPOSED RULES:

17 45573
21 46873
32 44049
216 ..... 43729, 44049, 45015

FEDERAL REGISTER PAGES AND DATES—OCTOBER

Pages	*Date*
43381–43704	Oct. 1
43705–43887	4
43889–44029	5
44031–44150	6
44151–44355	7
44357–44686	8
44687–44850	12
44851–44993	13
44995–45533	14
45535–45815	15
45817–45975	18
45977–46286	19
46287–46424	20
46425–46578	21
46579–46839	22
46841–47017	26
47019–47201	27
47203–47405	28

reminders

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

Rules Going Into Effect Today

FCC—Ascertainment of community problems by broadcast applicants.... 42036; 9–24–76

HEW/FDA—Ampicillin and sterile sodium ampicillin; revision of potency calculations..... 42649; 9–28–76

Interior/NPS—Bicycling, skating and coasting; restrictions.... 42661; 9–28–76

Treasury/CS—Customs warehouses merchandise control; specification for partitions..... 42648; 9–28–76

List of Public Laws

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

H.R. 1144..... Pub. Law 94–568
To amend the Internal Revenue Code of 1954 with respect to the tax treatment of social clubs and certain other membership organizations, to provide for a study of tax incentives for recycling, and for other purposes
(Oct. 20, 1976; 90 Stat. 2697)

H.R. 7228..... Pub. Law 94–569
To amend the Internal Revenue Code of 1954 to permit the authorization of means other than stamp on containers of distilled spirits as evidence of tax payment, to provide an extension of certain provisions relating to members of the Armed Forces missing in action, and for other purposes
(Oct. 20, 1976; 90 Stat. 2699)

H.R. 9719..... Pub. Law 94–565
To provide for certain payments to be made to local governments by the Secretary of the Interior based upon the amount of certain public lands within the boundaries of such locality
(Oct. 20, 1976; 90 Stat. 2662)

H.R. 10210..... Pub. Law 94–566
Unemployment Compensation Amendments of 1976
(Oct. 20, 1976; 90 Stat. 2667)

H.R. 12207..... Pub. Law 94–570
Rural Electrification Administration Technical Amendments Act of 1976
(Oct. 20, 1976; 90 Stat. 2701)

H.R. 13160..... Pub. Law 94–567
To designate certain lands within units of the National Park System as wilderness; to revise the boundaries of certain of those units; and for other purposes
(Oct. 20, 1976; 90 Stat. 2692)

H.R. 13955..... Pub. Law 94–564
To provide for amendment of the Bretton Woods Agreements Act, and for other purposes
(Oct. 19, 1976; 90 Stat. 2660)

H.R. 14535..... Pub. Law 94–571
Immigration and Nationality Act Amendments of 1976
(Oct. 20, 1976; 90 Stat. 2703)

presidential documents

Title 3—The President

PROCLAMATION 4471

American Education Week, 1976

By the President of the United States of America

A Proclamation

One of our Nation's greatest gifts to its children is the right to free public education through the high school years. No country on earth offers at public expense so extended an education to so many young people without regard to their social or economic background and regardless of their race, creed, color and sex.

The quality of our education system is still improving steadily. As just one indication of this, the National Assessment of Educational Progress shows that children in the elementary grades are reading significantly better than they did five years ago. Federal aid programs are helping disadvantaged, bilingual, and handicapped children gain equal access to education's mainstream, thus offering all students the benefits of education's progress.

Beyond high school, our many fine colleges, universities, and occupational schools give young people the opportunity to prepare for virtually any career and to fulfill almost any desire for self-enrichment. Federal grants and loans, along with State and private aid, ease the financial burden of education after high school to an extent never before enjoyed by our Nation's youth.

People of all ages are taking advantage of their many higher education options. A decade ago the average American had a high school education. Today the average American has some postsecondary experience.

We may be justifiably proud of our achievements in education while still recognizing that our schools and colleges face problems. Some school districts and colleges are experiencing financial difficulties. Some are plagued by vandalism and violence that disrupt the learning environment and cost taxpayers more than a half-billion dollars a year. Some are re-evaluating their mission in response to the demand for greater emphasis on basic learning skills and career training.

Our education system is resilient and responds positively to challenge. I am confident that it will continue to be responsive to the needs and aspirations of all Americans.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning November 14, 1976, as American Education Week.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of October, 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.76-31807 Filed 10-27-76;10:46 am]

PROCLAMATION 4472

National Farm–City Week, 1976

By the President of the United States of America

A Proclamation

As we near the end of our Bicentennial year, we have good cause to once again give thanks for the unique productivity of our farms and cities. While we are a nation of individuals—farmers and ranchers, and townspeople—we all work closely together to operate our economic and governmental systems.

Our independence as a country for two centuries has been successful because our citizens have been successful working together. This is nowhere more apparent than in the continuing development of our agricultural and urban areas. Our farmers and ranchers are the greatest producers of food in the world. They do this through the help of the goods and services produced by those who have moved from farms to the cities.

It is clear that this continuing interdependence between farm and city should be more fully understood by all citizens, for it is through this partnership that the country may achieve new abundance and prosperity in the future.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the period November 19 through November 25, 1976, as National Farm-City Week.

I request that interested individuals in all pursuits join with agricultural organizations, business and labor groups, youth and community groups, schools, and others to focus attention upon the interrelationships which exist between individuals and their labors in our economic system.

I urge the Department of Agriculture, educational institutions and all organizations and governmental agencies and officials to mark the significance of National Farm-City Week with special study, public meetings, exhibits and other appropriate activity in the public interest.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of October, 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.76-31808 Filed 10-27-76;10:47 am]

PROCLAMATION 4473

National Family Week, 1976

By the President of the United States of America

A Proclamation

The success of our American experiment in self-government depends upon the unique character of the American spirit—a spirit that is nurtured, taught by example, and lived by experience within the vital framework of the American family.

It is in our families that we learn, develop and practice those attitudes and concepts of right and wrong, of fairness, of charity, and love of country. Neither schools nor the institutions of government can ever replace the American family in the development of responsible and caring individuals.

Since we believe that every child has the right to grow up in a secure, loving family and that this experience lays the foundation for a happy, productive adulthood, we commend the growing numbers of Americans who are building families through adoption. By this means, thousands of children of all ages, backgrounds and with various special needs have been able to reap the benefits of permanent family membership.

It is within that family circle that each child learns the most important of life's lessons: from parents, love and respect; from grandparents and other elder relatives, wisdom and tolerance. These family experiences nurture our sense of community with others.

In deprivation and abundance, in turmoil and tranquility, Americans have reached out for their destiny from the constant sanctuary of family life.

In recognition of this fundamental role of the family in the development and continued vitality of our Nation, the Congress has requested that the week of Thanksgiving in 1976 be designated as National Family Week (Public Law 94–270, 90 Stat. 372).

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning on November 21, 1976, as National Family Week. I invite the Governors of the several States and the chief officials of local governments to observe National Family Week with appropriate ceremonies and activities.

I urge all Americans to observe this week by sharing with their families and friends an expression of the bonds between them and a common acknowledgement that through the extended relationships of the family, we will improve the quality of our lives and increase our Nation's store of peace, progress, happiness, and individual liberty.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of October, 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.76-31809 Filed 10-27-76;10:48 am]

PROCLAMATION 4474

Thanksgiving Day, 1976

By the President of the United States of America

A Proclamation

Traditionally, Americans have set aside a special day to express their gratitude to the Almighty for the blessings of liberty, peace and plenty that have been bestowed upon a grateful Nation.

The early settlers of this land possessed an unconquerable spirit and a reliance on Divine Providence that remains a part of the American character. That reliance, coupled with a belief in our selves and a love of individual freedom, has brought this Nation through two centuries of progress and kept us strong.

As we cross the threshold into our third century as a sovereign and independent Nation, it is especially appropriate that we reaffirm our trust in Him and express our gratitude for the unity, freedom and renewed sense of national pride we enjoy today.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, in accord with Section 6103 of Title 5 of the United States Code, do hereby proclaim Thursday, November 25, 1976, as a day of national thanksgiving. I call upon all Americans to join on that day with their friends and families in homes and places of worship throughout the land to offer thanks for the blessings we enjoy.

Let each of us resolve this Thanksgiving Day to make the coming year one in which our every deed will reflect our constant gratitude to God. Let us set a standard of honor, justice, and charity against which all the years of our third century may be measured.

Let us make this Thanksgiving a truly special one.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of October, 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.76-31810 Filed 10-27-76;10:49 am]

PROCLAMATION 4475

Wright Brothers Day, 1976

By the President of the United States of America

A Proclamation

On December 17, 1903, near Kitty Hawk, North Carolina, two brothers, Orville and Wilbur Wright, revolutionized transportation when they made the first successful flight in a heavier-than-air, powered aircraft. On that memorable day, 73 years ago, those two Americans laid the foundation for modern aviation. The phenomenal advances in aviation and space technology since that first successful adventure are now portrayed in the new National Air and Space Museum in our Nation's Capital.

It is particularly fitting to recognize, in this year of our Nation's Bicentennial, the determination and ingenuity displayed by the Wright brothers during the years of experimentation in developing their airplane. These traits are symbolic of the American spirit and of the American commitment to make this a better world.

To commemorate the historic achievements of the Wright brothers, the Congress, by a joint resolution of December 17, 1963 (77 Stat. 402, 36 U.S.C. 169), designated the seventeenth day of December of each year as Wright Brothers Day and requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I GERALD R. FORD, President of the United States of America, do hereby call upon the people of this Nation, and their local and national government officials, to observe Wright Brothers Day, December 17, 1976, with appropriate ceremonies and activities, both to recall the accomplishments of the Wright brothers and to provide a stimulus to aviation in this country and throughout the world.

IN WITNESS WHEREFOF, I have hereunto set my hand this twenty-fifth day of October, 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.76-31811 Filed 10-27-76;10:50 am]

Executive Order 11943 • October 25, 1976

Amendment of Adjustments of Certain Rates of Pay and Allowances

By virtue of the authority vested in me as President of the United States of America, in order to correct a typographical error, it is hereby ordered that the adjusted maximum scale of pay in the Section 4103 Schedule for Director of Nursing Service, as set forth in Schedule 3 of Executive Order No. 11941 of October 1, 1976, is amended by changing "2,611*" to read "52,611*".

Gerald R. Ford

THE WHITE HOUSE,
October 25, 1976.

[FR Doc.76-31812 Filed 10-27-76;10:51 am]

Executive Order 11944 • October 25, 1976

Authorizing Delegation of Authority to the Secretary of the Treasury With Respect to the Northern Mariana Islands

By virtue of the authority vested in me by the Act of June 30, 1954, as amended (48 U.S.C. 1681), and as President of the United States of America, Section 2 of Executive Order No. 11021 of May 7, 1962, is amended by deleting the period at the end of Section 2 and by adding the following:

", except that the Secretary may, with the approval of the Secretary of the Treasury, delegate to the Secretary of the Treasury so much of this authority as is necessary to effectuate the purposes of Section 606(a) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Public Law 94–241, 90 Stat. 263, 48 U.S.C. 1681 note), which authority is to be exercised in such manner as shall be agreed upon by the Secretary of the Interior and the Secretary of the Treasury.".

Gerald R. Ford

THE WHITE HOUSE,
October 25, 1976.

[FR Doc.76-31813 Filed 10-27-76;10:52 am]

Executive Order 11945 • October 25, 1976

Physical Fitness and Sports

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, Executive Order No. 11562, as amended, is further amended as follows:

SECTION 1. Section 1 is amended to read:

"Section 1. *Program for physical fitness and sports.* The Secretary of Health, Education, and Welfare (hereinafter referred to as "the Secretary"), shall, in carrying out his responsibilities in relation to education and public health, develop and coordinate a national program for physical fitness and sports. The Secretary shall:

"(a) Enlist the active support and assistance of individual citizens, civic groups, professional associations, amateur and professional sports groups, private enterprise, voluntary organizations and others in efforts to promote and improve the health of all Americans through regular participation in physical fitness and sports activities;

"(b) initiate programs to inform the general public of the importance of exercise and the link which exists between regular physical activity and such qualities as good health and effective performance;

"(c) strengthen coordination of Federal services and programs relating to physical fitness and sports participation;

"(d) encourage State and local governments to emphasize the importance of regular physical fitness and sports participation;

"(e) seek to advance the physical fitness of children, youth, adults and senior citizens by systematically encouraging the development of community recreation, physical fitness and sports participation programs;

"(f) develop cooperative programs with medical, dental, and other similar professional societies to encourage the implementation of sound physical fitness practices;

"(g) stimulate and encourage research in the areas of physical fitness and sports performances;

"(h) assist educational agencies at all levels in developing high-quality, innovative health and physical education programs which emphasize the importance of exercise to good health;

"(i) assist business, industry, government and labor organizations in establishing sound physical fitness programs to elevate employee health and to reduce the financial and human costs resulting from physical inactivity.".

SEC. 2. The following new subsection is added to Section 5:

"(c) Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act (5 U.S.C. App. 1), except that of reporting annually to the Congress, which are applicable to the Council established by this Order, shall be performed by the Secretary in accordance with guidelines and procedures established by the Office of Management and Budget.".

Gerald R. Ford

THE WHITE HOUSE,
October 25, 1976.

[FR Doc.76-31814 Filed 10-27-76;10:53 am]

Executive Order 11946 • October 25, 1976

White House Fellowships

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, Executive Order No. 11183 of October 3, 1964, as amended, is hereby further amended as follows:

SECTION 1. Paragraph (5) of subsection 2(b) is amended to read:

"(5) Are not, on the date on which they apply or at any time between the date of application and the beginning of service as a White House Fellow, employed in, or receiving any salary or wage as compensation for, the performance of a Federal function under authority of law or Executive act; except that, this exclusion shall not apply to regular members of the Army, Navy, Air Force, Marine Corps or Coast Guard, nor shall it apply to a "special Government employee" as defined in Section 202 of Title 18 of the United States Code, nor shall it apply to an independent contractor or employee thereof.".

SEC. 2. Section 3 is amended to read:

"Sec. 3. *White House Fellows.* White House Fellows will be appointed to serve for 12 months, beginning on September 1 of the year in which they are selected, and shall be assigned to serve on the White House staff, in the Executive Office of the President, in the office of the Vice President, in the offices of members of the Cabinet, or in the offices of such other Executive Branch officials as shall, from time to time, be designated by the President and the Commission.".

Gerald R. Ford

THE WHITE HOUSE,
October 25, 1976.

[FR Doc.76-31815 Filed 10-27-76;10:54 am]

Memorandum of September 21, 1976

Determination Under Sections 103(d) (3) and (4) of the Agricultural Trade Development and Assistance Act of 1954, as Amended (Public Law 480)—Egypt

[Presidential Determination No. TQ6]

Memorandum for the Secretary of State, the Secretary of Agriculture

THE WHITE HOUSE,
Washington, September 21, 1976.

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby:

(a) Determine that for Egypt the waiver of the exclusion provided for by Section 103(d)(3) of the Act, for the purpose of selling up to 100,000 metric tons of wheat/wheat flour, is in the national interest of the United States and I do hereby waive such exclusion; and

(b) Determine, pursuant to Section 103(d)(4) of the Act, that the sale to Egypt of 100,000 metric tons of wheat/wheat flour is in the national interest of the United States.

Gerald R. Ford

STATEMENT OF REASONS THAT SALES UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUBLIC LAW 480) TO EGYPT ARE IN THE NATIONAL INTEREST

In response to current Egyptian needs, it is proposed to export to that country 100,000 metric tons of wheat/wheat flour (wheat grain equivalent) under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (P.L. 480). Added to previous allocations, the total amount of wheat/wheat flour (wheat grain equivalent) provided to Egypt under Title I in FY 1976 and the Transition Quarter will be 1,350,000 metric tons. The proposed food aid is for shipment during the July 1–September 30 U.S. Transition Quarter.

Egypt continues to be central to our efforts to achieve a just and lasting peace in the Middle East. Our ultimate success will depend in part on Egyptian confidence in our intention to develop a broad and constructive bilateral relationship with that country. Continuation of a program for concessional sales of agricultural commodities to Egypt will constitute a tangible demonstration of our intended role.

In order to enter into an agreement with the Government of Egypt for such sales under Title I, it is necessary that the President determine that such sales would be in the national interest of the United States. Section 103(d)(3) of P.L. 480 excludes from eligibility for concessional sales under Title I any country which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials, or commodities (so long as those countries are governed by Communist regimes). Egyptian governmental entities maintain trade with Cuba. However, under Section 103(d)(3), as amended by Section 203 of P.L. 94–161, the President is authorized to waive this exclusion if he determines that such a waiver is in the national interest. Section 103(d)(4) specifically prohibits sales of commodities under Title I to Egypt unless the President determines such sales are in the national interest of the United States.

The considerations noted above make the proposed sales and the necessary waivers important to the national interest of the United States.

[FR Doc.76–31660 Filed 10–26–76;3:00 pm]

Memorandum of October 18, 1976

Determination Under Section 103(d)(3) of the Agricultural Trade Development and Assistance Act of 1954, as Amended (Public Law 480) Portugal

[Presidential Determination No. 77–1]

Memorandum for the Secretary of State, the Secretary of Agriculture

THE WHITE HOUSE,
Washington, October 18, 1976.

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby:

Determine that for Portugal the waiver of the exclusion provided for by Section 103(d)(3) of the Act, for the purpose of selling up to $50 million worth of agricultural commodities under Title I during Fiscal Year 1977, is in the national interest of the United States, and I do waive that exclusion.

Gerald R. Ford

STATEMENT OF REASONS THAT A WAIVER UNDER SECTION 103(d)(3) OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUBLIC LAW 480), IS IN THE NATIONAL INTEREST

In response to current Portuguese import needs, the Executive Branch proposes to export to that country up to 50 million dollars of agricultural commodities in fiscal year 1977 under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (P.L. 480).

After almost 50 years of authoritarian rule, a popularly-elected Portuguese government was sworn in on July 23, 1976. The United States strongly supports the restoration of democracy to Portugal. However, beset by enormous economic problems, exacerbated by the influx of thousands of refugees, Portugal needs urgent economic assistance. Concessional sales of agricultural commodities to Portugal constitute a tangible demonstration of our willingness to help provide this assistance.

Portuguese nationalized firms export to Cuba. Therefore, in order to enter into an agreement with the Government of Portugal for such a sale under Title I, it is necessary that the President determine that such sales to Portugal would be in the national interest of the United States. Section 103(d)(3) of P.L. 480 excludes from eligibility for concessional sales undre Title I any country which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials, or commodities, so long as those countries are governed by Communist regimes. However, under Section 103(d)(3), as amended by Section 203 of P.L. 94–161, the President is authorized to waive this exclusion if he determines that such a waiver is in the national interest.

The considerations noted above make the proposed sale of agricultural commodities to Portugal and the necessary waiver important to the national interest of the United States.

[FR Doc.76–31661 Filed 10–26–76;3:01 pm]

Memorandum of October 18, 1976

Determination Under Section 103(d) (3) and (4) of the Agricultural Trade Development and Assistance Act of 1954, as Amended (Public Law 480)—Egypt

[Presidential Determination No. 77-2]

Memorandum for the Secretary of State, the Secretary of Agriculture

THE WHITE HOUSE,
Washington, October 18, 1976.

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby:

(a) Determine that the waiver of the exclusion provided for by Section 103(d) (3) of the Act, for the purpose of selling to the Arab Republic of Egypt up to 1,000,000 metric tons of wheat/wheat flour (wheat grain equivalent) and 4,000 metric tons of tobacco and/or tobacco products, is in the national interest of the United States and I do hereby waive such exclusion; and

(b) Determine, pursuant to Section 103(d)(4) of the Act, that the sale to the Arab Republic of Egypt of 1,000,000 metric tons of wheat/wheat flour and 4,000 metric tons of tobacco and/or tobacco products is in the national interest of the United States.

Gerald R. Ford

STATEMENT OF REASONS THAT SALES UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUBLIC LAW 480) TO EGYPT ARE IN THE NATIONAL INTEREST

In response to current Egyptian needs, the United States proposes to export to that country during Fiscal Year 1977 1,000,000 metric tons of wheat/wheat flour (wheat grain equivalent) and 4,000 metric tons of tobacco and/or tobacco products under Title I of the Agricultural Trade Development and Assistance Act of 1954 as amended (Public Law 480). We expect to negotiate an agreement with the Egyptian Government for sale of 500,000 metric tons of wheat/wheat flour and all of the tobacco early in the fiscal year. We would then seek agreement on the balance of the wheat later in the year.

Egypt continues to be central to our efforts to achieve a just and lasting peace in the Middle East. Our ultimate success in this endeavor will depend in part on Egyptian confidence in our intention to develop broad and constructive bilateral relations with that country. Continuation of a program for concessional sales of agricultural commodities to Egypt will constitute a tangible demonstration of our intended role.

In order to enter into an agreement with the Egyptian Government for such sales under Title I of Public Law 480 it is necessary that the President determine that such sales would be in the national interest of the United States. Section 103(d)(3) of the Act excludes from eligibility for concessional sales under Title I any nation which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials, or commodities (so long as those countries are governed by Communist regimes). Egyptian governmental entities have maintained trade with North Vietnam and Cuba. However under Section 103(d)(3), as amended by Section 203 of Public Law 94-161, the President is authorized to waive this exclusion if he determines that such a waiver is in the national interest. Section 103(d)(4) specifically prohibits sales of commodities under Title I to Egypt (referred to as the United Arab Republic in the Act) unless the President determines that such sales are in the national interest of the United States.

The considerations noted above make the proposed sales and the necessary waivers important to the national interest of the United States.

[FR Doc.76-31662 Filed 10-26-76;3:02 pm]

rules and regulations

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

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

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-GL-20; Amdt. 39-2753]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Model 7 & 8 Series Airplanes with Adjustable Front Seats

There have been failures of the front adjustable seat on Bellanca Model 7 & 8 Series airplanes that could result in the front seat back restricting the rear control stick movement. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require an inspection of the adjustable front seat for cracks in the seat frame side tubes on Bellanca Model 7 & 8 Series airplanes.

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

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

BELLANCA AIRCRAFT CORPORATION. Applies to:

Model:	*Serial Number*
7 ECA	1126-76 through 1173-76.
7GCAA	324-76 through 332-76.
7GCBC	887-76 through 942-76.
7KCAB	551-76 through 584-76.
8KCAB	219-76 through 265-76.
8GCBC	188-76 through 228-76.

And all previous serial numbered airplanes in which the adjustable front seat has been installed per Bellanca Kit No. 252.

Compliance required within the next 10 hours' time in service after the effective date of this AD, unless already accomplished.

To detect permanent deformation and/or cracks in the lower frame side tubes on the adjustable front seat, accomplish the following:

a. Inspect the left and right side lower seat frame side tubes for evidence of cracks and/or permanent deformation in an area just forward of the side brace and side tube junction. A permanent upward bow in the side tube at this junction is evidence of permanent deformation. The area can best be inspected after removal of the seat cushion.

b. If cracks and/or permanent deformation are found, repair per AC 43.13-1 and install Bellanca Kit No. 253, or replace the seat frame with a new reinforced seat frame P/N 7-1513, before further flight.

c. If cracks and/or permanent deformation are not found, install Bellanca Kit No. 253 within the next 20 hours' time in service after the effective date of this AD.

Bellanca Service Letter number C-125 dated May 19, 1976 pertains to this subject.

This amendment becomes effective November 2, 1976.

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

Issued in Des Plaines, Ill., on October 19, 1976.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc.76-31538 Filed 10-27-76;8:45 am]

[Airspace Docket No. 76-SW-36]

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

Alteration of VOR Airway

On August 19, 1976, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (41 FR 35073) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the airway width of V-13W in the vicinity of Harlingen, Tex.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 30, 1976, as hereinafter set forth.

In § 71.123 (41 FR 307, 11275, 29094) the airway is amended as follows:

In V-13 "including a W. alternate from Harlingen via INT Harlingen 006° and Corpus Christi 193° radials; 34 miles standard width, 37 miles 7 miles wide (4 miles E. and 3 miles W. of centerline). Corpus Christi;" is deleted, and "including a W. alternate from Harlingen, 23 miles 7 miles wide (3 miles E. and 4 miles W. of centerline), 4 miles 8 miles wide, via INT Harlingen 006° and Corpus Christi 193° radial; 34 miles standard width, 37 miles 7 miles wide (4 miles E. and 3 miles W. of centerline), to Corpus Christi;" is substituted therefor.

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

Issued in Washington, D.C., on October 21, 1976.

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

[FR Doc.76-31536 Filed 10-27-76;8:45 am]

[Airspace Docket No. 76-NE-31]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Relocation of Waypoint

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to collocate the FAWNS, N.Y., waypoint (44°57'35'' N., 74°05'34'' W.) with the present Frontier VHF/DME intersection (44°59'01'' N., 74°05'33'' W.). Concurrent with this action the Frontier intersection will be renamed FAWNS intersection.

Since this change is a minor matter upon which the public would not have particular reason to comment, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 30, 1976, as hereinafter set forth.

In § 75.400 (41 FR 721) the FAWNS waypoint location is amended to read "44°59'01'' N. 74°05'33'' W."

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

Issued in Washington, D.C., on October 21, 1976.

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

[FR Doc.76-31537 Filed 10-27-76;8:45 am]

[Docket No. 15196, Amdt. Nos. 63-18; 91-133; 105-6; 121-130; 123-6; 129-7; 135-42; 145-15; and 147-3]

OPERATIONS REVIEW PROGRAM

Amendment No. 1: Clarifying and Editorial Changes

The purpose of these amendments is to incorporate into Parts 63, 91, 105, 121, 123, 129, 135, 145, and 147 of the Federal Aviation Regulations several clarifying and editorial revisions.

These amendments are based on a Notice of Proposed Rule Making (Notice 75-39), published in the FEDERAL REGISTER on December 8, 1975 (40 FR 57342) and are the first in a series of amendments to be issued as part of the First Biennial Operations Review Program.

Interested persons have been afforded an opportunity to participate in the making of these amendments and due consideration has been given to all comments presented. Several changes have been made to the proposed rules based upon the relevant comments received and subsequent review by the FAA. Those changes and comments are discussed below and, except for those changes, the

reasons for the amendments remain the same as contained in Notice 75–39. The following discussion is keyed to the like-numbered proposals contained in Notice 75–39.

Proposal 1. Addition of class ratings to flight engineer certificates is presently controlled by § 63.33 and hence the proposed revision to § 63.45 would create a redundancy. As the applicable dates have passed, § 63.45 is no longer operative and therefore it is being deleted.

Proposal 4. This proposed change to § 91.24 is being deferred for consideration in a later notice.

Proposal 9. As December 30, 1975 has passed, § 91.52(g) is no longer applicable and is therefore deleted.

Proposal 13. This proposal to amend § 91.181 contained two typographical errors. The reference to §§ 91.127 and 91.129 should read §§ 91.217 and 91.219, respectively.

Proposal 27. This proposal to amend § 121.433(c)(1)(i) was intended to clarify the existing rule. Several commentators noted that the intended clarification had the opposite effect. Therefore, this proposal is being withdrawn to allow further study to determine whether a clarification is necessary and how best to accomplish it.

Proposal 39. One commentator opposed the addition of paragraph (b) to § 135.67 on the basis that it would be physically impossible for the pilot in command to make the determination that the inspections required under § 91.217 have been made. In light of this comment and the fact that review of Part 135 is presently underway, this proposal is being withdrawn from consideration at this time.

Proposal 41. One commentator pointed out that the preamble did not speak to this proposal to amend § 135.138(b). The only change effected by this proposal is to correct the reference to revised Part 61. The commentator also objected to use of the words "related advisory circulars." As those words are contained in the current rule and removal would amount to a substantive change, the comment is beyond the scope of this regulatory action.

Proposals 43 and 44. One commentator stated, "The deletion of section 135.144a leaves the proposed rule incomplete in that FAR 23.1(a) applies to airplanes of nine seats or less and therefore no provisions are given for this in 135.144 as proposed." Such is not the case. The change to § 135.144 and the deletion of § 135.144a will in no way affect current substantive requirements for aircraft of nine seats or less. Section 135.144, as its title indicates, imposes additional requirements for airplanes carrying 10 or more passengers.

The commentator also noted substantive objections to § 135.144 and noted that no substantive discussion of the proposed change was included in the notice. Since the proposed rule change was nonsubstantive, it was not addressed in the preamble other than to note that an editorial change was being proposed. Substantive objections to the provisions of § 135.144 are beyond the scope of this regulatory action.

Proposals 48, 49, 50, and 51. Comments received on these proposals to make several changes to Part 137 indicate that further study is appropriate. The proposals are being withdrawn and will be addressed in a later notice.

Proposal 53. One commentator suggested that the phrase "or equivalent" be added after "inspection procedures manual" in proposed § 145.45(f) since several air carriers holding repair station certificates utilize different titles for their manuals. The intent of the regulation is not to require a manual of specific title but a manual of specific content. Therefore, to preclude confusion, the language is changed to "a manual containing inspection procedures".

These amendments are made under the authority of secs. 307, 313(a), 601, 603, and 607, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, 1423, and 1427), and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and for the reasons stated in Notice No. 75–39, Parts 63, 91, 105, 121, 123, 129, 135, 145, and 147 of the Federal Aviation Regulations are amended effective, November 29, 1976 as follows:

PART 63—CERTIFICATION: FLIGHT CREW MEMBERS OTHER THAN PILOTS

1. By deleting and reserving § 63.45.

§ 63.45 [Reserved]

PART 91—GENERAL OPERATING AND FLIGHT RULES

§ 91.4 [Amended]

2. By amending § 91.4 by deleting the words "After November 1, 1974, no" and inserting the word "No" in place thereof.

§ 91.17 [Amended]

3. By amending § 91.17(a)(1) by deleting the reference to "§ 61.38" and inserting "§ 61.69" in place thereof and by deleting and reserving § 91.17(c).

4. By revising the first sentence of § 91.33(c)(3) and by revising § 91.33(e) to read as follows:

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements.

* * * * *

(c) * * *

(3) An approved aviation red or aviation white anticollision light system on all U.S. registered civil aircraft. * * *

* * * * *

(e) *Flight at and above 24,000 feet MSL.* If VOR navigational equipment is required under pargaraph (d)(2) of this section, no person may operate a U.S. registered civil aircraft within the 50 states, and the District of Columbia, at or above 24,000 feet MSL unless that aircraft is equipped with approved distance measuring equipment (DME). When DME required by this paragraph fails at and above 24,000 feet MSL, the pilot in command of the aircraft shall notify ATC immediately, and may then continue operations at and above 24,000 feet MSL to the next airport of intended landing at which repairs or replacement of the equipment can be made.

* * * * *

5. By revising the first sentence of § 91.43(e) to read as follows:

§ 91.43 Special rules for foreign civil aircraft.

* * * * *

(e) *Flight at and above 24,000 feet MSL.* If VOR navigation equipment is required under paragraph (c)(1)(ii) of this section, no person may operate a foreign civil aircraft within the 50 states and the District of Columbia at or above 24,000 feet MSL, unless the aircraft is equipped with distance measuring equipment (DME) capable of receiving and indicating distance information from the VORTAC facilities to be used. * * *

* * * * *

§ 91.45 [Amended]

6. By amending § 91.45(a)(2)(iv) by deleting the words "After February 20, 1967," and by amending § 91.45(a)(3)(ii) by deleting the words "After February 20, 1967, a" and inserting the word "A" in place thereof.

§ 91.51 [Amended]

7. By amending § 91.51(a) by deleting the words "after February 29, 1972,".

8. By deleting § 91.52(g) and by revising § 91.52(a) to read as follows:

§ 91.52 Emergency locator transmitters.

(a) Except as provided in paragraphs (e) and (f) of this section, no person may operate a U.S. registered civil airplane unless it meets the applicable requirements of paragraphs (b), (c), and (d) of this section.

* * * * *

§ 91.53 [Amended]

9. By amending § 91.53(a) by deleting the words "July 1 of each of the years 1970 and 1971, and April 1 of each year thereafter" and inserting the words "April 1 of each year" in place thereof.

10. By amending § 91.90 by deleting from paragraph (c) the words "After the date specified in § 91.24(b)(3), no" and inserting the word "No" in place thereof, and by revising subdivisions (a)(3)(iii) and (b)(2)(iii) to read as follows:

§ 91.90 Terminal control areas.

(a) * * *

(3) * * *

(iii) The applicable equipment specified in § 91.24.

(b) * * *

(2) * * *

(iii) The applicable equipment specified in § 91.24, except that automatic pressure altitude reporting equipment is not required for any operation within the terminal control area, and a transponder is not required for IFR flights operating to or from an airport outside of but in close proximity to the terminal control area, when the commonly used transition, approach, or departure pro-

cedures to such airport require flight within the terminal control area.

* * * * *

§ 91.173 [Amended]

11. By inserting a comma between the words "airframe" and "engine" in § 91.173(a)(2)(vi).

12. By revising §91.181(a) to read as follows:

§ 91.181 Applicability.

(a) Sections 91.181 through 91.215 prescribe operating rules, in addition to those prescribed in other subparts of this part, governing the operation of large and of turbojet-powered multiengine civil airplanes of U.S. registry. The operating rules in this subpart do not apply to those airplanes when they are required to be operated under Parts 121, 123, 129, 135, and 137 of this chapter. Sections 91.217 and 91.219 prescribe an inspection program for large and for turbine-powered (turbojet and turboprop) multiengine airplanes of U.S. registry when they are operated under this subpart or Parts 129 or 137 and for small turbine-powered multiengine airplanes operated under Part 135 of this chapter.

* * * * *

§ 91.213 [Amended]

13. By amending § 91.213(a) by deleting the words "after January 22, 1973," and by amending § 91.213(c) by deleting the words "After January 22, 1973, no" and inserting the word "No" in place thereof.

§ 91.217 [Amended]

14. By amending § 91.217, as follows:

(a) By deleting the words ", and after January 22, 1973, except as provided in paragraph (f) of this section," in paragraph (a) and inserting the word "and" in place thereof;

(b) By deleting the words "after January 22, 1973, except as provided in paragraph (f) of this section," in paragraph (b); and

(c) By deleting paragraph (f).

PART 105—PARACHUTE JUMPING

15. By revising § 105.25(a)(5) to read as follows:

§ 105.25 Information required, and notice of cancellation or postponement of jump.

(a) * * *

(5) The duration of the intended jump.

* * * * *

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

§ 121.55 [Amended]

16. By amending § 121.55 by deleting paragraphs (b) and (c), by deleting the designation "(a)", and by redesignating § 121.55(a)(1), (2), (3), (4), and (5) as § 121.55 (a), (b), (c), (d), and (e) respectively.

17. By revising § 121.289 by deleting paragraph (d) and amending paragraph (a) as follows:

§ 121.289 Landing gear: aural warning device.

(a) Each large airplane must have a landing gear aural warning device that functions continuously under the following conditions:

* * * * *

§ 121.305 [Amended]

18. By amending § 121.305(j) by deleting the words "after August 5, 1971, on" and inserting the word "On" in place thereof and by deleting the flush paragraph at the end of the section which begins with the words "A certificate holder * * *."

§ 121.343 [Amended]

19. By amending § 121.343 by:

a. Deleting the words "After September 18, 1973, for" in paragraph (a)(2) and inserting the word "For" in place thereof;

b. Deleting the words "After March 18, 1974, each" in paragraph (f) and inserting the word "Each" in place thereof; and

c. Deleting the words "After September 18, 1972, each" in paragraph (g) and inserting the word "Each" in place thereof.

20. By amending § 121.349(c) to read as follows:

§ 121.349 Radio equipment for operations under VFR over routes not navigated by pilotage or for operations under IFR or over-the-top.

* * * * *

(c) Whenever VOR navigational receivers are required by paragraph (a) or (b) of this section, at least one approved distance measuring equipment unit (DME) capable of receiving and indicating distance information from VOR TAC facilities must be installed on each airplane when operated in the 50 states and the District of Columbia.

* * * * *

§ 121.357 [Amended]

21. By amending § 121.357 by deleting the words, "in passenger-carrying operations," in paragraph (a) and by deleting paragraph (b) and marking it "Reserved".

22. By revising § 121.359(a) to read as follows:

§ 121.359 Cockpit voice recorders.

(a) No certificate holder may operate a large turbine engine powered airplane or a large pressurized airplane with four reciprocating engines unless an approved cockpit voice recorder is installed in that airplane and is operated continuously from the start of the use of the checklist (before starting engines for the purpose of flight), to completion of the final checklist at the termination of the flight.

* * * * *

23. By revising § 121.409(c) as follows:

§ 121.409 Training courses using airplane simulators and other training devices.

* * * * *

(c) * * *

(1) A course of pilot training in an airplane simulator as provided in § 121.424(d); or

(2) A course of flight engineer training in an airplane simulator or other training device as provided in § 121.425(c).

24. By amending § 121.415 by deleting the flush paragraph immediately following paragraph (a)(3), by revising the introductory text in paragraph (a)(1) and by revising paragraph (b) as follows:

§ 121.415 Crewmember and dispatcher training requirements.

(a) Each training program must provide the following ground training as appropriate to the particular assignment of the crewmember or dispatcher:

(1) Basic indoctrination ground training for newly hired crewmembers or dispatchers including 40 programmed hours of instruction, unless reduced under § 121.405 or as specified in § 121.401(d), in at least the following—

* * * * *

(b) Each training program must provide the flight training specified in §§ 121.424 through 121.426, as applicable.

* * * * *

§ 121.432 [Amended]

25. By deleting § 121.432 (a) and (b) and redesignating § 121.432 (c), (d), (e), and (f) as § 121.432(a), (b), (c), and (d) respectively.

§ 121.433a [Amended]

26. By amending § 121.433a(a) by deleting the words, "After December 6, 1973, no" and inserting the word "No" in place thereof.

§ 121.538 [Amended]

27. By amending § 121.538(b) by deleting the words ", before February 6, 1972,".

§ 121.576 [Amended]

28. By amending § 121.576 by deleting the words "After May 1, 1974, means must be provided" and inserting the words "The certificate holder must provide means" in place thereof.

§ 121.579 [Amended]

29. By amending § 121.579 by deleting the words "automatic pilot" wherever they appear in the title and text and inserting the word "autopilot" in place thereof.

PART 123—CERTIFICATION AND OPERATIONS: AIR TRAVEL CLUBS USING LARGE AIRPLANES

30. By revising § 123.3 to read as follows:

§ 123.3 Certificate and operations specifications required.

No person may operate an airplane in operations to which this part applies

without, or in violation of, an air travel club operating certificate and appropriate operations specifications issued under this part.

§ 123.5 [Reserved]

31. By deleting and reserving § 123.5.

§ 123.11 [Amended]

32. By amending § 123.11(a) by deleting the words "Except as provided in § 123.3(b), the" and inserting the word "The" in place thereof.

PART 129—OPERATIONS OF FOREIGN AIR CARRIERS

33. By revising § 129.17(b) to read as follows:

§ 129.17 Radio equipment.

* * * * *

(b) Whenever VOR navigational equipment is required by paragraph (a) of this section, at least one distance measuring equipment unit (DME), capable of receiving and indicating distance information from the VORTAC facilities to be used, must be installed on each airplane when operated at or above 24,000 feet MSL within the 50 states, and the District of Columbia.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

§ 135.2 [Amended]

34. By deleting § 135.2(d) and marking it "Reserved".

35. By revising § 135.11 to read as follows:

§ 135.11 Duration of certificate.

An ATCO certificate is effective until surrendered, suspended, or revoked. The holder of an ATCO certificate that is suspended or revoked shall return it to the Administrator.

§ 135.43 [Amended]

36. By amending § 135.43(b) by deleting the word "or" and inserting the word "and" in place thereof.

§ 135.127 [Amended]

37. By amending § 135.127 by deleting the reference to "§ 61.47(d)" and inserting "§ 61.57(e)" in place thereof.

38. By revising § 135.138(b) to read as follows:

§ 135.138 Initial and recurrent pilot testing requirements.

* * * * *

(b) No certificate holder may use the services of a pilot, nor may any person serve as a pilot, in any aircraft unless, since the beginning of the 12th calendar month before that service, he has passed a flight check given to him by the Administrator or an authorized check pilot in that class of aircraft, if single-engine airplane other than turbojet, or the type of aircraft, if helicopter, multiengine, or turbojet, to determine the pilot's competence in practical skills and techniques in that aircraft or class of aircraft, including at least the maneuvers that are set forth in § 61.127(a) (except (5)), § 61.127(b) (except (7)), § 61.127(c) (except (7)), and § 61.65(c) (1) and (5) of this chapter, and related advisory circulars for pilot certification in the class of aircraft the pilot is to operate. However, a pilot who holds an instrument rating need not demonstrate the instrument flight maneuvers in § 61.65(c) (1) and (5).

* * * * *

§ 135.140 [Amended]

39. By amending § 135.140(a) by deleting the words "After December 6, 1973, no" and inserting the word "No" in place thereof.

§ 135.144 [Amended]

40. By amending § 135.144 by deleting the words "After May 31, 1972, no" and inserting the word "No" in place thereof.

§ 135.144a [Deleted]

41. By deleting § 135.144a.

§ 135.155 [Amended]

42. By amending § 135.155(e) by deleting the words "After March 6, 1965, and" and inserting the word "An" in place thereof.

43. By revising the first sentence of § 135.163(b) to read as follows:

§ 135.163 Emergency equipment: extended over-water operations.

* * * * *

(b) No person may operate an aircraft in extended over-water operations unless there is attached to one of the liferafts required by paragraph (a) of this section, a survival type emergency locator transmitter that meets the applicable requirements of § 37.200 of this chapter. * * *

* * * * *

§ 135.167 [Amended]

44. By amending § 135.167(a) by deleting the words "After April 1, 1971, no" and inserting the word "No" in place thereof.

PART 145—REPAIR STATIONS

§ 145.43 [Amended]

45. By amending § 145.43(b) (3) by deleting the word "date,".

46. By amending § 145.45 by revising the first sentence of paragraph (f) to read as follows:

§ 145.45 Inspection systems.

* * * * *

(f) At the time he applies for a repair station certificate, the applicant must provide a manual containing inspection procedures, and thereafter maintain it in current condition at all times. * * *

§ 145.71 [Amended]

47. By amending § 145.71 by deleting the word "to" in the last sentence and inserting the word "through" in place thereof.

PART 147—AVIATION MAINTENANCE TECHNICIAN SCHOOLS

48. By revising § 147.3 to read as follows:

§ 147.3 Certificate required.

No person may operate as a certificated aviation maintenance technician school without, or in violation of, an aviation maintenance technician school certificate issued under this part.

§ 147.7 [Amended]

49. By deleting § 147.7(c).

§ 147.38a [Amended]

50. By changing the word "test" wherever it appears in § 147.38a to the plural word "tests".

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C., on October 20, 1976.

J. W. COCHRAN,
Acting Administrator.

[FR Doc.76-31285 Filed 10-27-76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 1—GENERAL PROCEDURES

Subpart B—Rules and Rulemaking Under Section 18(a)(1)(B) of the FTC Act as Amended by Public Law 93-637

The Commission announces the following amendments to § 1.14(a) which is applicable to all trade regulation rules proposed after this date. This amendment, which adds § 1.14(a)(4), is designed to insure that the Commission and its staff give due consideration in the course of trade regulation rulemaking proceedings to the effect of a rule on state and local law:

Section 1.14(a) is revised to read as follows:

§ 1.14 Promulgation.

(a) The Commission shall review the rulemaking record including the summary, findings, and conclusions of the presiding officer as to the issues designated for consideration in accordance with §§ 1.13 (d)(5) and (d)(6), the verbatim transcript of the informal hearing, the report and recommendations of the staff and any public comments thereon, to determine what form of rule, if any, it should promulgate. The Commission may issue, modify, or decline to issue any rule. Where it believes that it should have further information or additional views of interested persons as to the form and content of the rule, it may withhold final action pending the receipt of such additional information or views. If it determines to issue a rule, it shall adopt a Statement of Basis and

Purpose to accompany the rule. If it determines not to issue a rule, it may adopt and publish an explanation for not doing so. The Statement of Basis and Purpose to accompany a rule promulgated under this subpart shall include (1) a statement as to the prevalence of the acts or practices treated by the rule, (2) a statement as to the manner and context in which such acts or practices are unfair or deceptive, (3) a statement as to the economic effect of the rule, taking into account the effect on small businesses and consumers, and (4) a statement as to the effect of the rule on state and local laws.

* * * * *

By direction of the Commission dated October 21, 1976.

Effective October 28, 1976.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.76-31492 Filed 10-27-76;8:45 am]

Title 21—Food and Drugs

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

[FRL 635-3; FAPSH5068/T21]

PART 193—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

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

2-(1-Methylethoxy)Phenol Methylcarbamate

On May 13, 1975, the Environmental Protection Agency (EPA) announced (40 FR 20793) that in response to a petition (FAP 5H5068) submitted by Chemagro Agricultural Division of Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120, 21 CFR 193 and 561 were being amended to establish regulations permitting the use of the insecticide 2-(1-methylethoxy(phenol methylcarbamate in a proposed experimental program involving application in food handling establishments with a tolerance limitation of 0.2 part per million in food commodities. Such experimental program was conducted in accordance with an experimental use permit issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This experimental program expired May 8, 1976.

Chemagro has requested a one-year renewal of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of food commodities affected by the application of the insecticide in food handling establishments.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit issued under the FIFRA. It has further been determined that since residues of the pesticide may result in food commodities from the use provided for by the experimental use permit, the one-year renewal of the regulations, 21 CFR 193.301 and 561.281, requested by the petitioner should include a tolerance limitation.

Accordingly, regulations are being established as set forth below. Any person adversely affected by these regulations, may on or before November 29, 1976 file written objections with the Hearing Clerk Environmental Protection Agency, East Tower, Room 1019, 401 M St. SW, Washington DC 20460. Such objections should be submitted in 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 October 28, 1976, 21 CFR 193.301 and 561.281 are amended as set forth below.

(Sec. 409(c)(1)(4), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346(c)(1) and (4)).)

Dated: October 20, 1976.

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

§ 193.301 2-(1-Methylethoxy)phenol methylcarbamate.

Tolerances of 0.2 part per million are hereby established for residues of the insecticide 2-(1-methylethoxy)phenol methylcarbamate in food commodities exposed to the insecticide during treatment of food handling establishments. Such residues may be present therein only as a result of the use of the insecticide in an experimental program which expires. Residues remaining in or on the food commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term and in accordance with provisions of the temporary permit/food additive tolerances.

§ 561.281 2-(1-Methylethoxy)phenol methylcarbamate.

Tolerances of 0.2 part per million are hereby established for residues of the insecticide 2-(1-methylethoxy)phenol methylcarbamate in food commodities exposed to the insecticide during treatment of food handling establishments. Such residues may be present therein only as a result of the use of the insecticide in an experimental program which expires. Residues remaining in or on the food commodities after expiration of these tolerances wil not be considered actionable if the pesticide is legally apped during the term and in accordance with provisions of the temporary permit/food additive tolerances.

[FR Doc.76-31551 Filed 10-27-76;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2413]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

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

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

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

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

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

Section 1914.6 at Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.6 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
New Jersey	Union	Linden, city of	Nov. 20, 1970, emergency; Oct. 27, 1976, regular; Dec. 1, 1976, suspended.	July 16, 1976	340467
North Carolina	Beaufort	Washington Park, town of	Sept. 29, 1972, emergency; Nov. 20, 1976, regular; Dec. 1, 1976, suspended.	Feb. 9, 1973	370268
Pennsylvania	Montgomery	Cheltenham, township of	Oct. 1, 1971, emergency; Nov. 20, 1976, regular; Dec. 1, 1976, suspended.	June 28, 1974 Apr. 11, 1975	420696
Do	Somerset	Somerset, borough of	Sept. 10, 1971, emergency; Nov. 27, 1976, regular; Dec. 2, 1976, suspended.	June 28, 1974 May 28, 1976	420803B

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

Issued: October 15, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-31217 Filed 10-27-76;8:45 am]

[Docket No. FI-2414]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at § 1912.5, 24 CFR Part 1912).

The Flood Disaster Protection Act of 1973 (P.L. 93–234) requires the purchase of flood insurance as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by Section 202 (b) or the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

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

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.6 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
New York	Otsego	Westford, town of	Oct. 12, 1976, emergency	Oct. 25, 1974 June 11, 1976	361282A
South Dakota	Minnehaha	Garretson, city of	do	Sept. 26, 1975	460177
Idaho	Bear Lake	Paris, city of	do	Sept. 19, 1975	160183
Michigan	Mecosta	Morley, village of	do	do	260585
Missouri	St. Louis	Velda Village, city of	do	Aug. 6, 1976	290043
New Hampshire	Cheshire	Westmoreland, town of	do	Jan. 17, 1975	330238
Pennsylvania	Clearfield	Girard, township of	do	Apr. 4, 1975	422381
Do	Somerset	Indian Lake, borough of	do		422513
Texas	Harris	Pasadena, city of	May 26, 1970, regular	May 24, 1974 Nov. 7, 1975	480307C
Alabama	Marshall	Albertville, city of	Oct. 13, 1976, emergency		010344
Maine	York	Parsonfield, town of	do	June 28, 1974	230154
Do	Androscoggin	Sabattus, town of	do	May 31, 1974 June 18, 1976	230011A
Michigan	Sanilac	Croswell, city of	do	Apr. 11, 1975	260515
Missouri	Nodaway	Barnard, city of	do	July 11, 1975	290703
Ohio	Lucas	Harbor View, village of	Oct. 8, 1976, emergency	Aug. 8, 1975	390702
Do	Madison and Union	Plain City, village of	Oct. 13, 1976, emergency	July 25, 1975	390625
Pennsylvania	Clarion	Hawthorn, borough of	do	Dec. 27, 1974	421503
New Hampshire	Merrimack	Boscawen, town of	Oct. 14, 1976, emergency	Mar. 15, 1974	330105
Ohio	Portage	Windham, village of	do	do	390459A
Oklahoma	Johnston	Tishomingo, city of	do	Jan. 16, 1974 May 7, 1976	400077A
Iowa	Appanoose	Mystic, city of	Oct. 15, 1976, emergency	Nov. 1, 1974 Jan. 30, 1976	190010A
New Hampshire	Grafton	Lyman, town of	do		330066
New York	Essex	Willsboro, town of	do		360267A
Ohio	Portage	Ravenna, city of	do		390458
Colorado	Weld	Frederick, town of	Oct. 18, 1976, emergency	Sept. 26, 1975	080244
Texas	Kendall	Unincorporated areas	do	Dec. 27, 1974	480417
Indiana	Orange	French Lick, town of	Oct. 21, 1976, emergency	Feb. 1, 1974	180187A
Iowa	Boone	Madrid, city of	do	Sept. 19, 1975	190325
Kansas	Leavenworth	Lansing, city of	do	Aug. 23, 1974 Nov. 28, 1976	200189A
Oklahoma	Le Flore	Howe, town of	do	July 2, 1976	400091
Do	Wagoner	Red Bird, town of	do	June 27, 1975	400321
Delaware	Sussex	South Bethany, town of	Oct. 7, 1976, suspension withdrawn	May 31, 1974	100051
Kansas	Butler	Eldorado, city of	Apr. 21, 1972, emergency; Mar. 5, 1976, regular; July 5, 1976, suspended; Sept. 1, 1976, reinstated.	May 10, 1974 Oct. 24, 1975	200039A

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Delaware	Sussex	Unincorporated areas	Apr. 16, 1974, emergency; Oct. 6, 1976, regular	Dec. 13, 1974	10029A
Florida	Volusia	Ponce Inlet, town of	May 28, 1974, emergency; Oct. 8, 1976, regular	Aug. 9, 1974 Feb. 13, 1976	120312B
Do.	do.	South Daytona, city of	June 18, 1971, emergency; Oct. 8, 1976, regular	June 28, 1974 Sept. 5, 1975	120314B
Missouri	Jasper and Newton	Joplin, city of	Oct. 8, 1971, emergency; Dec. 8, 1976, regular	June 21, 1974 Jan. 16, 1976	290183B
Pennsylvania	Somerset	Somerset, borough of	Sept. 10, 1971, emergency; Nov. 29, 1976, regular.	June 28, 1974 May 28, 1976	420803B
Do.	Delaware	Upland, borough of	Dec. 3, 1971, emergency; Dec. 10, 1976, regular	Feb. 8, 1973	420438A
Texas	Brazoria	Clute, city of	Oct. 1, 1971, emergency; Dec. 7, 1976, regular	May 10, 1974	480068B
Illinois	Saline	Eldorado, city of	Voluntary withdrawal. The city has not been identified as flood prone. It is a nonparticipating community, which is not eligible for the sale of flood insurance.		170696A
Missouri	Scotland	Memphis, city of	Suspension withdrawn. The city has not been identified as flood prone. It is a nonparticipating community, which is not eligible for the sale of flood insurance.		290408
South Carolina	Horry	Unincorporated areas	Suspension withdrawn. The county lacks the proper enabling authority to adopt flood plain management measures. In addition, the county has not been identified as flood prone. It is a nonparticipating community, which is not eligible for the sale of flood insurance.		450184

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

Issued: October 15, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-31218 Filed 10-27-76;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—LAW AND ORDER

PART 11—LAW AND ORDER ON INDIAN RESERVATIONS

Law Enforcement Standards for Police and Detention Programs

OCTOBER 15, 1976.

This notice is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on Page 7413 of the February 18, 1976, FEDERAL REGISTER (41 FR 7413) there was published a notice of proposed rulemaking to revise §§ 11.304 and 11.305 of Subchapter I, of Title 25 of the Code of Federal Regulations.

The purpose of these revisions is to establish uniform standards for Bureau of Indian Affairs law enforcement programs including those operated by tribal organizations under contract.

Interested persons were given 60 days in which to submit written comments, suggestions, or objections regarding the proposed regulations. Careful consideration was given to all comments received during this period. Many comments were subsequently adopted but certain other comments were not adopted.

Comments on the proposed rules were received from the American Indian Policy Review Commission; the Quinault Tribe, the law firm of Fried, Frang, Harris, Shriver and Kampelman, which represents a number of Indians tribes including the Miccosukee Tribe of Indians of Florida, the Pueblo of Laguna and the Metlakatla Indian Community; the Puyallup Tribe; the Navajo Police Department; Douglas Nash, attorney for the Confederated Tribes of the Umatilla Indian Reservation; the law firm of Ward, Hufford, Blue and Withers, which is involved in litigation concerning detention facilities on the Navajo Reservation; the Turtle Mountain Band of Chippewa Indians; and the Salt River Pima-Maricopa Indian Community.

A. CHANGES MADE DUE TO COMMENTS RECEIVED

As a result of comments received, the following changes in the regulations are made:

Section 11.304(a). This section has been modified to require police officers to pass the firearms test before being commissioned.

Section 11.304(b). A requirement that officers be issued a photo identification card has been added.

Section 11.304(f)(1). Language has been added to make it clear that only Bureau officers who were carrying .357 Magnum hand guns while working for the Bureau before may be authorized by the Bureau to carry such a weapon without a waiver from the Commissioner.

Section 11.304(g). A sentence has been added to each subparagraph to state the consequences of non-compliance.

Section 11.304(j). This paragraph has been modified to establish the Bureau salary levels as the minimum. As previously drafted, this provision would have prevented paying salaries higher than those paid Bureau officers. Such a result was not intended.

Section 11.305(d). This frequency of inspections has been increased from one an hour to one every 30 minutes.

Section 11.305(h). This paragraph has been strengthened by requiring that meals be nutritionally adequate.

Section 11.305(i). The requirement of training for foodhandlers has been added. Indian Health Service officials consider such training even more important than medical examinations in preventing the spread of communicable diseases.

Section 11.305(k). The exception for emergency situations has been eliminated. If emergency situations require the arrests of large numbers of people, alternative detention facilities should be used instead of overcrowding the regular jail.

Section 11.305(n). This paragraph requiring training of jailors has been added. The Indian Police Academy now has the capability to provide a basic jailor training course to all BIA jailors.

B. CHANGES NOT ADOPTED

Certain other recommendations have been carefully considered but have not been accepted. The following suggestions were not adopted for the reasons assigned:

Several commentators objected that requiring contractors to adhere to these standards would violate the Indian Self-Determination Act of 1975, Pub. L. 93-638, by imposing unauthorized conditions on tribal contractors.

Program standards, as set forth in a tribal contract proposal that differ from these regulations are not cause, in and of themselves, to permit the Bureau to decline to contract unless they establish standards required by statute. Such legislative requirements will prevent the establishment of a legal contract because they cannot be waived. The Commissioner may otherwise decline to contract only if it can be shown by substantial evidence that a tribal contract proposal

containing different standards will result in services which will be deleterious to the welfare of the Indian people to be served.

Where regulations are inconsistent with a contract proposal, a tribe may request a waiver of the regulation under 25 CFR 271.15(e). The waiver will be granted unless the Commissioner can show by substantial evidence that granting it would be deleterious to the welfare of the Indian people to be served.

In addition, tribes may propose to redesign programs to continue under Bureau operations as authorized by 25 CFR 272.27. Such proposals may include program standards which differ from those contained in these regulations.

Where regulations are inconsistent with a tribal proposal to redesign a Bureau-operated program, a tribe may request a waiver of the regulation based on special circumstances under 25 CFR 272.27(e). The Commissioner may grant a waiver in all cases permitted by law which are found to be in the best interest of the Indians.

It was recommended that the prohibition in § 11.304(c) against the firing of warning shots be deleted because the prohibition might justify shooting a person in circumstances where it might otherwise be wholly unreasonable. The same section also prohibits firing a weapon except when there is imminent danger of loss of life or serious bodily injury. Deleting the warning shot prohibition would, therefore, permit warning shots to be used only when loss of life or serious bodily injury is threatened. It is difficult to imagine a situation in which an officer could know of such a threat and still be so far away that a warning could not be conveyed by yelling. A firearm is a very dangerous kind of warning device. The likelihood that injury or death will result when a firearm is discharged is so great that no officer should fire unless injury or death is both the intended and justified result.

It was also recommended that this section give examples of situations in which the use of a firearm would be justified. Such examples are more appropriately provided in the context of police training rather than in the policy statement.

A comment was received urging that § 11.304(f) be amended to include the 9mm pistol as a standard issue weapon. The 9mm pistol is much more deadly than the .38 caliber pistol and requires more firearms training than the BIA currently requires. The nature of the communities that BIA police serve does not justify the additional training.

The adverse action hearing rules in § 11.304(k) are retained despite a comment that they favor the employee too much. Providing an adequate informal hearing at an early stage will help prevent expensive litigation in the courts.

One commentator recommended that no juveniles be detained in the same facility as adults. Other comments have been received, however, arguing that where the number of juveniles incarcerated is few, such a policy would lead to excessive isolation of juveniles and increase the risk of suicides.

Effective date. These revisions shall become effective November 29, 1976.

Sections 11.304 and 11.305 are revised to read as follows:

§ 11.304 Minimum standards for police programs.

The following minimum standards are required of all law enforcement programs that receive funding from the Bureau of Indian Affairs:

(a) Each law enforcement officer shall be specifically identified as such and shall be individually authorized to make arrests and carry firearms. Only employees assigned duties as law enforcement officers and qualified under paragraph (e) of this section may be authorized to carry firearms or make arrests.

(b) Uniforms, when worn, shall positively identify the wearer as a law enforcement officer. Badge, name plate and tribal or Bureau of Indian Affairs patch shall be visible at all times. Uniforms of all enforcement personnel shall be plainly distinguishable from the uniforms of any non-enforcement personnel working on the reservation. Each officer shall be issued a standard identification card bearing a photograph of the officer.

(c) A firearm may be discharged only when in the considered judgment of the officer there is imminent danger of loss of life or serious bodily injury to the officer or to another person. The weapon may be fired only for the purpose of rendering the person at whom it is fired incapable of continuing the activity prompting the officer to shoot. The firing of warning shots is prohibited. This policy does not apply to the use of firearms to participate in official marksmanship training or to kill a dangerous or seriously injured animal.

(d) Except in firearms training, each time a firearm is used for law enforcement purposes a report shall be filed with the superior of the officer who used the weapon. Whenever use of a weapon results in serious injury or death of any person, the officer firing the weapon shall be placed on administrative leave, or be assigned to strictly administrative duties pending a thorough investigation of all circumstances surrounding the incident.

(e) Each law enforcement officer must have attained a score of 70 percent or better on an approved firearms qualification course within the previous six months to be qualified to carry a firearm. Whenever an officer's firearms qualification lapses, the officer shall return all weapons issued. The following courses are approved firearms qualification courses:

(1) The National Rifle Association National Police Course.

(2) The National Rifle Association 25-Yard Course.

(3) The National Rifle Association Practical Pistol Course.

(4) The Federal Bureau of Investigation Practical Pistol Course.

(f)(1) Law enforcement officers shall be issued the standard police .38 caliber revolver and ammunition. The use of other types of hand guns such as automatics, parabellums, or calibers other than the authorized .38 caliber is prohibited. The barrel length may be not more than 6 inches nor less than 4 inches for uniformed personnel, and not less than 2 inches for plainclothes personnel. Only standard load ammunition may be used. Bureau of Indian Affairs officers who carried a .357 Magnum revolver while performing law enforcement functions for the Bureau of Indian Affairs before July 17, 1972, may be authorized to carry a .357 Magnum revolver. The Commissioner of Indian Affairs may grant a written waiver to permit Bureau of Indian Affairs officers to carry hand guns not authorized by this paragraph.

(2) Each tribe shall specify the type of firearms, ammunition and auxiliary equipment to be used by the law enforcement officers of that tribe.

(g)(1) Newly-employed enforcement personnel in nonsupervisory positions shall successfully complete within their first year of service the approved Basic Police Training Course conducted at the Indian Police Academy or other basic police training course that is certified by the State where the officers are employed. An officer who fails to complete the training required by this subparagraph shall be discharged or transferred to a position not involving law enforcement duties.

(2) Within one year after promotion or appointment to a supervisory enforcement position, an employee shall complete the approved Supervisory Enforcement Officers Training Course conducted at the Indian Police Academy or a similar course that is certified by the State where the supervisor is employed. An officer who fails to complete the training required by this subparagraph shall be discharged or transferred to a nonsupervisory position.

(3) Within one year after promotion to a criminal investigator position, an officer shall successfully complete the basic criminal investigator course conducted at the Indian Police Academy or any other course approved by the Commissioner of Indian Affairs. An officer who fails to complete the training required by this subparagraph shall be demoted.

(4) Before promotion to a supervisory criminal investigator position, or within one year thereafter, an officer shall successfully complete the Command and Management Course conducted at the Indian Police Academy or any other similar course approved by the Commissioner of Indian Affairs. An officer who fails to complete the training required by this subparagraph shall be demoted.

(h) Each law enforcement officer shall receive a minimum of forty hours of local in-service training annually to meet training needs determined by the tribe and to keep abreast with developments in the field of law enforcement.

(i) The Civil Service Commission excepted Bureau of Indian Affairs stand-

ards for skill level GS–083 are the minimum entry level qualifications for a patrol officer. The Civil Service Commission standards for skill level GS–1811 are the minimum entry level qualifications for criminal investigators. The standards are available for inspection or copying at any Bureau, Agency, Area, or Central Personnel Office.

(j) Salaries paid law enforcement officers by a tribal organization under a contract under Part 271 of this chapter or by a tribal governing body under a grant under Part 272 of this chapter shall be equal to or greater than the salaries paid officers with similar responsibilities employed directly by the Bureau of Indian Affairs.

(k) Prior to taking an adverse action against any employee, the contractor under Part 271 of this chapter or grantee under Part 272 of this chapter shall take the following steps:

(1) Notify the employee of the contemplated action and give a full specification of the reasons such action is contemplated.

(2) Provide the employee with a written statement of any specific violation of rules, regulations, or statutes the contractor or grantee alleges the employee has committed and the names of all persons upon whose testimony these allegations are based.

(3) Set a hearing date not less than 15 days after the employee has been given the written statement of allegation.

(4) Provide the employee and the employee's counsel at the hearing with an opportunity to confront and cross-examine each adverse witness.

(5) Provide the employee and the employee's counsel at the hearing with an opportunity to delineate issues, to present factual contentions in an orderly manner and to generally protect the employee's interest.

(6) Reconsider the decision to take the adverse action based solely on the evidence given at the hearing and provide the employee at the time the decision is announced with a written statement of the reasons for the decision and the evidence relied upon in reaching the decision.

(7) Issue a final order based on the decision reached after the hearing.

(l) After October 1, 1977, the tribe shall require each law enforcement officer it employs to adhere to a law enforcement code of conduct prescribed by the tribe. The code shall establish specific rules concerning conflicts of interest, employee conduct both on and off duty, impartially and thoroughness in performance of duty, and acceptance of gifts or favors.

(m) A contractor under Part 271 of this chapter shall use the same report forms and submit the same statistical reports to the Central Office that are required of Bureau of Indian Affairs police programs.

§ 11.305 Minimum standards for detention programs.

Each detention program that receives funds from the Bureau of Indian Affairs shall meet the following minimum standards:

(a) No sick or injured person may be booked or held in a detention facility unless a medical release has been obtained from a medical officer.

(b) Any inmate requiring medical attention shall be treated as soon as possible.

(c) The jailor or other responsible employee shall maintain control over the custody and issue of all medicine to prisoners under treatment for chronic ailments to insure proper use and to guard against overdose.

(d) Routine inspections of all cells shall be conducted every thirty (30) minutes to protect the safety and welfare of prisoners. A record of each inspection shall be logged in appropriate records.

(e) Only persons who have been specifically authorized by the jailor to visit a prisoner or prisoners may be allowed in the cell block areas.

(f) Special attention shall be given to cells occupied by persons jailed for intoxication to guard against the infliction of personal injury.

(g) No juvenile may be kept in the same cell with any adult.

(h) Each prisoner shall be served three nutritionally adequate meals a day.

(i) Each foodhandler shall be given a medical examination and, if training in foodhandling is available locally from the Indian Health Service, shall complete the foodhandler training offered by the Indian Health Service prior to employment.

(j) All jail facilities including kitchens shall be subject to periodic inspections by personnel from the Indian Health Service or other appropriate agency to insure proper sanitary conditions.

(k) The number of persons in each cell may not exceed the number for which the cell was designed.

(l) A record of all visitors shall be maintained indicating date, time and identity of each visitor.

(m) Proper precautions shall be taken to insure the safekeeping of property belonging to inmates.

(n) No jailor may be employed who has not completed the approved Jailor Training Course conducted at the Indian Police Academy or other jailor training course that is certified in the State where the jailor is employed.

(Catalog of Federal Domestic Assistance Program No. 15.131, Indian Law Enforcement Services)

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-31443 Filed 10-27-76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—MILITARY PERSONNEL

[CGD 75-130]

PART 40—CADETS OF THE COAST GUARD

Appointment of Cadets

On July 12, 1976, there was published in the FEDERAL REGISTER (41 FR 28532), a notice of proposed rulemaking to amend the regulations concerning the appointment of cadets to the Coast Guard Academy. Interested persons were given the opportunity to submit, no later than August 27, 1976, comments concerning the proposed amendment.

No comments were received. Therefore, the proposed amendment is adopted without change, as set forth below.

Effective date: This amendment is effective on November 29, 1976.

Dated: October 15, 1976.

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

Part 40 of Title 33 of the Code of Federal Regulations is amended as follows:

§ 40.4 [Amended]

1. In § 40.4(b), by striking the words "through the United Armed Forces Institute," in the third sentence, and inserting the words "by correspondence," in place thereof.

2. By revising § 40.4(b)(1) to read:

* * * * *

(b) * * *

REQUIRED

(1) The subjects listed below, consisting of 6 units, are mandatory and are required for eligibility:

	Units
Mathematics (to include algebra, plane or coordinate geometry, or their equivalents in courses such as those suggested by the Commission on Mathematics of the College Entrance Examination Board)	3
English 1, 2, and 3	3
Total	6

* * * * *

3. In § 40.4(b)(2), by adding the word "economics" at the end of the listing for Social Studies; and by adding the words "physical geography" at the end of the listing for Physical Science.

4. By revising § 40.4(b)(3) to read:

* * * * *

(b) * * *

(3) A total of not more than two units will be accepted from other subjects recognized by the applicant's secondary school in its regular program of study.

* * * * *

5. In § 40.4(b)(4), by striking the words "Solid Geometry" and inserting the words "further work in Geometry and elementary functions" in place thereof.

6. In § 40.4(c), by striking the word "Commandant" in the second sentence and inserting the word "Superintendent" in place thereof.

§ 40.10 [Amended]

7. In § 40.10, by adding the word "Academy" after the words "Coast Guard" in the second sentence; and by striking the third sentence and inserting the words "Except as provided in § 40.11 (c), the application must be postmarked not later than December 15." in place thereof.

8. By revising § 40.11 to read as follows:

§ 40.11 Annual competitive examination.

(a) The annual nationwide competitive examination is either the Scholastic Aptitude Test (SAT) administered by the College Entrance Examination Board (CEEB), or the ACT Assessment (ACT) administered by the American College Testing Program.

(b) Only those SAT and ACT scores from regularly scheduled administrations prior to and inclusive of the December administration of the year of application will be used. Applicants failing to comply with these testing regulations will not be considered in the competition.

(c) Any exception to the established testing dates and the application postmark date may be granted by the Superintendent if all the required examination scores are submitted in time to be considered in the regular applicant processing schedule.

(d) All expenses connected with the candidate's appearance before examiners and medical boards are borne by the candidate. The SAT or ACT examination fee is borne by the candidate.

9. By revising § 40.12 (c), (d), (i), and (j) to read as follows:

§ 40.12 Annual competition for appointment.

* * * * *

(c) *Selection instruments.* The instruments used in the selection are the competitive examination, the supplementary testing, and the transcripts, evaluations, and questionnaires furnished by each candidate.

(d) *Submission and consideration of test scores.* A candidate's SAT or ACT score is submitted to the Coast Guard when the candidate takes either of the tests within the required time frame and indicates on the CEEB registration card or ACT Assessment registration folder that the Coast Guard Academy is to receive the results. Except as provided in § 40.11(a), consideration of the test scores will only be granted to those candidates whose applications to the Coast Guard for participation in the competition for appointment are postmarked not later than 15 December of the year of the application. The Coast Guard will advise applicants of their individual standing on the competitive examination approxmately ten weeks after the date of the December testing. Those candidates who do not qualify on the examination will not receive further consideration for appointment.

* * * * *

(i) The final marks of each candidate are computed by averaging the standard weighted scores provided through the test marks and the Cadet Candidate Evaluation Board rating.

(j) *Offering of appointments.* Candidates will be offered appointments in the order of their final marks until the vacancies for the year have been filled. A candidate who fails to receive an appointment may compete again in subsequent years without prejudice, provided the age and physical qualifications are met.

10. By revising § 40.13 (b) and (c) to read as follows:

§ 40.13 Appointment as cadet, U.S. Coast Guard.

* * * * *

(b) Candidates who are eligible for appointment and who have passed the required physical examination will receive appointments as cadets in the United States Coast Guard and will be sent instructions to report to Coast Guard Academy in June or July.

(c) After reporting to the Coast Guard Academy, a cadet will be reimbursed for the actual mileage from home to the Academy at the rate of 8 cents per mile.

* * * * *

(14 U.S.C. 182, 632 and 633; 49 U.S.C. 1655 (b)(1); 49 CFR 1.46(b).)

[FR Doc.76-31505 Filed 10-27-76;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART III—GENERAL INFORMATION ON POSTAL SERVICE

Use of Rubber Bands on Packages of Presorted First-Class Mail

In the July 12, 1976, FEDERAL REGISTER (41 FR 28478), there appeared the final regulations of the Postal Service implementing the changes in the mail classification schedule that were approved by the Governors of the Postal Service on June 2, 1976. Section 131.545a–c of those regulations, which deals with preparation requirements for packages of presorted first-class mail, provides that five-digit ZIP Code delivery unit packages, city packages, and SCF packages must be "secured with one or two rubber bands." Some mailers have erroneously interpreted this regulation as permitting them to use either one or two rubber bands as they wish.

It has been a long-standing practice in the Postal Service that packages of letter mail are to be banded with one rubber band when the package is less than 1 inch in thickness, and two rubber bands when the package is from 1 to 4 inches in thickness. See Post Office Department Poster 168, August 1966, revised in June 1975 and renumbered as Postal Service Poster 16, which describes and pictures the manner of the banding. Postal Service Posters are directives of the Postal Service pursuant to Headquarters Manual, section IV, item IV–A–1, and directives are part of the regulations of the Postal Service. See 39 CFR 211.2(a)(3).

Since the existing regulation does not specifically describe the required banding, or refer to Postal Service Poster 16, where such banding is described, the regulation lies open to misinterpretation. It is the purpose of this document, then, to eliminate future misinterpretation by amending the regulation to specifically describe the intended, required use of rubber bands on packages of presorted first-class mail.

Accordingly, the Postal Service hereby adopts the following revisions of the Postal Service Manual, effective immediately.

PART 131—FIRST CLASS

1. In section 131.5 add new .542c reading as follows:

131.5 *Preparation of presort rate mail.*

* * *

.54 *Sorting requirements.* * * *

.542 *Rubber bands.* * * *

c. Packages up to one inch in thickness shall be secured with one rubber band around the girth. Packages between one and four inches in thickness shall be secured with two rubber bands, the first around the length and the second around the girth.

2. In section 131.545a(1) the second sentence is revised to read as follows: "The pieces in the package must be faced in the same direction and secured with one or two rubber bands around each package, as provided by 131.542c."

3. In section 131.545b(1) strike out the period at the end of the first sentence, insert a comma in lieu thereof, and add the following: "as provided by 131.542c."

4. In section 131.545c(1) strike out the period at the end of the second sentence, insert a comma in lieu thereof, and add the following: "as provided by 131.542c."

A Post Office Services (Domestic) transmittal letter making these changes in the pages of the Postal Service Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the FEDERAL REGISTER as provided in 39 CFR 111.3.

(39 U.S.C. 401, 3623.)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.76-31478 Filed 10-27-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 172]

PART 1–3—PROCUREMENT BY NEGOTIATION

Subpart 1–3.12—Cost Accounting Standards

This amendment modifies and expands provisions in Subpart 1–3.12 concerning cost accounting standards. A revised Notice for solicitations which reflects current Cost Accounting Standards Board

(CASB) rules for submission of disclosure statements is provided. Cost Accounting Standards 410, 411, 412, and 414 together with additional definitions are included for convenience. Definitions for "contractor" and "subcontractor" are provided. Agency reporting requirements to the CASB are expanded.

The table of contents for Part 1–3 is amended to revise one entry and add seven new entries, as follows:

Sec.	
1–3.1205	Review of prime contractor Disclosure Statements and changed practices.
1–3.1218	Modification or withdrawal of applicability. [Reserved]
1–3.1219	Guidance for implementation.
1–3.1220–10	Allocation of business unit general and administrative expenses to final cost objectives.
1–3.1220–11	Accounting for acquisition costs of material.
1–3.1220–12	Composition and measurement of pension cost.
1–3.1220–13	[Reserved]
1–3.1220–14	Cost of money as an element of the cost of facilities capital.

Subpart 1–3.12—Cost Accounting Standards

1. Section 1–3.1201 is amended to revise the last two sentences. The revised section is as follows:

§ 1–3.1201 Purpose.

Public Law 91–379, 50 U.S.C. App. 2168, as implemented by the regulations of the Cost Accounting Standards Board (see 4 CFR 331 et seq.) requires the development of cost accounting standards to be used in connection with negotiated national defense contracts and disclosure of cost accounting practices to be used in such contracts. Such disclosure of cost accounting practices shall also be used in connection with negotiated nondefense contracts. In addition, cost accounting standards shall be used in negotiated nondefense contracts as the standards become effective and to the same extent that such standards are applicable to defense contracts. If deemed appropriate, however, the application of a particular standard to negotiated nondefense contracts may be limited by a modification or withdrawal of applicability. Such action, if any, will be set forth in § 1–3.1218 entitled Modification or withdrawal of applicability. Waivers of cost accounting standards, rules, and regulations are treated in § 1–3.1211.

2. Section 1–3.1202 is amended by adding paragraph (c), as follows:

§ 1–3.1202 Definitions.

* * * * *

(c) "Contractor" and "subcontractor" as the words pertain to contract requirements under the clause entitled Cost Accounting Standards (see § 1–3.1204–1) apply to business units, such as a profit center, division, subsidiary, or similar unit of a company, which perform the contract, even in those cases where the contract was entered into on behalf of the overall company rather than the business unit.

3. Section 1–3.1203 is amended by revising paragraphs (a)(1)(ii), (a)(3), and (g), as follows:

§ 1–3.1203 Applicability of cost accounting standards and prime contractor disclosure statement(s).

(a) * * *

(1) * * *

(ii) The method of procurement utilized is (A) "Small Business Restricted Advertising" (§ 1–1.706–5(b)) Note: Contracts involving total small business set-asides which are entered into by conventional negotiation are not exempt; (B) Partial small business set-aside (§ 1–1.706–6); (C) Section 8(a) of the Small Business Act (§ 1–1.713); or (D) Partial labor surplus area set-aside (§ 1–1.804);

* * * * *

(3) *Notice for solicitations.* Insert the following notice in all solicitations which are likely to result in a negotiated contract exceeding $100,000, unless the procurement is exempted under § 1–3.1203 (a)(1) or (a)(2):

DISCLOSURE STATEMENT—COST ACCOUNTING PRACTICES AND CERTIFICATION

Any contract in excess of $100,000 resulting from this solicitation except (1) when the price negotiated is based on (a) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation, or (2) contracts which are otherwise exempt (see 4 CFR 331.30(b) and FPR § 1–3.1203(a)(2)), shall be subject to the requirements of the Cost Accounting Standards Board. Any offeror submitting a proposal, which, if accepted, will result in a contract subject to the requirements of the Cost Accounting Standards Board must, as a condition of contracting, submit a Disclosure Statement as required by regulations of the Board. The Disclosure Statement must be submitted as a part of the offeror's proposal under this solicitation (see (I) below) unless (i) the offeror, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards exceeding the monetary exemption for disclosure as established by the Cost Accounting Standards Board (see (II) below); (ii) the offeror exceeded the monetary exemption in the Federal Fiscal Year immediately preceding the year in which this proposal was submitted but, in accordance with the regulations of the Cost Accounting Standards Board, is not yet required to submit a Disclosure Statement (see (III) below); (iii) the offeror has already submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this proposal (see (IV) below); or (iv) post award submission has been authorized by the Contracting Officer. See 4 CFR 351.70 for submission of a copy of the Disclosure Statement to the Cost Accounting Standards Board.

Caution: A practice disclosed in a Disclosure Statement shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed to practice for pricing proposals or accumulating and reporting contract performance cost data.

Check the appropriate box below:

☐ I. CERTIFICATE OF CONCURRENT SUBMISSION OF DISCLOSURE STATEMENT(S)

The offeror hereby certifies that he has submitted, as a part of his proposal under this solicitation, copies of the Disclosure Statement(s) as follows: (i) original and one copy to the cognizant Contracting Officer, and (ii) one copy to the cognizant contract auditor.

Date of Disclosure Statement(s):

Name(s) and Address(es) of Cognizant Contracting Officer(s) where filed:

The offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement(s).

☐ II. CERTIFICATE OF MONETARY EXEMPTION

The offeror hereby certifies that he, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards of negotiated national defense prime contracts subject to cost accounting standards totaling more than $10,000,000 in either Federal Fiscal Year 1974 or 1975 or net awards of negotiated national defense prime contracts and subcontracts subject to cost accounting standards totaling more than $10,000,000 in Federal Fiscal Year 1976 or in any subsequent Federal Fiscal Year preceding the year in which this proposal was submitted.

Caution: Offerors who submitted or who currently are obligated to submit a Disclosure Statement under the filing requirements previously established by the Cost Accounting Standards Board are not eligible to claim this exemption unless they have received notification of final acceptance of all deliverable items on all of their prime contracts and subcontracts containing the Cost Accounting Standards clause (§ 1–3.1204–1).

☐ III. CERTIFICATE OF INTERIM EXEMPTION

The offeror hereby certifies that (i) he first exceeded the monetary exemption for disclosure, as defined in (II) above, in the Federal Fiscal Year immediately preceding the year in which this proposal was submitted, and (ii) in accordance with the regulations of the Cost Accounting Standards Board (4 CFR 351.40(f)), he is not yet required to submit a Disclosure Statement. The offeror further certifies that if an award resulting from this proposal has not been made by March 31 of the current Federal Fiscal Year, he will immediately submit a revised certificate to the Contracting Officer, in the form specified under (I), above, or (IV), below, as appropriate, to verify his submission of a completed Disclosure Statement.

Caution: Offerors may not claim this exemption if they are currently required to disclose because they exceeded monetary thresholds in Federal Fiscal Years prior to fiscal year 1976. Further, the exemption applies only in connection with proposals submitted prior to March 31 of the year immediately following the Federal Fiscal Year in which the monetary exemption was exceeded.

☐ IV. CERTIFICATE OF PREVIOUSLY SUBMITTED DISCLOSURE STATEMENT(S)

The offeror hereby certifies that the Disclosure Statement(s) were filed as follows:

Date of Disclosure Statement(s):

Name(s) and Address(es) of Cognizant Contracting Officer(s) where filed:

The offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement(s).

* * * * *

(g) *Amendment of disclosure statement(s).* Amendments of a Disclosure Statement after contract award shall be processed in accordance with 4 CFR 351.120 and §§ 1–3.1205(d) and 1–3.1207 of these regulations. Normally, the cog-

nizant contracting officer should require submission of a complete, updated Disclosure Statement pursuant to 4 CFR 351.120 only when the number of amended pages or the nature of the amendments are so extensive that the review process would be substantially expedited as a result of the resubmission.

* * * * *

4. Section 1–3.1205 is amended by revising the section title, as follows:

§ 1–3.1205 Review of prime contractor Disclosure Statements and changed practices.

* * * * *

5. Section 1–3.1210 is amended by revising paragraph (a) and adding subparagraph (10) to paragraph (c), as follows:

§ 1–3.1210 Cost Accounting Standards Board report.

(a) Each Government agency is required to furnish to the Cost Accounting Standards Board (CASB) within 120 days after the close of each calendar year an annual report to provide to the CASB information for assessing the effectiveness of the CASB publications and for revealing problem areas requiring new or revised CASB standards, rules, and regulations. Each agency's report will include information for all affected contracts, including those of other Federal agencies for which the reporting agency has cognizance. Reports will cover the full calendar year and will be submitted to the Cost Accounting Standards Board, 441 G Street, N.W., Washington, DC 20548. Copies of the report shall be submitted to the Office of Management and Budget, Financial Management Branch, Budget Review Division, Washington, DC 20503, and to the General Services Administration (FV), Washington, DC 20406.

* * * * *

(c) * * *

(10) *Contracts subject to cost accounting standards.* To the extent such data are readily available or can be estimated with reasonable accuracy by the agency preparing the report, this portion of the report will be included to indicate the number and dollar amount of contracts subject to cost accounting standards. In order to generate data reasonably consistent among agencies, a contract number should be counted only when the Cost Accounting Standards clause (§ 1–3.1204–1) is first included in the contract. All contract dollars subject to the clause should be counted.

CAS-covered contracts	Number	Dollars
1. Inventory—start of calendar year		
2. Actions added during year		
3. Actions physically completed during year		
4. Inventory—end of year (1+2−3)		

6. Section 1–3.1218 is added, as follows:

§ 1–3.1218 Modification or withdrawal of applicability. [Reserved]

7. Section 1–3.1219 is added, as follows:

§ 1–3.1219 Guidance for implementation.

Subsections under this § 1–3.1219 address specific topics where it has been determined that the contracting community might benefit from such treatment. In addition, the Cost Accounting Standards Board often includes preambles in the FEDERAL REGISTER issue that promulgates rules, regulations, and standards in order to provide readers with administrative history and other commentary. These preambles are also included in Title 4 of the Code of Federal Regulations which is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Temporary requirements or informational guidance may also be published from time to time as FPR temporary regulations or FPR Bulletins.

8. Section 1–3.1220 is amended by adding to paragraph (b) definitions (38) through (61), as follows:

§ 1–3.1220 Standards prescribed by the Cost Accounting Standards Board.

* * * * *

(b) * * *

(38) *Cost input.* The cost, except G&A expenses, which for contract costing purposes is allocable to the production of goods and services during a cost accounting period.

(39) *General and administrative (G&A) expense.* Any management, financial, and other expense which is incurred by or allocated to a business unit and which is for the general management and administration of the business unit as a whole. G&A expense does not include those management expenses whose beneficial or causal relationship to cost objectives can be more directly measured by a base other than a cost input base representing the total activity of a business unit during a cost accounting period.

(40) *Business unit.* Any segment of an organization, or an entire business organization which is not divided into segments.

(41) *Category of material.* A particular kind of goods, comprised of identical or interchangeable units, acquired or produced by a contractor, which are intended to be sold, or consumed or used in the performance of either direct or indirect functions.

(42) *Material inventory record.* Any record used for the accumulation of actual or standard costs of a category of material recorded as an asset for subsequent cost allocation to one or more cost objectives.

(43) *Moving average cost.* An inventory costing method under which an average unit cost is computed after each acquisition by adding the cost of the newly acquired units to the cost of the units of inventory on hand and dividing this figure by the new total number of units.

(44) *Weighted average cost.* An inventory costing method under which an average unit cost is computed periodically by dividing the sum of the cost of beginning inventory plus the cost of acquisitions, by the total number of units included in these two categories.

(45) *Accrued benefit cost method.* An actuarial cost method under which units of benefit are assigned to each cost accounting period and are valued as they accrue—that is, based on the services performed by each employee in the period involved. The measure of normal cost under this method for each cost accounting period is the present value of the units of benefit deemed to be credited to employees for service in that period. The measure of the actuarial liability at a plan's inception date is the present value of the units of benefit credited to employees for service prior to that date. (This method is also known as the Unit Credit cost method.)

(46) *Actuarial assumption.* A prediction of future conditions affecting pension cost; for example, mortality rate, employee turnover, compensation levels, pension fund earnings, changes in values of pension fund assets.

(47) *Actuarial cost method.* A technique which uses actuarial assumptions to measure the present value of future pension benefits and pension fund administrative expenses, and which assigns the cost of such benefits and expenses to cost accounting periods.

(48) *Actuarial gain and loss.* The effect on pension cost resulting from differences between actuarial assumptions and actual experience.

(49) *Actuarial liability.* Pension cost attributable, under the actuarial cost method in use, to years prior to the date of a particular actuarial valuation. As of such date, the actuarial liability represents the excess of the present value of the future benefits and administrative expenses over the present value of future contributions for the normal cost for all plan participants and beneficiaries. The excess of the actuarial liability over the value of the assets of a pension plan is the Unfunded Actuarial Liability.

(50) *Defined-benefit pension plan.* A pension plan in which the benefits to be paid or the basis for determining such benefits are established in advance and the contributions are intended to provide the stated benefits.

(51) *Defined-contribution pension plan.* A pension plan in which the contributions to be made are established in advance and the benefits are determined thereby.

(52) *Funded pension cost.* The portion of pension costs for a current or prior cost accounting period that has been paid to a funding agency or, under a pay-as-you-go plan, to plan participants or beneficiaries.

(53) *Funding agency.* An organization or individual which provides facilities to receive and accumulate assets to be used either for the payment of benefits under a pension plan, or for the purchase of such benefits.

(54) *Multiemployer pension plan.* A plan to which more than one employer contributes and which is maintained pursuant to one or more collective bargaining agreements between an employee organization and more than one employer.

(55) *Normal cost.* The annual cost attributable, under the actuarial cost method in use, to years subsequent to a particular valuation date.

(56) *Pay-As-You-Go cost method.* A method of recognizing pension cost only when benefits are paid to retired employees or their beneficiaries.

(57) *Pension plan.* A deferred compensation plan established and maintained by one or more employers to provide systematically for the payment of benefits to plan participants after their retirement: *Provided,* That the benefits are paid for life or are payable for life at the option of the employees. Additional benefits such as permanent and total disability and death payments, and survivorship payments to beneficiaries of deceased employees may be an integral part of a pension plan.

(58) *Projected benefict cost method.* Any of the several actuarial cost methods which distribute the estimated total cost of all of the employees' prospective benefits over a period of years, usually their working careers.

(59) *Cost of capital committed to facilities.* An imputed cost determined by applying a cost of money rate to facilities capital.

(60) *Facilities capital.* The net book value of tangible capital assets and of those intangible capital assets that are subject to amortization.

(61) *Intangible capital asset.* An asset that has no physical substance, has more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the benefits it yields.

9. Section 1–3.1220–3 is amended to revise § 403.70(a) of Part 403 of Title 4 CFR, as follows:

§ 1–3.1220–3 Allocation of home office expenses to segments.

* * * * *

§ 403.70 Exemptions.

(a) Any contractor or subcontractor which together with its subsidiaries did not receive net awards of negotiated national defense prime contracts during Federal fiscal year 1971 (July 1, 1970, through June 30, 1971) totaling more than $30 million is exempt from this Standard (40 FR 32747, August 4, 1975).

* * * * *

10. Sections 1–3.1220–10, 1–3.1220–11, 1–3.1220–12, 1–3.1220–13, and 1–3.1220–14 are added, as follows:

§ 1–3.1220–10 Allocation of business unit general and administrative expenses to final cost objectives.

PART 410—ALLOCATION OF BUSINESS UNIT GENERAL AND ADMINISTRATIVE EXPENSES TO FINAL COST OBJECTIVES

Sec.

410.10 General applicability.
410.20 Purpose.
410.30 Definitions.
410.40 Fundamental requirement.
410.50 Techniques for application.
410.60 Illustrations.
410.70 Exemptions.
410.80 Effective date.

Appendix A—Transition from a cost of sales or sales base to a cost input base.

AUTHORITY: 84 Stat. 796, sec. 103, 50 U.S.C. App. 2168.

SOURCE: The provisions of Part 410 appear at 41 FR 16135, April 16, 1976, Correction 41 FR 22241, June 2, 1976, unless otherwise noted.

§ 410.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

§ 410.20 Purpose.

The purpose of this Cost Accounting Standard is to provide criteria for the allocation of business unit general and administrative (G&A) expenses to business unit final cost objectives based on their beneficial or causal relationship. These expenses represent the cost of the management and administration of the business unit as a whole. The Standard also provides criteria for the allocation of home office expenses received by a segment to the cost objectives of that segment. This Standard will increase the likelihood of achieving objectivity in the allocation of expenses to final cost objectives and comparability of cost data among contractors in similar circumstances.

§ 410.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section.

(1) *Allocate.* To assign an item of cost or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

(2) *Business unit.* Any segment of an organization, or an entire business organization which is not divided into segments.

(3) *Cost input.* The cost, except G&A expenses, which for contract costing purposes is allocable to the production of goods and services during a cost accounting period.

(4) *Cost objective.* A function, organizational subdivision, contract or other work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capitalized projects, etc.

(5) *Final cost objective.* A cost objective which has allocated to it both direct and indirect costs, and, in the contractor's accumulation systems, is one of the final accumulation points.

(6) *General and Administrative (G&A) expense.* Any management, financial, and other expense which is incurred by or allocated to a business unit and which is for the general management and administration of the business unit as a whole. G&A expense does not include those management expenses whose beneficial or causal relationship to cost objectives can be more directly measured by a base other than a cost input base representing the total activity of a business unit during a cost accounting period.

(7) *Segment.* One of two or more divisions, product departments, plants, or other subdivisions of an organization reporting directly to a home office, usually identified with responsibility for profit and/or producing a product or service. The term includes Government-owned contractor-operated (GOCO) facilities, and joint ventures and subsidiaries (domestic and foreign) in which the organization has a majority ownership. The term also includes those joint ventures and subsidiaries (domestic and foreign) in which the organization has less than a majority of ownership, but over which it exercises control.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

§ 410.40 Fundamental requirement.

(a) Business unit G&A expenses shall be grouped in a separate indirect cost pool which shall be allocated only to final cost objectives.

(b) (1) The G&A expense pool of a business unit for a cost accounting period shall be allocated to final cost objectives of that cost accounting period by means of a cost input base representing the total activity of the business unit except as provided in paragraph (b) (2) of this section. The cost input base selected shall be the one which best represents the total activity of a typical cost accounting period.

(2) The allocation of the G&A expense pool to any particular final cost objectives which receive benefits significantly different from the benefits accruing to other final cost objectives shall be determined by special allocation, (410.50(j)).

(c) Home office expenses received by a segment shall be allocated to segment cost objectives as required by 410.50(g).

(d) (1) Except as provided in (d) (2) below, any costs which do not satisfy the definition of G&A expenses in this Standard, but which have been classified by a business unit as G&A expenses can remain in the G&A expense pool unless they can be allocated to business unit cost objectives on a beneficial or casual relationship which is best measured by a base other than a cost input base.

(2) Independent Research and Development costs and Bidding and Proposal costs shall be treated pursuant to provisions of existing laws regulations and other controlling factors.

§ 410.50 Techniques for application.

(a) G&A expenses of a segment incurred by another segment shall be removed from the incurring segment's G&A expense pool. They shall be allocated to the segment for which the expenses were incurred on the basis of the beneficial or causal relationship between the expenses incurred and all benefiting or causing segments. If the expenses are incurred for two or more segments, they shall be allocated using an allocation base common to all such segments.

(b) The G&A expense pool may be combined with other expenses for allocation to final cost objectives provided that:

(1) The allocation base used for the combined pool is appropriate both for the allocation of the G&A expense pool under this Standard and for the allocation of the other expenses; and

(2) Provision is made to identify the components and total of the G&A expense pool separately from the other expenses in the combined pool.

(c) Expenses which are not G&A expenses and are insignificant in amount may be included in the G&A expense pool for allocation to final cost objectives.

(d) The cost input base used to allocate the G&A expense pool shall include all significant elements of that cost input which represent the total activity of the business unit. The cost input base selected to represent the total activity of a business unit during a cost accounting period may be: (1) total cost input, (2) value-added cost input, or (3) single element cost input. The determination of which cost input base best represents the total activity of a business unit must be judged on the basis of the circumstances of each business unit.

(1) A total cost input base is generally acceptable as an appropriate measure of the total activity of a business unit.

(2) Value-added cost input shall be used as an allocation base where inclusion of material and subcontract costs would significantly distort the allocation of the G&A expense pool in relation to the benefits received and where costs other than direct labor are significant measures of total activity. A value-added cost input base is total cost input less material and subcontract costs.

(3) A single element cost input base, e.g., direct labor hours or direct labor dollars, which represents the total activity of a business unit may be used to allocate the G&A expense pool where it produces equitable results. A single element base may not produce equitable results where other measures of activity are also significant in relation to total activity. A single element base is inappropriate where it is an insignificant part of the total cost of some of the final cost objectives.

(e) Where, prior to the effective date of this Standard, a business unit's disclosed or established cost accounting practice was to use a cost of sales or sales base, that business unit may use the transition method set out in Appendix A hereof.

(f) Cost input shall include those expenses which by operation of this Standard are excluded from the G&A expense pool and are not part of a combined pool of G&A expenses and other expenses allocated using the same allocation base.

(g) (1) Allocations of the home office expenses of (i) line management of particular segments or groups of segments, (ii) residual expenses, and (iii) directly allocated expenses related to the management and administration of the receiving segment as a whole shall be included in the receiving segment's G&A expense pool.

(2) Any separate allocation of the expenses of home office (i) centralized service functions, (ii) staff management of specific activities of segments, and (iii) central payments or accruals, which is received by a segment shall be allocated to the segment cost objectives in proportion to the beneficial or causal relationship between the cost objectives and the expense if such allocation is significant in amount. Where a beneficial or causal relationship for the expense is not identifiable with segment cost objectives, the expense may be included in the G&A expense pool.

(h) Where a segment performs home office functions and also performs as an operating segment having a responsibility for final cost objectives, the expense of the home office functions shall be segregated. These expenses shall be allocated to all benefiting or causing segments, including the segment performing the home office functions, pursuant to disclosed or established accounting practices for the allocation of home office expenses to segments.

(i) For purposes of allocating the G&A expense pool, items produced or worked on for stock or product inventory shall be accounted for as final cost objectives in accordance with the following paragraphs:

(1) Where items are produced or worked on for stock or product inventory in a given cost accounting period, the cost input to such items in that period shall be included only once in the computation of the G&A expense allocation base and in the computation of the G&A expense allocation rate for that period and shall not be included in the computation of the base or rate for any other cost accounting period.

(2) A portion of the G&A expense pool shall be allocated to items produced or worked on for stock or product inventory in the cost accounting period or periods in which such items are produced at the rates determined for such periods except as provided in (3) below.

(3) Where the contractor does not include G&A expense in inventory as part of the cost of stock or product inventory items, the G&A rate of the cost accounting period in which such items are issued to final cost objectives may be used to determine the G&A expenses applicable to issues of stock or product inventory items.

(j) Where a particular final cost objective in relation to other final cost objectives receives significantly more or less benefit from G&A expense than would be reflected by the allocation of such expenses using a base determined pursuant to paragraph (d) of this section, the business unit shall account for this particular final cost objective by a special allocation from the G&A expense pool to the particular final cost objective commensurate with the benefits received. The amount of a special allocation to any such final cost objective shall be excluded from the G&A expense pool required by section 410.40(a), and the particular final cost objective's cost input data shall be excluded from the base used to allocate this pool.

§ 410.60 Illustrations.

(a) Business Unit A has been including the cost of scientific computer operations in its G&A expense pool. The scientific computer is used predominately for research and development, rather than for the management and administration of the business unit as a whole. The costs of the scientific computer operation do not satisfy the Standard's definition of G&A expense; however, they may remain in the G&A expense pool unless they can be allocated to business unit cost objectives on a beneficial or causal relationship which is best measured by a base other than a cost input base representing the total activity of a business unit during a cost accounting period.

(b) Segment B performs a budgeting function, the cost of which is included in its G&A expense pool. This function includes the preparation of budgets for another segment. The cost of preparing the budgets for the other segment should be removed from B's G&A expense pool and transferred to the other segment.

(c) (1) Business Unit C has a personnel function which is divided into two parts (i) a vice president of personnel who establishes personnel policy and overall guidance, and (ii) a personnel department which handles hirings, testing, evaluations, etc. The expense of the vice president is included in the G&A expense pool. The expense of the personnel department is allocated to the other indirect cost pools based on the beneficial or causal relationship between that expense and the indirect cost pools. This procedure is in compliance with the requirements of this Standard.

(2) Business Unit C has included selling costs as part of its G&A expense pool. Business Unit C wishes to continue to include selling costs in its G&A expense pool. Under the provisions of this Standard, Business Unit C may continue to include selling costs in its G&A pool, and these costs will be allocated over a cost input base selected in accordance with the provisions of 410.50(d).

(3) Business Unit C has included IR&D and B&P costs in its G&A expense pool. C has used a cost of sales base to allocate its G&A expense pool. As of January 1, 1978 (assumed for purposes of this illustration), the date on which C must first allocate its G&A expense pool in accordance with the requirements of this Standard, C has among its final cost objectives several cost reimbursement contracts and fixed price contracts subject to the CAS clause [referred to as the pre-existing contracts]. If C chooses to use the transition method in 410.50(e):

(i) C shall allocate IR&D and B&P costs during the transition period (from January 1, 1978, to and including the cost counting period during which the pre-existing contracts are completed), to the preexisting contracts as part of its G&A expense pool using a cost of sales base pursuant to 410.50 (e) and Appendix A.

(ii) During the transition period such costs, as part of the G&A expense pool, shall be allocated to new cost reimbursement contracts and new fixed price contracts subject to the CAS clause using a cost input base as required by 410.50(d) and (e) and Appendix A.

(iii) Beginning with the cost accounting period after the transition period the IR&D and B&P costs as part of the G&A expense pool shall be allocated to all final cost objectives using a cost input base as required by 410.50(d). If C chooses not to use the transition method in 410.50(e), the contractual provision requiring appropriate equitable adjustment of the prices of affected prime contracts and subcontracts will be implemented.

(4) Business Unit C has accounted for and allocated IR&D and B&P costs in a cost pool separate and apart from the G&A expense pool, C may continue to account for these costs in a separate cost pool under the provision of this Standard. If C is to use a total cost input base, these costs when accounted for and allocated in a cost pool separate and apart from the G&A expense pool will become part of the total cost input base used by C to allocate the G&A expense pool.

(5) Business Unit C has included selling costs as part of its G&A expense pool. Business Unit C has used a cost of sales base to allocate the G&A expense pool. Business Unit C desires to continue to allocate selling costs using the costs of sales base. Under the provisions of this Standard, Business Unit C would account for selling costs as a cost pool separate and apart from the G&A expense pool, and continue to allocate these costs over a cost of sales base. If C uses a total cost input base to allocate the G&A expense pool, the selling costs will become part of the total cost input base.

(d) (1) Business Unit D has accounted for selling costs in a cost pool separate and apart from its G&A expense pool and has allocated these costs using a cost of sales

base. Under the provisions of this Standard, Business Unit D may continue to account for those costs in a separate pool and allocate them using a cost of sales base. Business Unit D has a total cost input base to allocate its G&A expense pool. The selling costs will become part of the cost input base used by Business Unit D to allocate the G&A expense pool.

(2) During a cost accounting period, Business Unit D buys $2,000,000 of raw materials. At the end of that cost accounting period, $500,000 of raw materials inventory have not been charged out to contracts or other cost objectives. The $500,000 of raw materials are not part of the total cost input base for the cost accounting period, because they have not been charged to the production of goods and services during that period. If all of the $2,000,000 worth of raw material had been charged to cost objectives during the cost accounting period, the cost input base for the allocation of the G&A expense pool would include the entire $2,000,000.

(3) Business Unit D manufactures a variety of testing devices. During a cost accounting period, Business Unit D acquires and uses a small building, constructs a small production facility using its own resources, and keeps for its own use one unit of a testing device that it manufactures and sells to its customers. The acquisition cost of the building is not part of the total cost input base; however, the depreciation taken on the building would be part of the total cost input base. The costs of construction of the small production facility are not part of the total cost input base. The requirements of Cost Accounting Standard 404 provide that those G&A expenses which are identifiable with the constructed asset and are material in amount shall be capitalized as part of the cost of the production facility. If there are G&A expenses material in amount and identified with the constructed asset, these G&A expenses would be removed from the G&A expense pool prior to the allocation of this pool to final cost objectives. The cost of the testing device shall be part of the total cost input base per the requirements of Cost Accounting Standard 404 which provides that the cost of constructed assets identical with the contractor's regular product shall include a full share of indirect cost.

(e)(1) Business Unit E produces Item Z for stock or product inventory. The business unit does not include G&A expense as part of the inventory cost of these items for costing or financial reporting purposes. A production run of these items occurred during Cost Accounting Period 1. A number of the units produced were not issued during Period 1 and are issued in Period 2. However, those units produced in Period 1 shall be included in the cost input of that period for calculating the G&A expense allocation base and shall not be included in the cost input of Period 2.

(2) Business Unit E should apply the G&A expense rate of Period 1 to those units of Item Z issued during Period 1 and may apply the rate of Period 2 to the units issued in Period 2.

(3) If the practice of Business Unit E is to include G&A expense as part of the cost of stock or product inventory, the inventory cost of all units of Item Z produced in Period 1 and remaining in inventory at the end of Period 1, should include G&A expense using the G&A rate of Period 1.

(f)(1) Business Unit F produced Item X for stock or product inventory. The business unit does not include G&A expense as part of the inventory cost of these items. A production run of these items was started, finished, and placed into inventory in a single cost accounting period. These items are issued during the next cost accounting period.

(2) The cost of items produced for stock or product inventory should be included in the G&A base in the same year they are produced. The cost of such items is not to be included in the G&A base on the basis of when they are issued to final cost objectives. Therefore, the time of issuance of these items from inventory to a final cost objective is irrelevant in computing the G&A base.

(g) The normal productive activity of Business Unit G includes the construction of base operating facilities for others. G uses a total cost input base to allocate G&A expense to final cost objectives. As part of a contract to construct an operating facility, G agrees to acquire a large group of trucks and other mobile equipment to equip the base operating facility. G does not usually supply such equipment. The cost of the equipment constitutes a significant part of the contract cost. A special G&A allocation to this contract shall be agreed to by the parties if they agree that in the circumstances the contract as a whole receives substantially less benefit from the G&A expense pool than that which would be represented by a cost allocation based on inclusion of the contract cost in the total cost input base.

(h)(1) The home office of Segment H separately allocates to benefiting or causing segments significant home office expenses of (i) staff management functions relative to manufacturing, (ii) staff management functions relative to engineering, (iii) central payment of health insurance costs and (iv) residual expenses. H receives these expenses as separate allocations. H maintains three indirect cost pools: (i) G&A expense, (ii) manufacturing overhead and (iii) engineering overhead: all home office expenses allocated to H are included in H's G&A expense pool.

(2) This accounting practice of H does not comply with section 410.50(g)(2). Home office residual expenses should be in the G&A expense pool, and the expenses of the staff management functions relative to manufacturing and engineering should be included in the manufacturing overhead and engineering overhead pools, respectively. The health insurance costs should be allocated in proportion to the beneficial and casual relationship between these costs and H's cost objectives.

§ 410.70 Exemptions.

This Standard shall not apply to contractors who are subject to the provisions of Federal Management Circular 73-8 (Cost Principles for Educational Institutions) or Circular 74-4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments).

§ 410.80 Effective date.

(a) The effective date of this Standard is October 1, 1976 (41 FR 27311, July 2, 1976).

(b) This Standard shall be followed by each contractor after the start of his next fiscal year beginning after January 1, 1977.

APPENDIX A

TRANSITION FROM A COST OF SALES OR SALES BASE TO A COST INPUT BASE

A business unit may use the method described below for transition from the use of a cost of sales or sales base to a cost input base.

(1) Calculate the cost of sales or sales base in accordance with the cost accounting practice disclosed or established prior to the date established by Section 410.80(b) of this Cost Accounting Standard.

(2) Calculate the G&A expense allocation rate using the base determined in paragraph (1) above and use that rate to allocate from the G&A expense pool to the final cost objectives which were in existence prior to the date on which the business unit must first allocate costs in accordance with the requirements of this Cost Accounting Standard.

(3) Calculate a cost input base in compliance with § 410.50(d) above.

(4) Calculate the G&A expense rate using the base determined in paragraph (3) above and use that rate to allocate from the G&A expense pool to those final cost objectives which arise under contracts entered into on or after the date on which the business unit must first allocate costs in accordance with the requirements of this Cost Accounting Standard.

(5) The calculations set forth in paragraphs (1)–(4) above shall be performed for each cost accounting period during which final cost objectives described in (2) are being performed.

(6) The business unit shall establish an inventory suspense account. The amount of the inventory suspense account shall be equal to the beginning inventory of contracts subject to the CAS clause of the cost accounting period in which the business unit must first allocate costs in accordance with the requirements of this Cost Accounting Standard.

(7) In any cost accounting period, after the cost accounting periods described in (5) above, if the ending inventory of contracts subject to the CAS clause is less than the balance of the inventory suspense account, the business unit shall calculate two G&A expense allocation rates, one to allocate G&A expenses to contracts subject to the CAS clause and one applicable to other work.

(a) The G&A expense pool shall be divided in the proportion which the cost input of the G&A expense allocation base of the contracts subject to the CAS clause bears to the total of the cost input allocation base, selected in accordance with § 410.50(d), for the cost accounting period.

(b) The G&A expenses applicable to contracts subject to the CAS clause shall be reduced by an amount determined by multiplying the difference between the balance of the inventory suspense account and the ending inventory of contracts subject to the CAS clause by the cost of sales rate, as determined under (1) above, of the cost accounting period in which a business unit must first allocate costs in accordance with the requirements of this Cost Accounting Standard.

(8) In any cost accounting period in which such a reduction is made, the balance of the inventory suspense account shall be reduced to be equal to the ending inventory of contracts subject to the CAS clause of that cost accounting period.

* * * * *

The following illustrates how a business unit would use this transition method.

1. Business Unit R has been using a cost of sales base to allocate its G&A expense pool to final cost objectives. Business Unit R uses a calendar year as its cost accounting period. On October 1, 1976 (assumed for purposes of this illustration) Cost Accounting Standard 410 becomes effective. On October 2, 1976, Business Unit R receives a three-year contract containing the Cost Accounting Standards clause. As a result, Business Unit R must comply with the requirements of the Standard in the cost accounting period beginning in January, 1978.

As of January 3, 1978, Business Unit R has the following contracts:

(1) Contract I—A four-year contract awarded in January, 1975.

(2) Contract II—A three-year contract which was negotiated in March, 1976, and was awarded on October 2, 1976.

(3) Contract III—A four-year contract awarded on January 2, 1978.

If Business Unit R chooses to use the transition method provided in § 410.50(e), it will allocate the G&A expense pool to these contracts as follows:

(a) Contract I—Since Contract I was in existence prior to January 1, 1978, the G&A expense pool shall be allocated to it using a cost of sales base as provided in 410.50(e).

(b) Contract II—Since this contract was in existence prior to January 1, 1978, the G&A expense pool shall be allocated to it using a cost of sales base as provided in § 410.50(e).

(c) Contract III—Since this contract was awarded after January 1, 1978, the G&A expense pool shall be allocated to this contract using a cost input base.

Having chosen to use § 410.50(e), Business Unit R will use the transition method of allocating the G&A expense pool to final cost objectives until all contracts awarded prior to January 1, 1978, are completed (1979 if the contracts are completed on schedule). Beginning with the cost accounting period subsequent to that time, 1980, Business Unit R will use a cost input base to allocate the G&A expense pool to all cost objectives. Business Unit R will also carry forward an inventory suspense account in accordance with the requirements of this Standard.

2.A Business Unit N is first required to allocate its costs in accordance with the requirements of CAS 410 during the fiscal year beginning January 1, 1978. Business Unit N has used a cost of sales base to allocate its G&A expense pool.

During the years 1978, 1979, 1980, Business Unit N reported the following data:

	Total	Contracts prior to Jan. 1, 1978			Contracts after Jan. 1, 1978		
		Non-CAS work	CAS-fixed price work	CAS-cost contracts	Non-CAS work	CAS-fixed price work	CAS-cost contracts
Year 1978:							
Beginning inventory	$500	300	200	0	0	0	0
Cost input	+3,000	400	600	700	500	500	300
Total	3,500	700	800	700	500	500	300
Cost of sales	−3,000	600	550	700	450	400	300
Ending inventory	500	100	250	0	50	100	0
Year 1979:							
Beginning inventory	500	100	250	0	50	100	0
Cost input	+3,000	400	600	700	500	500	300
Total	3,500	500	850	700	550	600	300
Cost of sale	−2,500	450	650	700	150	250	300
Ending inventory	1,000	50	200	0	400	350	0
Year 1980:							
Beginning inventory	1,000	50	200	0	400	350	0
Cost input	+3,000	400	600	700	500	500	300
Total	4,000	450	800	700	900	850	300
Cost of sales	−3,250	450	800	700	450	550	300
Ending inventory	750	0	0	0	450	300	0

NOTES

Operating data is in thousands of dollars.
G. & A. expense $375,000 in accordance with the requirements of this standard.

Work existing prior to January 1, 1978 may include:

(1) Government contracts which contain the CAS clause;

(2) Government contracts which do not contain the CAS clause;

(3) Contracts other than Government contracts or customer orders; and

(4) Production not specifically identified with contracts or customer orders under production or work orders existing prior to the date on which a business unit must first allocate its costs in compliance with this Standard and which are limited in time or quantity.

Production under standing or unlimited work orders, continuous flow processes and the like, not identified with contracts or customer orders are to be treated as final cost objectives awarded after the date on which a business unit must first allocate its costs in compliance with the requirements of this Standard.

Business Unit N may allocate the G&A expense pool as follows:

[In dollars]

	Year 1978	Year 1979	Year 1980
1. G. & A. expense pool	375	375	375
Cost of sales rate	375/3,000= .125	375/2,500= .15	375/3,250= .115
Cost input rate	375/3,000= .125	375/3,000= .125	375/3,000= .125
2. G. & A. allocations:			
Prior contracts:			
Non-CAS work	600×0.125= 75.00	450×0.15 = 67.50	450×0.115= 51.75
CAS-fixed price work	550×0.125= 68.75	650×0.15 = 97.50	800×0.115= 92.00
CAS-cost contracts	700×0.125= 87.50	700×0.15 =105.00	700×0.115= 80.50
After contracts:			
Non-CAS work	500×0.125= 62.50	500×0.125= 62.50	500×0.125= 62.50
CAS-fixed price work	500×0.125= 62.50	500×0.125= 62.50	500×0.125= 62.50
CAS-cost contracts	300×0.125= 37.50	300×0.125= 37.50	300×0.125= 37.50
	393.75	432.50	386.75
3. Inventory suspense account [1]	200		
G. & A. rate applicable	.125		

[1] Beginning inventory of contracts subject to the CAS clause, January 1978.

2.B In cost accounting period 1982, Business Unit N has an ending inventory of contracts subject to the CAS clause of $100,000. This is the first cost accounting period after the transition in which the amount of the ending inventory is less than the amount of the inventory suspense account. During this cost accounting period, Business Unit N had G&A expenses of $410,000 and cost input of $3,500,000, $1,500,000 applicable to contract subject to the CAS clause and $2,000,000 applicable to other work.

Business Unit N would compute its G&A expense allocation rate applicable to contracts subject to the CAS clause as follows:

(1) Amount of inventory suspense account	$200,000
Amount of ending inventory	100,000
Difference	100,000
G. & A. rate applicable (see A above)	×0.125
Adjustment to G. & A. expense applicable to contracts subject to the CAS clause	12,500
(2) G. & A. expense pool	410,000
G. & A. expenses applicable to contracts subject to the CAS clause ($1,500,000/$3,500,000 ×$410,000)	175,890
G. & A. expenses applicable to other work	234.110
(3) G. & A. expenses applicable to contracts subject to the CAS clause	175,890
Adjustment to G. & A. expenses applicable to contracts subject to the CAS clause	−12,500
G. & A. expenses allocable to contracts subject to the CAS clause	163,390
(4) G. & A. expense allocation rate applicable to contracts subject to the CAS clause for cost accounting period 1982 −$163,390/$1,500,000=0.109.	

The amount of the inventory suspense account would be reduced to $100,000.

§ 1-3.1220-11 Accounting for acquisition costs of material.

PART 411—COST ACCOUNTING STANDARD ACCOUNTING FOR ACQUISITION COSTS OF MATERIAL

Sec.

411.10 General applicability.
411.20 Purpose.
411.30 Definitions.
411.40 Fundamental requirement.
411.50 Techniques for application.
411.60 Illustrations.
411.70 Exemptions.
411.80 Effective date.

AUTHORITY: 84 Stat. 796, sec. 103 (50 U.S.C. App. 2168).

SOURCE: The provisions of Part 411 appear at 40 FR 19425, May 5, 1975, unless otherwise noted.

§ 411.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

§ 411.20 Purpose.

(a) The purpose of this Cost Accounting Standard is to provide criteria for the accounting for acquisition costs of material. The Standard includes provisions on the use of inventory costing methods. Consistent application of this Standard will improve the measurement and assignment of costs to cost objectives.

(b) This Cost Accounting Standard does not cover accounting for the acquisition costs of tangible capital assets nor accountability for Government-furnished materials.

§ 411.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section:

(1) *Allocate.* To assign an item of cost, or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

(2) *Business Unit.* Any segment of an organization or an entire business organization which is not divided into segments.

(3) *Category of Material.* A particular kind of goods, comprised of identical or interchangeable units, acquired or produced by a contractor, which are intended to be sold, or consumed or used in the performance of either direct or indirect functions.

(4) *Cost Objective.* A function, organizational subdivision, contract or other work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capitalized projects, etc.

(5) *Material Inventory Record.* Any record used for the accumulation of actual or standard costs of a category of material recorded as an asset for subsequent cost allocation to one or more cost objectives.

(6) *Moving Average Cost.* An inventory costing method under which an average unit cost is computed after each acquisition by adding the cost of the newly acquired units to the cost of the units of inventory on hand and dividing this figure by the new total number of units.

(7) *Weighted Average Cost.* An inventory costing method under which an average unit cost is computed periodically by dividing the sum of the cost of beginning inventory plus the cost of acquisitions, by the total number of units included in these two categories.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

§ 411.40 Fundamental requirement.

(a) The contractor shall have, and consistently apply, written statements of accounting policies and practices for accumulating the costs of material and for allocating costs of material to cost objectives.

(b) The cost of units of a category of material may be allocated directly to a cost objective provided the cost objective was specifically identified at the time of purchase or production of the units.

(c) The cost of material which (1) is used solely in performing indirect functions, or (2) is not a significant element of production cost, whether or not incorporated in an end product, may be allocated to an indirect cost pool. When significant, the cost of such indirect material not consumed in a cost accounting period shall be established as an asset at the end of the period.

(d) Except as provided in paragraphs (b) and (c) of this section, the cost of a category of material shall be accounted for in material inventory records.

(e) In allocating to cost objectives the costs of a category of material issued from company-owned material inventory, the costing method used shall be selected in accordance with the provisions of § 411.50, and shall be used in a manner which results in systematic and rational costing of issues of material to cost objectives. The same costing method shall, within the same business unit, be used for similar categories of materials.

§ 411.50 Techniques for application.

(a) Material cost shall be the acquisition cost of a category of material whether or not a material inventory record is used. The purchase price of material shall be adjusted by extra charges incurred or discounts and credits earned. Such adjustments shall be charged or credited to the same cost objective as the purchase price of the material, except that where it is not practical to do so, the contractor's policy may provide for the consistent inclusion of such charges or credits in an appropriate indirect cost pool.

(b) One of the following inventory costing methods shall be used when issuing material from a company-owned inventory:

(1) The first-in, first-out (FIFO) method,
(2) The moving average cost method,
(3) The weighted average cost method,
(4) The standard cost method, or
(5) The last-in, first-out (LIFO) method.

(c) The method of computation used for any inventory costing method selected pursuant to the provisions of this Standard shall be consistently followed.

(d) Where the excess of the ending inventory over the beginning inventory of material of the type described in § 411.40(c) is estimated to be significant in relation to the total cost included in the indirect cost pool, the cost of such unconsumed material shall be established as an asset at the end of the period by reducing the indirect cost pool by a corresponding amount.

§ 411.60 Illustrations

(a) Contractor "A" has one contract which requires two custom-ordered, high-value, airborne cameras. The contractor's established policy is to order such special items specifically identified to a contract as the need arises and to charge them directly to the contract. Another contract is received which requires three more of these cameras, which the contractor purchases at a unit cost which differs from the unit cost of the first two cameras ordered. When the purchase orders were placed, the contractor identified the specific contracts on which the cameras being purchased were to be used. Although these cameras are identical, the actual cost of each camera is charged to the contract for which it was acquired without establishing a material inventory record. This practice would not be a violation of this Standard.

(b)(1) A Government contract requires use of electronic tubes identified as "W." The contractor expects to receive other contracts requiring the use of tubes of the same type. In accordance with its written policy, the contractor establishes a material inventory record for electronic tube "W," and allocates the cost of units issued to the existing Government contract by the FIFO method. Such a practice would conform to the requirements of this Standard.

(2) The contractor is awarded several additional contracts which require an electronic tube which the contractor conludes is similar to the one described in paragraph (b)(1) of this section and which is identified as "Y." At the time a purchase order for these

tubes is written, the contractor cannot identify the specific number of tubes to be used on each contract. Consequently, the contractor establishes an inventory record for these tubes and allocates their cost to the contracts on an average cost method. Because a FIFO method is used for a similar category of material within the same business unit, the use of an average cost method for "Y" would be a violation of this Standard.

(c) A contractor complies with the Cost Accounting Standard on standard costs (Part 407 of this chapter), and he uses a standard cost method for allocating the costs of essentially all categories of material. Also, it is the contractor's established practice to charge the cost of purchased parts which are incorporated in his end products, and which are not a significant element of production cost to an indirect cost pool. Such practices conform to this Standard.

(d) A contractor has one established inventory for type "R" transformers. The contractor allocates by the LIFO method the current costs of the individual units issued to Government contracts. Such a practice would conform to the requirements of this Standard.

(e) A contractor has established inventories for various categories of material which are used on Government contracts. During the year the contractor allocates the costs of the units of the various categories of material issued to contracts by the moving average cost method. The contractor uses the LIFO method for tax and financial reporting purposes, and, at year end, applies a pooled LIFO inventory adjustment for all categories of material to Government contracts. This application of pooled costs to Government contracts would be a violation of this Standard because the lump sum adjustment to all of the various categories of material is, in effect, a noncurrent repricing of the material issues.

§ 411.70 Exemptions.

None for this Standard.

§ 411.80 Effective date.

(a) The effective date of this Standard is January 1, 1976 (40 FR 32823, August 5, 1975).

(b) This Standard shall be applied to materials purchased or produced after the start of the contractor's next fiscal year beginning after receipt of a contract to which this Standard is applicable.

§ 1–3.1220–12 Composition and measurement of pension cost.

PART 412—COST ACCOUNTING STANDARDS FOR COMPOSITION AND MEASUREMENT OF PENSION COST

Sec.
412.10 General applicability.
412.20 Purpose.
412.30 Definitions.
412.40 Fundamental requirement.
412.50 Techniques for application.
412.60 Illustrations.
412.70 Exemptions.
412.80 Effective date.

AUTHORITY: 84 Stat. 796, sec. 103 (50 U.S.C. App. 2168)

SOURCE: The provisions of Part 412 appear at 40 FR 43873, September 24, 1975, Correction 40 FR 45417, October 2, 1975, unless otherwise noted.

§ 412.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

§ 412.20 Purpose.

The purpose of this Standard is to provide guidance for determining and measuring the components of pension cost. The Standard establishes the basis on which pension costs shall be assigned to cost accounting periods. The provisions of this Cost Accounting Standard should enhance uniformity and consistency in accounting for pension costs and thereby increase the probability that those costs are properly allocated to cost objectives.

§ 412.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meaning ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section:

(1) *Accrued benefit cost method.* An actuarial cost method under which units of benefit are assigned to each cost accounting period and are valued as they accrue—that is, based on the services performed by each employee in the period involved. The measure of normal cost under this method for each cost accounting period is the present value of the units of benefits deemed to be credited to employees for service in that period. The measure of the actuarial liability at a plan's inception date is the present value of the units of benefit credited to employees for service prior to that date. (This method is also known as the Unit Credit cost method.)

(2) *Actuarial assumption.* A prediction of future conditions affecting pension cost; for example, mortality rate, employee turnover, compensation levels, pension fund earnings, changes in values of pension fund assets.

(3) *Actuarial cost method.* A technique which uses actuarial assumptions to measure the present value of future pension benefits and pension fund administrative expenses, and which assigns the cost of such benefits and expenses to cost accounting periods.

(4) *Actuarial gain and loss.* The effect on pension cost resulting from differences between actuarial assumptions and actual experience.

(5) *Actuarial liability.* Pension cost attributable, under the actuarial cost method in use, to years prior to the date of a particular actuarial valuation. As of such date, the actuarial liability represents the excess of the present value of the future benefits and administrative expenses over the present value of future contributions for the normal cost for all plan participants and beneficiaries. The excess of the actuarial liability over the value of the assets of a pension plan is the Unfunded Actuarial Liability.

(6) *Defined-benefit pension plan.* A pension plan in which the benefits to be paid or the basis for determining such benefits are established in advance and the contributions are intended to provide the stated benefits.

(7) *Defined-contribution pension plan.* A pension plan in which the contributions to be made are established in advance and the benefits are determined thereby.

(8) *Funded pension cost.* The portion of pension costs for a current or prior cost accounting period that has been paid to a funding agency or, under a pay-as-you-go plan, to plan participants or beneficiaries.

(9) *Funding agency.* An organization or individual which provides facilities to receive and accumulate assets to be used either for the payment of benefits under a pension plan, or for the purchase of such benefits.

(10) *Multiemployer pension plan.* A plan to which more than one employer contributes and which is maintained pursuant to one or more collective bargaining agreements between an employee organization and more than one employer.

(11) *Normal cost.* The annual cost attributable, under the actuarial cost method in use, to years subsequent to a particular valuation date.

(12) *Pay-as-you-go cost method.* A method of recognizing pension cost only when benefits are paid to retired employees or their beneficiaries.

(13) *Pension plan.* A deferred compensation plan established and maintained by one or more employers to provide systematically for the payment of benefits to plan participants after their retirement, provided that the benefits are paid for life or are payable for life at the option of the employees. Additional benefits such as permanent and total disability and death payments, and survivorship payments to beneficiaries of deceased employees may be an integral part of a pension plan.

(14) *Projected benefit cost method.* Any of the several actuarial cost methods which distribute the estimated total cost of all of the employees' prospective benefits over a period of years, usually their working careers.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

§ 412.40 Fundamental requirement.

(a) *Components of pension cost.* (1) For defined-benefit pension plans, the components of pension cost for a cost accounting period are (i) the normal cost of the period, (ii) a part of any unfunded actuarial liability, (iii) an interest equivalent on the unamortized portion of any unfunded actuarial liability, and (iv) an adjustment for any actuarial gains and losses.

(2) For defined-contribution pension plans, the pension cost for a cost accounting period is the net contribution required to be made for that period, after taking into account dividends and other credits, where applicable.

(b) *Measurement of pension cost.* (1) For defined-benefit pension plans, the amount of pension cost of a cost accounting period shall be determined by use of an actuarial cost method which measures separately each of the components of pension cost set forth in paragraph (a)(1) of this section, or which meets the requirements set forth in § 412.50 (b)(2).

(2) Each actuarial assumption used to measure pension cost shall be separately identified and shall represent the contractor's best estimates of anticipated experience under the plan, taking into account past experience and reasonable expectations. The validity of the assumptions used may be evaluated on an aggregate, rather than on an assumption-by-assumption, basis.

(c) *Assignment of pension cost.* The amount of pension cost computed for a cost accounting period is assignable only to that period. Except for pay-as-you-go plans, the cost assignable to a period is allocable to cost objectives of that period to the extent that liquidation of the liability for such cost can be compelled or liquidation is actually effected in that period. For pay-as-you-go plans, the entire cost assignable to a period is allocable to cost objectives of that period only if the payment of benefits earned by plan participants can be compelled. If such payment is optional with the company, the amount of assignable costs allocable to cost objectives of that period is limited to the amount of benefits actually paid to retirees or beneficiaries in that period.

§ 412.50 Techniques for application.

(a) *Components of pension cost.* (1) Any portion of an unfunded actuarial liability included as a separately identified part of the pension cost of a cost accounting period shall be included in equal annual installments. Each installment shall consist of an amortized portion of the unfunded actuarial liability plus an interest equivalent on the unamortized portion of such liability. The period of amortization shall be established as follows:

(i) If amortization of an unfunded actuarial liability has begun prior to the date this Standard first becomes applicable to a contractor, no change in the amortization period is required by the Standard.

(ii) If amortization of an unfunded actuarial liability has not begun prior to the date this Standard first becomes applicable to a contractor, the amortization period shall begin with the period in which the Standard becomes applicable and shall be no more than 30 years nor less than 10 years. However, if the plan was in existence as of January 1, 1974, the amortization period shall be no more than 40 years nor less than 10 years.

(iii) Each unfunded actuarial liability resulting from the institution of new pension plans or from adoption of improvements to pension plans subsequent to the date this Standard first becomes applicable to a contractor shall be amortized over no more than 30 years nor less than 10 years.

(2) Pension costs applicable to prior years that were specifically unallowable in accordance with then existing Government contractual provisions shall be separately identified and eliminated from any unfunded actuarial liability being amortized pursuant to the provision of paragraph (a)(1) of this section, or from future normal costs if the actuarial cost method in use does not separately develop an unfunded actuarial liability. Interest earned on funded unallowable pension costs, based on the valuation rate of return, need not be included by contractors as a reduction of future years' computations of pension costs made pursuant to this Standard.

(3) A contractor shall establish and consistently follow a policy for selecting specific amortization periods for unfunded actuarial liabilities, if any, that are developed under the actuarial cost method in use. Such policy may give consideration to factors such as the size and nature of unfunded actuarial liabilities.

(4) Actuarial assumptions used in calculating the amount of an unfunded actuarial liability shall be the same as those used for other components of pension cost. If any assumptions are changed during an amortization period, the resulting increase or decrease in an unfunded actuarial liability shall be separately amortized over no more than 30 years nor less than 10 years.

(5) Actuarial gains and losses shall be identified separately from unfunded actuarial liabilities that are being amortized pursuant to the provisions of this Standard. The accounting treatment to be afforded to such gains and losses shall be consistently applied for each pension plan.

(6) An excise tax assessed pursuant to a law or regulation because of inadequate or delayed funding of a pension plan is not a component of pension cost.

(7) If any portion of the pension cost computed for a cost accounting period is not funded in that period, no amount for interest on the portion not funded in that period shall be a component of pension cost of any future cost accounting period. Conversely, if a contractor prematurely funds pension costs in a current cost accounting period, the interest earned on such premature funding, based on the valuation rate of return, may be excluded from future years' computations of pension cost made pursuant to this Standard.

(8) For purposes of this Standard, defined-benefit pension plans funded exclusively by the purchase of individual or group permanent insurance or annuity contracts shall be treated as defined-contribution pension plans. However, all other defined-benefit pension plans administered wholly or in part through insurance company contracts shall be subject to the provisions of this Standard relative to defined-benefit pension plans.

(9) If a pension plan is supplemented by a separately-funded plan which provides retirement benefits to all of the participants in the basic plan, the two plans shall be considered as a single plan for purposes of this Standard. If the effect of the combined plans is to provide defined-benefits for the plan participants, the combined plan shall be treated as a defined-benefit plan for purposes of this Standard.

(10) A multiemployer pension plan established pursuant to the terms of a collective bargaining agreement shall be considered to be a defined-contribution pension plan for purposes of this Standard.

(11) A pension plan applicable to colleges and universities that is part of a State pension plan shall be considered to be a defined-contribution pension plan for purposes of this Standard.

(b) *Measurement of pension cost.* (1) The amount of pension cost assignable to cost accounting periods shall be measured by the accrued benefit cost method or by a projected benefit cost method which identifies separately normal costs, any unfunded actuarial liability, and periodic determinations of actuarial gains and losses, except as provided in paragraph (b)(2) of this section.

(2) Any other projected benefit cost method may be used, provided that:

(i) The method is used by the contractor in measuring pension costs for financial accounting purposes;

(ii) The amount of pension cost assigned to a cost accounting period computed under such method is reduced by the excess, if any, of the value of the assets of the pension fund over the actuarial liability of the plan as determined by a projected benefit cost method set forth in paragraph (b)(1) of this section;

(iii) The contractor accumulates supplementary information identifying the actuarial gains and losses (and, separately, gains or losses resulting from changed actuarial assumptions) that have occurred since the last determination of gains and losses and the extent to which such gains and losses have been amortized through subsequent pension contributions or offset by gains and losses in subsequent cost accounting periods, and

(iv) The cost of future pension benefits is spread over the remaining average working lives of the work force.

(3) Irrespective of the projected benefit cost method used, the calculation of normal cost shall be based on a percentage of payroll for plans where the pension benefit is a function of salaries and wages and on employee service for plans where the pension benefit is not a function of salaries and wages.

(4) The cost of benefits under a pay-as-you-go pension plan shall be measured in the same manner as are the costs of defined-benefit plans whose benefits are provided through a funding agency.

(5) Actuarial assumptions should reflect long-term trends so as to avoid distortions caused by short-term fluctuations.

(6) Pension cost shall be based on provisions of existing pension plans. This shall not preclude contractors from making salary projections for plans whose benefits are based on salaries and wages, or from considering improved benefits for plans which provide that such improved benefits must be made.

(7) If the evaluation of the validity of actuarial assumptions shows that, in the aggregate, the assumptions were not reasonable, the contractor shall (i) identify the major causes for the resultant actuarial gains or losses and (ii) provide information as to the basis and rationale used for retaining or revising such assumptions for use in the ensuing cost accounting period(s).

(c) *Assignment of pension cost.* (1) Amounts funded in excess of the pension cost computed for a cost accounting period pursuant to the provisions of this Standard shall be applied to pension costs of future cost accounting periods.

(2) Evidence that the liquidation of a liability for pension cost can be compelled includes (i) provisions of law such as the funding provisions of the Employee Retirement Income Security Act of 1974, except as provided in paragraph (c)(3) of this section, (ii) a contractual agreement which requires liquidation of the liability, or (iii) the existence of rights by a third party to require liquidation of the liability.

(3) Any portion of pension cost computed for a cost accounting period that is deferred to future periods pursuant to a waiver granted under provisions of the Employee Retirement Income Security Act of 1974, shall not be assigned to the current period. Rather, such costs shall be assigned to the cost accounting period(s) in which the funding takes place.

(4) A liability for pension cost for a cost accounting period (or, for pay-as-you-go plans, for payments to retirees or beneficiaries for a period) shall be considered to be liquidated in the period if funding is effected by the date established for filing a Federal income tax return (including authorized extensions). For contractors not required to file Federal income tax returns, the date shall be that established for filing Federal corporation income tax returns.

§ 412.60 Illustrations.

(a) *Components of pension cost.* (1) Contractor A has a defined-benefit pension plan for its employees. The contractor's policy has been to compute and fund as annual pension cost normal cost plus only interest on the unfunded actuarial liability. Pursuant to § 412.40(a)(1), the components of pension cost for a cost accounting period must now include not only the normal cost for the period and interest on the unfunded actuarial liability, but also an amortized portion of the unfunded actuarial liability. The amortization of the liability and the interest equivalent on the unamortized portion of the liability must be computed in equal annual installments.

(2) Contractor B has insured pension plans for each of two small groups of employees. One plan is funded through a group permanent insurance contract; the other plan is funded through a group deferred annuity contract. Both plans provide for defined benefits. Pursuant to § 413.50(a)(8), for purposes of this Standard the plan financed through a group permanent insurance contract shall be considered to be a defined-contribution pension plan; the net premium required to be paid for a cost accounting period (after deducting dividends and any credits) shall be the pension cost for that period. However, the group deferred annuity plan is subject to the provisions of this Standard that are applicable to defined-benefit plans.

(3) Contractor C provides pension benefits for certain hourly employees through a multiemployer defined-benefit plan. Under the collective bargaining agreement, the contractor pays six cents into the fund for each hour worked by the covered employees. Pursuant

to § 412.50(a)(10), the plan shall be considered to be a defined-contribution pension plan. The payments required to be made for a cost accounting period shall constitute the assignable pension cost for that period.

(4) Contractor D provides pension benefits for certain employees through a defined-contribution pension plan. However, the contractor has a separate fund which is used to supplement pension benefits provided for all of the participants in the basic plan in order to provide a minimum monthly retirement income to each participant. Pursuant to § 412.50(a)(9), the two plans shall be considered as a single plan for purposes of this Standard. Because the effect of the supplemental fund is to provide defined-benefits for the plan's participants, the provisions of this Standard relative to defined-benefit pension plans shall be applicable to the combined plan.

(b) *Measurement of pension cost.* (1) Contractor E has a pension plan whose costs are assigned to cost accounting periods by use of an actuarial cost method which does not separately identify actuarial gains and losses or the effect on pension cost resulting from changed actuarial assumptions. If this cost method is used to measure costs for financial accounting purposes, it may be used for purposes of this Standard, provided that the contractor develops the supplementary information set forth in § 412.50(b)(2)(iii) regarding such gains and losses and changed actuarial assumptions. In addition, the contractor must develop an actuarial liability determined by a projected benefit cost method set forth in § 412.50(b)(1). If the resultant actuarial liability is less than the value of the pension fund, the pension cost computed for the cost accounting period must be reduced by that amount (§ 412.50(b)(2)(ii)).

(2) For a number of years Contractor F has had a pay-as-you-go pension plan which provides for payments of $200 a month to employees after retirement. The contractor is currently making such payments to several retired employees and charges such payments against current income as its pension cost. For the current cost accounting period, the contractor paid benefits totaling $24,000. Contractor F's method of accounting for pension cost does not comply with the provisions of this Standard relative to pay-as-you-go plans as set forth in §§ 412.40(e) and 412.50(b)(4). The contractor should:

(i) Compute, by use of an actuarial cost method, its actuarial liability for benefits earned by plan participants. This entire liability is always unfunded for a pay-as-you-go plan.

(ii) Compute a level amount which, including an interest equivalent, would amortize the unfunded actuarial liability over a period of no less than 10 or more than 40 years.

(iii) Compute, by use of the actuarial cost method selected, a normal cost for the period. The sum of paragraphs (b)(2)(ii) and (iii) of this section represents the amount of pension cost assignable to the period. If payment of benefits earned by plan participants can be compelled, the entire amount of cost assignable to the period is allocable to cost objectives of that period. If such payments cannot be compelled, the amount of assignable cost allocable to cost objectives of that period is limited to the amount of benefits actually paid in that period ($24,000).

(3) Contractor G has two defined-benefit pension plans which provide for fixed dollar payments to hourly employees. Under one plan, the contractor's actuary believes that the contractor will be required to increase the level of benefits by specified percentages over the next several years. In calculating pension costs, the contractor may not assume future benefits greater than that currently required by the plan. With regard to the second plan, a collective bargaining agreement negotiated with the employee's labor union provided that pension benefits will increase by specified percentages over the next several years. Because the improved benefits are required to be made, the contractor can consider such increased benefits in computing pension costs for the current cost accounting period (§ 412.50(b)(6)).

(c) *Assignment of pension cost.* Contractor H has a trusteed pension plan for its salaried employees. It computes $1 million of pension cost for a cost accounting period. Pursuant to the funding provisions of the Employee Retirement Income Security Act of 1974, the company must fund at least $800,000. Because liquidation of the liability for the portion of pension cost required by law to be funded ($800,000) can be compelled, such cost is allocable to cost objectives of the period, in accordance with § 412.40(c). If Contractor H can be compelled by the trustee or the plan participants to fund the remaining $200,000, the liability therefor is also allocable to cost objectives of that period.

§ 412.70 Exemptions.

None for this Standard.

§ 412.80 Effective date.

(a) The effective date of this Standard is January 1, 1976 (40 FR 58281, December 16, 1975).

(b) This Standard shall be followed by each contractor on or after the start of his next cost accounting period beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

§ 1–3.1220–13 [Reserved].

§ 1–3.1220–14 Cost of money as an element of the cost of facilities capital.

PART 414—COST ACCOUNTING STANDARD—COST OF MONEY AS AN ELEMENT OF THE COST OF FACILITIES CAPITAL.

See.
414.10 General applicability.
414.20 Purpose.
414.30 Definitions.
414.40 Fundamental requirement.
414.50 Technique for application.
414.60 Illustrations.
414.70 Exemptions.
414.80 Effective date.

AUTHORITY. Sec. 719 of the Defense Production Act of 1950, as amended, Pub. L. 91–379, 50 USC App. 2168.

SOURCE: The provisions of Part 414 appear at 41 FR 22241, June 7, 1976, unless otherwise noted.

§ 414.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (4 CFR 331.30).

§ 414.20 Purpose.

The purpose of this Cost Accounting Standard is to establish criteria for the measurement and allocation of the cost of capital committed to facilities as an element of contract cost. Consistent application of these criteria will improve cost measurement by providing for allocation of cost of contractor investment in facilities capital to negotiated contracts.

§ 414.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section:

(1) *Business Unit.* Any segment of an organization, or an entire business organization which is not divided into segments.

(2) *Cost of Capital Committed to Facilities.* An imputed cost determined by applying a cost of money rate to facilities capital.

(3) *Facilities Capital.* The net book value of tangible capital assets and of those intangible capital assets that are subject to amortization.

(4) *Intangible Capital Asset.* An asset that has no physical substance, has more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the benefits it yields.

(5) *Tangible Capital Asset.* An asset that has physical substance, more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the services it yields.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

§ 414.40 Fundamental requirement.

(a) A contractor's facilities capital shall be measured and allocated in accordance with the criteria set forth in this Standard. The allocated amount shall be used as a base to which a cost of money rate is applied.

(b) The cost of money rate shall be based on interest rates determined by the Secretary of the Treasury pursuant to Pub. L. 92-41 (85 Stat. 97).

(c) The cost of capital committed to facilities shall be separately computed for each contract using facilities capital cost of money factors computed for each cost accounting period.

§ 414.50 Techniques for application.

(a) The investment base used in computing the cost of money for facilities capital shall be computed from accounting data used for contract cost purposes. The form and instructions stipulated in this Standard shall be used to make the computation.

(b) The cost of money rate for any cost accounting period shall be the arithmetic mean of the interest rates specified by the Secretary of the Treasury pursuant to Pub. L. 92–41 (85 Stat 97). Where the cost of money must be determined on a prospective basis the cost of money rate shall be based on the most recent available rate published by the Secretary of the Treasury.

(c)(1) A facilities capital cost of money factor shall be determined for each indirect cost pool to which a significant amount of facilities capital has been allocated and which is used to allocate indirect costs to final cost objectives.

(2) The facilities capital cost of money factor for an indirect cost pool shall be determined in accordance with Form CASB-CMF, and its instructions which are set forth in Appendix A. One form will serve for all the indirect cost pools of a business unit.

(3) For each CAS-covered contract, the applicable cost of capital committed to facilities for a given cost accounting period is the sum of the products obtained by multiplying the amount of allocation base units (such as direct labor hours, or dollars of total cost input) identified with the contract for the

cost accounting period by the facilities capital cost of money factor for the corresponding indirect cost pool. In the case of process cost accounting systems the contracting parties may agree to substitute an appropriate statistical measure for the allocation base units identified with the contract.

§ 414.60 Illustrations.

The use of Form CASB–CMF and other computations anticipated for this Cost Accounting Standard are illustrated in Appendix B.

§ 414.70 Exemption.

(a) This Standard shall not apply to any prime contract or subcontract providing that (i) the date of award of such contract, or (ii) if the contractor has submitted cost or pricing data, the date of final agreement on price as shown on the contractor's signed certificate of current cost or pricing data, precedes the effective date of this Standard.

(b) This Standard shall not apply where compensation for the use of tangible capital assets is based on use rates or allowances such as provided by the provisions of Federal Management Circular 73–8 (Cost Principles for Educational Institutions), Federal Management Circular 74–4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments), § 15.402–1(a) of the Armed Services Procurement Regulation, or other appropriate Federal procurement regulations.

§ 414.80 Effective date.

The effective date of this Standard is October 1, 1976 (41 FR 37091, September 2, 1976).

APPENDIX A.—*Facilities capital cost of money factors computation*

	(1) Applicable cost of money rate—pct	(2) Accumulation and direct distribution of N.B.V.	(3) Allocation of undistributed, basis of allocation	(4) Total net book value, cols. 2+3	(5) Cost of money for the cost accounting period, cols. 1×4	(6) Allocation base for the period, in unit(s) of measure	(7) Facilities capital cost of money factors, cols. 5÷6
Business unit facilities capital:							
Recorded							
Leased property							
Corporate or group							
Total							
Undistributed							
Distributed							
Overhead pools:							
G. & A. expense pools:							
Total							

APPENDIX A

INSTRUCTIONS FOR FORM CASB–CMF

Purpose

The purpose of this form is to (a) accumulate total facilities capital net book values allocated to each business unit for the contractor cost accounting period and (b) convert those values to facilities capital cost of money factors applicable to each overhead or G&A expense allocation base employed within business unit.

Basis

All data pertain to the cost accounting period for which the contractor prepares overhead and G&A expense allocations. The cost of money computations should be compatible with those allocation procedures. More specifically, facilities capital values used should be the same values that are used to generate depreciation or amortization that is allowed for Federal Government contract costing purposes; land which is integral to the regular operation of the business unit shall be included.

Applicable Cost of Money Rate (Col. 1)

Enter here the rate as computed in accordance with § 414.50(b).

Accumulation and Direct Distribution of Net Book Value (Col. 2)

Recorded, Leased Property, Corporate.—The net book value of facilities capital items in this column shall represent the average balances outstanding during the cost accounting period. This applies both to items that are subject to periodic depreciation or amortization and also to such items as land that are not subject to periodic write-offs. Unless there is a major fluctuation, it will be adequate to ascertain the net book of these assets at the beginning and end of each cost accounting period, and to compute an average of those two sets of figures. "Recorded" facilities are the facilities capital items owned by the contractor, carried on the books of the business unit and used in its regular business activity. "Leased property" is the capitalized value of leases for which constructive costs of ownership are allowed in lieu of rental costs under Government procurement regulations. Corporate or group facilities are the business unit's allocable share of corporate-owned and leased facilities. The net book value of items of facilities capital which are held or controlled by the home office shall be allocated to the business unit on a basis consistent with the home office expense allocation.

Distributed and Undistributed.—All facilities capital items that are identified in the contractor's records as solely applicable to an organizational unit corresponding to a specific overhead, G&A or other indirect cost pool which is used to allocate indirect costs to final cost objectives, are listed against the applicable pools and are classified as "distributed." "Undistributed" is the remainder of the business unit's facilities capital. The sum of "distributed" and "undistributed" must also correspond to the amount shown on the "total" line.

Allocation of Distributed.—List in the narrative column all the overhead and G&A expense pools to which "distributed" facilities capital items have been allocated. Enter the corresponding amounts in (Col. 2). The sum of all the amounts shown against specific overhead and G&A expense pools must correspond to the amount shown in the "distributed" line.

Allocation of Undistributed (Col. 3)

Business unit "undistributed" facilities are allocated to overhead and the G&A expense pools on any reasonable basis that approximates the actual absorption of depreciation or amortization of such facilities. For instance, the basis of allocation of undistributed assets in each business unit between, e.g., engineering overhead pool and the manufacturing overhead pool, should be related to the manner in which the expenses generated by these assets are allocated between the two overhead pools. Detailed analysis of this allocation is not required where essentially the same results can be obtained by other means. Where the cost accounting system for purposes of Government contract costing uses more than one "charging rate" for allocating indirect costs accumulated in a single cost pool, one representative base may be substituted for the multiplicity of bases used in the allocation process. The net book value of service center facilities capital items appropriately allocated should be included in this column. The sum of the entries in Column 3 is equal to the entry in the undistributed line, Column 2.

A supporting work sheet of this allocation should be prepared if there is more than one service center or other similar "intermediate" cost objective involved in the reallocation process.

Alternative Allocation Process—As an alternative to the above allocation process all the undistributed assets for one or more service centers or similar intermediate cost objectives may be allocated to the G&A expense pool. Consequently, the cost of money for these undistributed assets will be distributed to the final cost objectives on the same basis that is used to allocate G&A expense. This procedure may be adopted for any cost accounting period only when the contracting parties agree (a) that the depreciation or amortization generated by these undistributed assets is immaterial or (b) that the results of this alternative procedure are not likely to differ materially from those which would be obtained under the "regular" allocation process described previously.

Total Net Book Value (Col. 4)

The sum of Columns 2 and 3. The total of this column should agree with the business unit's total shown in Column 2.

Cost of Money for the Cost Accounting Period (Col. 5)

Multiply the amounts in Column 4 by the percentage rate in Column 1.

Allocation Base for the Period (Col. 6)

Show here the total units of measure used to allocate overhead and G&A expense pools (e.g., direct labor dollars, machine hours, total cost input, etc.). Include service centers that make charges to final cost objectives. Each base unit-of-measure must be compatible with the bases used for applying overhead in the Federal Government contract cost computation.

The total base unit of measure used for allocation in this column refers to all work done in an organizational unit associated with the indirect cost pool and not to Government work alone.

Facilities Capital Cost of Money Factors (C l. 7)

The quotients of cost of money for the cost accounting period (Col. 5) separately divided by the corresponding overhead or C&A expense allocation bases (Col. 6). Carry each computation to five decimal places. This factor represents the cost of money applicable to facilities capital allocated to each unit of measure of the overhead or G&A expense allocation base.

APPENDIX B

EXAMPLE.—ABC CORPORATION

ABC Corporation has a home office that controls three operating divisions (Business Units A, B & C). The home office includes an administrative computer center whose costs are allocated separately to the business units. The separate allocation conforms to the requirements specified in the Cost Accounting Standard No. 403. Tables I through VI deal with home office expense allocations to business units.

The A Division is a business unit as defined by the CASB, and it uses one engineering and one manufacturing overhead pool to accumulate costs for charging overhead to final cost objectives. In addition the indirect cost allocation process also uses two "service centers" with their own indirect cost pools: occupancy and technical computer center.

The costs accumulated in the occupancy pool are allocated among manufacturing overhead, engineering overhead, and the technical computer center on the basis of floor space occupied. The costs accumulated in the technical computer center cost pool are allocated to users on the basis of a CPU hourly rate. Some of these allocations are made to engineering or manufacturing overhead while others are allocated direct to final cost objectives.

At the business unit level, all the indirect expense incurred is regarded either as an engineering or manufacturing expense. Thus the sole item that enters into the business unit G&A expense pool is the allocation received by the A Division from the home office.

Operating results for the A Division are given in Table VII. Facilities capital items for the division are given in Table IX.

The example is based on a single set of illustrative contract cost data given in Table VIII. Since two methods, the "regular" and the "alternative" method, are potentially available for computing cost of money on facilities capital items two sets of different results can be considered.

In addition, total cost input is used in the example as the allocation base for the G&A expense. Two variations of this example have been prepared to illustrate the impact of excluding or including cost of money from total cost input. Variation I, summarized in Table XIII, excludes cost of money from the cost input allocation base. Variation II, summarized in Table XVII and XVIII, includes cost of money in the cost input allocation base.

Throughout the example, where appropriate, cross references have been made to the text of the relevant parts of the Standard.

VARIATION I.—TOTAL COST INPUT ALLOCATION BASE EXCLUDES COST OF MONEY

TABLE I.—*Net book value of home office facilities capital*

	Dec. 31, 1974	Dec. 31, 1975
Administrative computer center facilities capital	$550,000	$450,000
Other home office facilities capital	420,000	380,000
Total	970,000	830,000

The assets in the above table generate allowable depreciation or amortization, as explained in Instructions for Form CASB-CMF (Basis). Thus they should be included in the asset base for cost of money computation.

TABLE II.—*Home office facilities capital annual average balances*

Administrative computer center facilities capital	$500,000
Other home office facilities capital	400,000
Total	900,000

The above averages are based on data in Table I computed in accordance with the criteria in Instructions for Form CASB-CMF (Recorded, leased property, corporate).

$970,000+$830,000=$1,800,000÷2=$900,000

TABLE III.—*Home office depreciation and amortization for 1975*

Administrative computer center facilities capital	$100,000
Other home office facilities capital	40,000
Total	140,000

TABLE IV.—*Allocation of ABC home office expenses to divisions (business units)*

	Total expense	Allocation to business units		
		A	B	C
Administrative computer center	$1,800,000	$900,000	$900,000	
Other home office	4,800,000	2,400,000	1,200,000	$1,200,000
Total	6,600,000	3,300,000	2,100,000	1,200,000

The above allocation is carried out in accordance with 4 CFR Part 403. The expense allocated to individual business units above includes depreciation and amortization as reflected in Table V.

TABLE V.—*Depreciation and amortization component of ABC home office expense*

	Total depreciation and amortization expense	Allocation to business units		
		A	B	C
Administrative computer center	$100,000	$50,000	$50,000	
Other home office	40,000	20,000	10,000	$10,000
Total	140,000	70,000	60,000	10,000

TABLE VI.—*Allocation of home office facilities capital to business units*

(a) Depreciation and amortization allocation in table V converted to percentages.

	Total depreciation and amortization expense (in percent)	Allocation to business units (in percent)		
		A	B	C
Administrative computer center	100	50	50	
Other home office	100	50	25	25

(b) Application of percentages in (a) to average net book values in Table II, in accordance with criteria in Instructions for Form CASB-CMF (Recorded, Leased Property, Corporate).

	Total net book value	Allocation to business units		
		A	B	C
Administrative computer center facilities capital	$500,000	$250,000	$250,000	
Other home office facilities capital	400,000	200,000	100,000	$100,000
Total	900,000	450,000	350,000	100,000

TABLE VII.—*"A" division 1975 operating results*

	Total cost input and G. & A.	Fixed price, CAS-covered contracts	Cost reimbursement, CAS-covered contracts	Commercial and other work
Direct material:				
Purchased parts	$2,000,000	$100,000	$100,000	$1,800,000
Subcontract items	21,530,000	11,750,000	7,205,000	2,575,000
Total	23,530,000	11,850,000	7,305,000	4,375,000
Direct labor and overhead:				
Engineering labor	2,000,000	1,500,000	500,000	
Engineering overhead (80 pct of direct engineering labor)	1,600,000	1,200,000	400,000	
Manufacturing labor	3,000,000	1,200,000	200,000	1,600,000
Manufacturing overhead (200 pct of direct management labor)	6,000,000	2,400,000	400,000	3,200,000
Other direct charges:				
Technical computer center direct charge—2,280 h at $250/h	570,000	200,000	370,000	
Total cost input (excluding cost of money)	36,700,000	18,350,000	9,175,000	9,175,000
G. & A. (8.99 pct of cost input)	3,300,000	1,650,000	825,000	825,000
Total	40,000,000	20,000,000	10,000,000	10,000,000

TABLE VIII.—*Cost data for the contract*

Purchased parts	$83,000
Subcontract items	990,000
Technical computer time 280 h at $250/h	70,000
Engineering labor	330,000
Engineering overhead at 80 pct	264,000
Manufacturing labor	1,210,000
Manufacturing overhead at 200 pct	2,420,000
Total cost input (excluding cost of money)	5,369,000
G. & A. at 8.99 pct	483,000
Total cost input and G. & A. (excluding cost of money)	5,852,000

TABLE IX.—*Division A facilities capital*

Average net book values are computed in accordance with Instructions to Form CASB-CMF. Average figures only are given, the underlying beginning and ending balances for 1975 have not been reproduced.

Name of indirect cost pool the asset is associated with—	Average net book value	Annual depreciation
Engineering overhead	$320,000	$40,000
Manufacturing overhead	4,500,000	900,000
Technical computer center	450,000	90,000
Occupancy	3,000,000	200,000
Facilities capital recorded by division A (see form CASB-CMF instructions for description of recorded)	8,270,000	1,230,000
Allocated from home office, table VI	450,000	
Total division A	8,720,000	

TABLE X.—*Allocation of undistributed facilities capital*

(a) *Occupancy Pool Assets.* Total occupancy pool expenses are assumed to be $1,000,000 of which $200,000 is depreciation per Table IX. Allocation of the $3,000,000 net book value of assets per Table IX is performed on the basis of floor space utilization.

Indirect cost pool	Occupancy expense and depreciation allocation	Percent of total floor space utilized	Asset allocation
Engineering	$200,000	20	$600,000
Manufacturing	750,000	75	2,250,000
Technical computer	50,000	5	150,000
Total	1,000,000	100	3,000,000

(b) *Technical Computer Center Assets.* Total technical computer center expenses for the year are assumed to be $770,000 including $90,000 depreciation per Table IX and $50,000 charge from the occupancy pool per (a) above. A charging rate of $250 per hour is computed assuming a total of 3,080 chargeable CPU hours per annum. The net book value of assets amounting to $600,000 [$450,000 per Table IX plus the $150,000 allocated per (a) above] is allocated on the basis of CPU hours utilized.

TABLE X.—*Allocation of undistributed facilities capital*—Continued

Overhead pool or cost objective	Hours charged	Amount charged	Percent	Asset allocation
Fixed price contracts, table VII	800	$200,000	26	$156,000
Cost reimbursement contracts, table VII	1,480	370,000	48	288,000
Engineering overhead pool	800	200,000	26	156,000
Total	3,080	770,000	100	600,000

(c) *Summary of Undistributed Facilities Capital Allocation.* Undistributed (per Table IX):

Technical computer center	$450,000
Occupancy	3,000,000
Total	3,450,000

Distribution per (a) or (b) above of balances to overhead pools that result in charges direct to final cost objectives:

Overhead pool	(a)	(b)	Total
Engineering	$600,000	$156,000	$756,000
Manufacturing	2,250,000		2,250,000
Technical computer center (direct charge to contracts)		444,000	444,000
Total	2,850,000	600,000	3,450,000

TABLE XI.—*Facilities capital cost of money factors computation ("regular" method—cost of money excluded from total cost input)*

[Cost accounting period: year ended, Dec. 31, 1975]

	(1) Applicable cost of money rate 8 pct	(2) Accumulation and direct distribution of N.B.V.	(3) Allocation of undistributed, basis of allocation	(4) Total net book value, cols. 2+3	(5) Cost of money for the cost accounting period, cols. 1×4	(6) Allocation base for the period, in unit(s) of measure	(7) Facilities capital cost of money factors, cols. 5÷6
Business unit facilities capital:							
Recorded	Table IX	8,270,000					
Leased property							
Corporate or group	Table VI	450,000					
Total		8,720,000	[1]			[2]	
Undistributed		3,450,000					
Distributed		5,270,000					
Overhead pools:							
Engineering	Table IX	320,000	756,000	1,076,000	86,080	$2,000,000	.04304
Manufacturing	do	4,500,000	2,250,000	6750,000	540,000	3,000,000	.18
Technical Computer			444,000	444,000	35,520	[3] 2,280	15.57895
C. & A. expense pools: G. & A. expense	Table VI	450,000		450,000	36,000	$36,700,000	.00098
Total		5,270,000	3,450,000	8,720,000	697,600		

[1] Worksheet table X.
[2] Table VII.
[3] Hours.

TABLE XII.—*Facilities capital cost of money factors computation ("Alternative" method—cost of money excluded from total cost input)*

[Cost accounting period: Year ended Dec. 31, 1975]

	(1) Applicable cost of money rate 8 pct	(2) Accumulation and direct distribution of N.B.V.	(3) Allocation of undistributed, basis of allocation	(4) Total net book value, cols. 2+3	(5) Cost of money for the cost accounting period, cols. 1×4	(6) Allocation base for the period, in unit(s) of measure	(7) Facilities capital cost of money factors, cols. 5÷6
Business unit facilities capital:							
Recorded	Table IX	8,270,000					
Leased property							
Corporate or group	Table VI	450,000					
Total		8,720,000	[1]			[2]	
Undistributed		3,450,000					
Distributed		5,270,000					
Overhead pools:							
Engineering	Table IX	320,000		320,000	25,600	$2,000,000	.0128
Manufacturing	Do	4,500,000		4,500,000	360,000	3,000,000	.12
C. A. expense pools: G. & A. expense	Table VI	450,000	3,450,000	3,900,000	312,000	36,700,000	.00850
Total		5,270,000	3,450,000	8,720,000	697,600		

[1] All to G. & A. expense pool.
[2] Table VII.

TABLE XIII.—*Summary of cost of money computation on facilities capital (cost of money excluded from total cost input)*

Allocation base	Allocated to contract table VIII	Computation using regular facilities, capital cost of money factor, table XI	Amount	Computation using alternative facilities capital, cost of money factor, table XII	Amount
Engineering labor	$330,000	0.04304	$14,203	0.0128	$4,224
Manufacturing labor	$1,210,000	.18	217,800	.12	145,200
Technical computer time	[1] 280	15.57895	4,362		
Cost input	$5,369,000	.00098	5,261	.00850	45,636
Total cost of money on facilities capital			241,626		195,060

[1] Hours.

VARIATION II. TOTAL COST INPUT ALLOCATION BASE INCLUDES COST OF MONEY

TABLE XIV.—*Recomputation of "A" division total cost input to reflect inclusion of cost of money*

(a) Regular method:	
Total cost input per table VII	$36,700,000
Cost of money applicable to facilities capital identified with overhead pools per subtotal in col. 5, table XV	661,600
Total cost input including cost of money	37,361,600
(b) Alternative method:	
Total cost input per table VII	36,700,000
Cost of money applicable to facilities capital identified with overhead pools per subtotal in col. 5, table XVI	385,600
Total cost input including cost of money	37,085,600

TABLE XV.—*Facilities capital cost of money factors computation ("regular" method—cost of money included in total cost input)*

[Cost accounting period: year ended, Dec. 31, 1975]

	(1) Applicable cost of money rate percent	(2) Accumulation and direct distribution of N.B.V.	(3) Allocation of undistributed, basis of allocation	(4) Total net book value, cols. 2+3	(5) Cost of money for the cost accounting period, cols. 1×4	(6) Allocation base for the period, in unit(s) of measure	(7) Facilities capital cost of money factors, cols. 5÷6
Business unit facilities capital:							
Recorded	Table IX	8,270,000					
Leased property							
Corporate or group	Table VI	450,000					
Total		8,720,000	[1]			[2]	
Undistributed		3,450,000				[3]	
Distributed		5,270,000				[3]	
Overhead pools:							
Engineering	Table IX	320,000	756,000	1,076,000	86,080	$2,000,000	.04304
Manufacturing	do	4,500,000	2,250,000	6,750,000	540,000	$3,000,000	.18
Technical computer			444,000	444,000	35,520	[4] 2,280	15.57895
Subtotal: Cost of money to be included in total cost input					661,600		
G. & A. expense pools: G. & A. expense	Table VI	450,000		450,000	36,000	$37,361,600	.00096
Total		5,270,000	3,450,000	8,720,000	697,600		

[1] Worksheet table X.
[2] Tables VII and XIV.
[3] Hours.

TABLE XVI.—*Facilities capital cost of money factors computation ("alternative" method—cost of money included in total cost input)*

[Cost accounting period: Year ended, Dec. 31, 1975]

	(1) Applicable cost of money rate percent	(2) Accumulation and direct distribution of N.B.V.	(3) Allocation of undistributed, basis of allocation	(4) Total net book value, cols. 2+3	(5) Cost of money for the cost accounting period, cols. 1×4	(6) Allocation base for the period, in unit(s) of measure	(7) Facilities capital cost of money factors, cols. 5÷6
Business unit facilities capital:							
Recorded	Table IX	8,270,000					
Leased property							
Corporate or group	Table VI	450,000					
Total		8,720,000	[1]			[2]	
Undistributed		3,450,000				[3]	
Distributed		5,270,000					
Overhead pools:							
Engineering	Table IX	320,000		320,000	25,600	$2,000,000	0.0128
Manufacturing	Do	4,500,000		4,500,000	360,000	$3,000,000	.12
Subtotal: Cost of money to be included in total cost input					385,600		
G. & A. expense pools: G. & A. expense	Table VI	450,000	3,450,000	3,900,000	312,000	$37,085,600	.00841
Total		5,270,000	3,450,000	8,720,000	697,600		

[1] All to G. & A. expense pool.
[2] Tables VII and XIV.

TABLE XVII.—*Summary of cost of money computation on facilities capital (cost of money included in total cost input—regular method)*

Allocation base	Allocated to contract, table VIII	Computation using regular facilities, capital cost of money factor, table XVI	Amount
Engineering labor	$330,000	0.04304	$14,203
Manufacturing labor	$1,210,000	.18	217,800
Technical computer time	[1] 280	15.57895	4,362
Cost of money related to overheads			236,365
Cost of money above to be included in cost input	$236,365		
Cost input, table VIII	$5,369,000		
Cost input including cost of money	$5,605,365	.00096	5,381
Total cost of money on facilities capital			241,746

[1] Hours.

TABLE XVIII.—*Summary of cost of money computation on facilities capital (cost of money included in total cost input—alternative method)*

Allocation base	Allocated to contract, table VIII	Computation using alternative facilities, capital cost of money factor, table XVI	Amount
Engineering labor	$330,000	0.0128	$4,224
Manufacturing labor	1,210,000	.12	145,200
Cost of money related to overheads			149,424
Cost of money above to be included in cost input	149,424		
Cost input, table VIII	5,369,000		
Cost input including cost of money	5,518,424	.00841	46,410
Total cost of money on facilities capital			195,834

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

Effective date: This amendment is effective December 10, 1976, but may be observed earlier.

Dated: October 8, 1976.

NOTE.—It is hereby certified that the impact does not meet the inflation impact criteria for major rules or regulations.

TERRY CHAMBERS,
Acting Administrator of General Services.

[FR Doc.76-30748 Filed 10-27-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

[Circular No. 2409]

PART 2800—RIGHTS-OF-WAY

Principles and Procedures Terms and Conditions

On page 34977 of the FEDERAL REGISTER of Wednesday, August 18, 1976, a notice was published proposing to amend 43 CFR 2801.1–5. The amendment provides that State or local governments, whose power to assume liability by agreement is limited by law, shall indemnify the United States to the extent they may legally do so. Comments were requested for a thirty-day period, ending September 18, 1976. No comments, suggestions, or objections were received. The rulemaking is adopted as proposed.

43 CFR 2801.1–5(f) is therefore amended as set forth below, effective November 29, 1976.

CHRIS FARRAND,
Deputy Assistant Secretary of the Interior.

OCTOBER 20, 1976.

§ 2801.1–5 Terms and conditions.

* * * * *

(f) To pay to theUnited Statesthe

(f) To pay to the United States the full value for all damages to the lands or other property of the United States caused by him or by his employees, contractors, or employees of the contractors, and to indemnify the United States against any liability for damages to life, person or property arising from the occupancy or use of the lands under the right-of-way; except that where a right-of-way is granted hereunder to a state or other governmental agency whose power to assume liability by agreement is limited by law, such agency shall indemnify the United States as provided above to the extent that it may legally do so.

[FR Doc.76-31504 Filed 10-27-76;8:45 am]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5606]

[WY-15395]

WYOMING

Withdrawal for National Forest Historical Area; Public Land Order No. 5601; Correction

Public Land Order No. 5601 of August 11, 1976, appearing at page 35067 in the FEDERAL REGISTER of August 19, 1976, is hereby corrected to include the following described lands which were inadvertently omitted:

SIXTH PRINCIPAL MERIDIAN

T. 29 N., R. 118 W. (unsurveyed),
Sec. 25, N½N½N½;
Sec. 26, NE¼NE¼.

JACK O. HORTON,
Assistant Secretary of the Interior.

OCTOBER 20, 1976.

[FR Doc.76-31506 Filed 10-27-76;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket OPS-30; Amdt. 192-27A]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE, MINIMUM FEDERAL SAFETY STANDARDS

Offshore Pipeline Facilities

By letter dated September 14, 1976, the American Petroleum Institute (API), acting on behalf of its members who gather gas offshore, petitioned for reconsideration of Amendment 192–27 to 49 CFR Part 192, issued by the Materials Transportation Bureau (MTB) on August 9, 1976 (41 FR 34598, August 16, 1976). Amendment 192–27 modified many of the regulations in Part 192 applicable to offshore gas pipelines, and for the first time, subjected certain offshore gas gathering lines to applicable standards for design, construction, testing, operation, and maintenance. As stated in the preamble to Amendment 192–27, with certain exceptions and extensions of time for compliance, the new and amended rules become effective for offshore gathering lines November 1, 1976.

The API petition addresses three points of concern: First, API states—

> Amendment 192–27 is silent with regard to the date when operators must comply with the provisions of Subsection 192.603, "General Provisions" and Subsection 192.605, "Essentials of Operating and Maintenance Plan", in Subpart L, "Operations". The Institute presumes that the broad expansion of the scope of Part 192 promulgated in the Amendment becomes effective on November 1, 1976

except where other effective dates are announced in the preamble.

The Institute requests that DOT extend the deadline for preparing operating and maintenance plans for newly regulated facilities until November 1, 1977 at the earliest. By expanding the scope of the regulations, the Amendment brings many previously unregulated facilities under federal jurisdiction. Many of the operators of these facilities do not have operating and maintenance plans prepared in accordance with Department of Transportation specifications and must begin to develop them now. Other operators of onshore facilities now find their offshore facilities regulated and must modify their existing operating and maintenance plans to cover the very different circumstances encountered offshore. The preparation of operations and maintenance plans for offshore gathering facilities in a complex task that cannot be accomplished in the few weeks remaining before November 1, 1976.

MTB has reexamined the requirements of §§ 192.603 and 192.605 with respect to the preparation of an "operating and maintenance" plan for offshore gathering lines. Amendment 192–27 allowed operators of these lines approximately 2½ months lead time to prepare the plan. Although not mentioned in the API petition, an analogous situation exists for the "inspection and maintenance" plan required under § 192.17. In issuing Amendment 192–27, MTB presumed that a relatively short lead time would be needed for preparation of the plans primarily because of the experience which operators have had in preparing and executing the plans for gas facilities other than offshore gathering lines. However, based on the arguments presented by API, it appears that some additional lead time is warranted. API suggests that the deadline for compliance be extended to November 1, 1977, providing 14½ months lead time. This amount of time seems excessive, however, in view of the few substantive requirements in Part 192 related to preparation of the plans. Rather, as a result of discussion held with the Technical Pipeline Safety Standards Committee during the decision making process on Amendment 192–27, 6 months appears to provide sufficient time. Therefore, the effective date of §§ 192.17, 192.603(b), and 192.605 with respect to offshore gas gathering lines is hereby extended from November 1, 1976, to March 16, 1977.

Secondly, the API petition provides:

The Department of Transportation has failed to change some of the existing provisions in Part 192 to prevent the design requirements promulgated in new Subsection 192.111 from being retroactive. While the preamble to the Amendment states that this section does not become effective until August 1, 1977, the provisions of 192.619(a)(3) and 192.619(c) do not provide for the proper calculation of maximum operating pressure for newly regulated lines built before that date. These paragraphs should be amended to allow continued operation of offshore gathering lines and pipelines at the highest actual operating pressure to which they were subjected in the five years previous to August 1, 1977.

The Institute is certain that a simple editorial amendment will suffice in view of the stated intent of Department of Transportation not to make these particular provisions retroactive. The excellent safety record of the lines in question demonstrates the wisdom of avoiding the impediments to transportation which would result from the unnecessary, retroactive derating of existing lines.

In general, § 192.619(a)(3) and (c) permit jurisdictional pipelines in existence on July 1, 1970 (shortly before Part 192 was issued) to be operated at the highest actual operating pressure to which the pipelines were subjected during the 5 preceding years. Paragraph (a)(3) also permits operation at a pressure for which a segment of pipeline was qualified by test during that period. MTB believes it was an oversight not to provide a similar "grandfather" provision for gas gathering lines newly regulated by Amendment 192–27. Therefore, the editorial modifications requested by API are provided as indicated hereinafter.

Finally, the API petition provides:

Subsection 192.317(c) in the Amendment states an impossible performance requirement in saying "Pipelines, including pipe risers, on each platform located offshore or in inland navigable waters must be protected from accidental damage by vessels". It is physically impossible to protect pipe risers against strikes by all vessels. The potential impact of any large vessels is so great that no known pipe riser could withstand it.

In the preamble to this Amendment, the Department of Transportation states that there were no objections to this subsection when it was proposed.

This statement is not correct, since the Institute strongly opposed the proposed amendment at the Department of Transportation Public Hearing on November 17, 1975 and in its written comments. We suggested then that this subsection be deleted because it sets an impossible performance requirement. We wish to state this objection again and recommend the deletion of this subsection.

MTB does not concur with API that § 192.317(c) should be deleted because compliance is impossible, and accordingly this aspect of the petition is denied. By providing that pipelines on platforms be "protected from accidental damage by vessels," § 192.317(c) merely requires that some shielding against damage be provided, either by the platform structure itself or by an ordinary means such as bumpers. Since § 192.317(c) does not specify the level of protection required, the requirement is satisfied if pipelines are not left open or exposed to contact by vessels. MTB realizes, of course, that absolute protection against all possible damage by vessels would be impossible to provide on an offshore platform, but this is more than the rule is intended to require.

Since the amendments contained herein merely clarify the applicability of existing regulations, and impose no additional restrictions, notice and public procedure thereon are unnecessary and the amendments may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, 49 CFR 192.619 is amended, effective immediately, by revising paragraphs (a)(3) and (c) to read as follows:

§ 192.619 Maximum allowable operating pressure: steel or plastic pipelines.

(a) * * *

(3) The highest actual operating pressure to which the segment was subjected during the 5 years preceding July 1, 1970 (or in the case of offshore gathering lines, July 1, 1976), unless the segment was tested in accordance with paragraph (a)(2) of this section after July 1, 1965 (or in the case of offshore gathering lines, July 1, 1971), or the segment was uprated in accordance with Subpart K of this part.

* * * * *

(c) Notwithstanding the other requirements of this section, an operator may operate a segment of pipeline found to be in satisfactory condition, considering its operating and maintenance history, at the highest actual operating pressure to which the segment was subjected during the 5 years preceding July 1, 1970, or in the case of offshore gathering lines, July 1, 1976, subject to the requirements of § 192.611.

(Sec. 105, Pub. L. 93–633, 88 Stat. 2157 (49 USC 1804); 40 FR 43901, 49 CFR 1.53.)

Issued in Washington, D.C. on October 20, 1976.

JAMES T. CURTIS, Jr.,
Director, Materials Transportation Bureau.

[FR Doc.76–31472 Filed 10–27–76;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Hillside National Wildlife Refuges, Mississippi

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

MISSISSIPPI

HILLSIDE NATIONAL WILDLIFE REFUGE

Public hunting of bobwhite quail, rabbits and squirrels is permitted. The open area, comprising the entire 15,383 acre refuge, is delineated on a map available at the refuge headquarters, Yazoo National Wildlife Refuge, Route 1, Box 286, Hollandale, Mississippi 38748; 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 governing the hunting of upland game.

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

HAROLD W. BENSON,
Acting Regional Director, United States Fish and Wildlife Service.

OCTOBER 19, 1976.

[FR Doc.76–31500 Filed 10–27–76;8:45 am]

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

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

Prohibition on Encircling Marine Mammals in Course of Fishing Operations for Yellowfin Tuna

On October 15, 1976, the National Marine Fisheries Service published (41 FR 45569) notice that effective 0001 hours, October 22, 1976, U.S. tuna purse seine vessels operating under the terms of the general permit issued to the American Tunaboat Association were prohibited from encircling marine mammals.

On October 21, 1976, Judge William B. Enright, U.S. District Court, San Diego, California, issued a temporary restraining order (Civil # 76-963-E) precluding the revocation or limitation of the general permit which entitles tuna purse seine vessels to encircle porpoise during commercial fishing operations. Oral arguments are scheduled on November 1, 1976, on among other things the issue of whether a preliminary injunction should be issued.

Until such time as this litigation is resolved, the effective date of this prohibition is suspended.

Dated: October 26, 1976.

WINFRED H. MEIBOHM,
Acting Associate Director,
National Marine Fisheries Service.

[FR Doc.76-31634 Filed 10-27-76;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 16—LIMITATION ON IMPORTS OF MEAT

Subpart—Meat Import Law Regulations

MEAT PROCESSED IN FOREIGN-TRADE ZONES AND TERRITORIES OF THE UNITED STATES

Pub. L. 88-482, approved August 22, 1964, 19 U.S.C. 1202 note (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles prescribed by Section 2(a) of the Act.

Under this Act, quantitative limitations on the importation during the calendar year 1976 of meat classified under items 106.10 and 106.20 of the Tariff Schedules of the United States (TSUS) have been imposed by Presidential Proclamation 4469 (41 F.R. 44995).

The Secretary of Agriculture is authorized under section 2(e) of the Act to issue such regulations as he determines to be necessary to prevent circumvention of the purposes of the Act.

Information available to the Secretary of Agriculture shows that boned frozen meat shipped from foreign countries is being processed in Foreign-Trade Zones and in territories of the United States to change its form so that at the time of its entry into the customs territory of the United States it is no longer considered for the purposes of enforcing the import quota imposed by Presidential Proclamation 4469 as the type of meat described in TSUS item 106.10, despite the fact that it has only been shredded, chopped, or otherwise superficially processed. It is hereby determined that the entry into the customs territory of the United States of such articles processed from foreign meat in Foreign-Trade Zones and in Guam, American Samoa, the Virgin Islands or any other possession or territory of the United States is a circumvention of the purposes of the Act and the import quota imposed by Proclamation 4469.

Information available to the Secretary of Agriculture indicates that the entire quantity of 1,233 million pounds of meat which may be imported during the calendar year 1976 under the quota imposed by Presidential Proclamation 4469 will be imported directly by the supplying countries in accordance with the country allocations of such quota. Accordingly, I have determined it to be necessary to prevent circumvention of the purposes of the Act and the import quota imposed thereunder by Presidential Proclamation 4469 to issue the following regulation pursuant to the authority vested in me by section 2(e) of the Act. This regulation would deny entry into the customs territory of the United States during the remainder of the calendar year of articles so processed from foreign meat in Foreign-Trade Zones and territories of the United States.

In accordanee with the foregoing determination, Part 16—Limitation on Imports of Meat, Subtitle A of Title 7 of the Code of Federal Regulations, is amended by adding a new Subpart "Meat Import Law Regulations," which reads as follows:

Subpart—Meat Import Law Regulations

Sec.
16.20 General.
16.21 Definitions.
16.22 Meat Processed in Foreign Trade Zones and Territories of the United States.

AUTHORITY: Sec. 2, Pub. L. 88-482 (19 U.S.C. 1202 note) and Presidential Proclamation 4469 (41 F.R. 44995).

Subpart—Meat Import Law Regulations

§ 16.20 General.

The regulation set forth in this subpart has been determined by the Secretary of Agriculture to be necessary to prevent circumvention of the purposes of the Act.

§ 16.21 Definitions.

(a) "Meat" means fresh, chilled, or frozen cattle meat (item 106.10 of the Tariff Schedules of the United States) and fresh chilled, or frozen meat of goats and sheep, except lambs (item 106.20 of the Tariff Schedules of the United States).

(b) "Act" means the Meat Import Law, Sec. 2 of Pub. L. 88-482 (19 U.S.C. 1202 note).

§ 16.22 Meat processed in foreign trade zones and territories of the United States.

Articles, which are produced or manufactured in Foreign Trade Zones of the United States or in Guam, American Samoa, the Virgin Islands or any other possession or territory of the United States from foreign meat which would be subject to import limitations imposed on meat by Presidential Proclamation 4469, shall be denied entry into the customs territory of the United States during the remainder of the calendar year 1976.

Since large quantities of meat are being processed in Foreign Trade Zones and territories for entry into the customs territory of the United States during the remainder of the 1976 calendar year, it is essential that the action taken herewith to prevent circumvention of the purposes of the Act and the import quota imposed by Presidential Proclamation 4469 be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice and effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest and that this regulation shall become effective as set forth below.

Effective date: This regulation shall become effective October 28, 1976, but articles subject thereto which were 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.

Issued at Washington, D.C., this 2d day of October 1976.

JOHN A. KNEBEL,
Acting Secretary of Agriculture.

[FR Doc.76-31541 Filed 10-26-76;8:45 am]

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES) DEPARTMENT OF AGRICULTURE

EGGS AND POULTRY

Certain Fees and Charges

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), and the Egg Products Inspection Act (84 Stat. 1620 et seq., 21 U.S.C. 1031-1056), the U.S. Department of Agriculture hereby amends the Regulations Governing the Voluntary Inspection and Grading of Egg Products (7 CFR Part 55); the Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56); the Regulations Governing the Inspection of Eggs and Egg Products (7 CFR Part 59); and the Regulations Governing the Voluntary Grading of Poultry Products and Rabbit Products

and United States Classes, Standards, and Grades with Respect Thereto (7 CFR Part 70).

STATEMENT OF CONSIDERATIONS

Costs have steadily escalated in furnishing the voluntary resident poultry, egg, and rabbit grading services, the voluntary egg products inspection service, and the voluntary nonresident services for such products. A general salary increase for Federal employees was effective in October. Also in October, per diem rates and mileage rates for Government travel were increased. The Agricultural Marketing Act, under which these programs are conducted, requires that fees charged substantially cover the costs of the programs. Therefore, fees and charges must be increased. The increases for the voluntary programs are, for the most part, between 5 and 6 percent.

The hourly rate for voluntary nonresident grading services is increased from $14.00 to $14.72 and for such services rendered on Saturdays, Sundays, or holidays the hourly rate is increased from $18.48 to $19.44. The hourly rate for laboratory analyses for other than individual tests is increased from $15.40 to $16.20 and the fees for individual tests are increased approximately 5 percent.

The costs of supervising and administering the voluntary resident poultry and egg grading programs are recovered through administrative charges based on the volume of product handled in the plant. For resident poultry grading, the volume charge is increased from $.00014 to $0.0015 per pound of poultry handled. For resident egg grading, the volume charge is increased from $.014 to $.015 per 37-dozen case of eggs handled. The minimum charge per accounting period for these programs is increased from $80.00 to $85.00 and the maximum fee per period is increased from $625.00 to $675.00.

Administrative charges for the voluntary rabbit grading and egg products inspection programs will continue to be based on 25 percent of the grader's or inspector's total salary costs. The minimum charge per accounting period for these programs is increased from $80.00 to $85.00.

The increased costs of operation also made it necessary to raise the overtime, holiday, and appeal inspection rates for the mandatory egg products inspection program. The increase in these rates is the first adjustment since the implementation of the program in 1971. The first 40 hours of an inspector's charges in the mandatory program are paid by the Government. Users of the service are charged only for work performed in overtime, on holidays, or when performing certain appeal inspections.

The changes in rates for the mandatory egg products inspection program are as follows:

The hourly rate for overtime or holiday inspection service is increased from $8.80 to $10.60. The hourly rate for certain appeal inspections is increased from $10.28 to $13.68.

The amendments are as follows:

PART 55—VOLUNTARY INSPECTION AND GRADING OF EGG PRODUCTS

1. In § 55.510, paragraphs (b) and (c) are revised to read:

§ 55.510 Fees and charges for services other than on a continuous resident basis.

* * * * *

(b) Fees for product inspection and sampling for laboratory analysis and appeals will be based on the time required to perform the services. The hourly charge shall be $14.72 and shall include the time actually required to perform the sampling and inspection, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $19.44 per hour. Information on legal holidays is available from the Supervisor.

* * * * *

2. Section 55.550 is revised to read:

§ 55.550 Laboratory analysis fees.

(a) The fees listed for the following individual laboratory analyses cover costs involved in the preparation and analysis of the product, certificate issuance, and personnel and overhead costs other than the expenses listed in § 55.530:

	Fee
Solids	$8.10
Fat	16.20
Bacteriological plate count	8.10
Bacteriological direct count	16.20
Coliforms	12.15
E. Coli (presumptive)	12.15
Yeast and mold count	8.10
Sugar	20.25
Salt	20.25
Color:	
NEPA	12.15
B-Carotene	16.20
Whipping test	8.10
Whipping test plus bleeding	12.15
Fat film test	20.25
Oxygen	8.10
Glucose:	
Quantitative	16.20
Qualitative	12.15
Palatability and odor:	
First sample	8.10
Each additional sample	4.05
Staphylococcus	24.30
Salmonella: [1]	
Step 1	16.20
Step 2	8.10
Step 3	16.20

[1] Salmonella test may be in three steps as follows: Step 1—growth through differential agars; step 2—growth and testing through triple-sugar-iron and lysine iron agars; step 3—confirmatory test through biochemicals.

(b) The fee charge for any laboratory analysis not listed in paragraph (a) of this section, or for any other applicable services rendered in the laboratory shall be based on the time required to perform such analysis or render such service. The hourly rate shall be $16.20.

3. In § 55.560, paragraph (a)(5) is amended to read:

§ 55.560 Charges for continuous inspection and grading service on a resident basis.

* * * * *

(a) * * *

(5) An administrative service charge equal to 25 percent of the grader's or inspector's total salary costs. A minimum charge of $85.00 will be made each billing period. The minimum charge also applies where an approved application is in effect and no product is handled.

* * * * *

PART 56—GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

4. In § 56.46, paragraphs (b) and (c) are revised to read:

§ 56.46 On a fee basis.

* * * * *

(b) Fees for grading services will be based on the time required to perform the services. The hourly charge shall be $14.72 and shall include the time actually required to perform the grading, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sunday, or legal holidays shall be charged for at the rate of $19.44 per hour. Information on legal holidays is available from the Supervisor.

5. In paragraph (a)(8) of § 56.52, the reference to footnote 1 is deleted, the wording in footnote 1 below the paragraph is deleted and is incorporated in the paragraph, and the paragraph is amended to read:

§ 56.52 Continuous grading performed on a resident basis.

* * * * *

(a) * * *

* * * * *

(8) An administrative service charge based upon the aggregate number of 30-dozen cases of all shell eggs handled in the plant per billing period multiplied by $.015, except that the minimum charge per billing period shall be $85.00 and the maximum charge shall be $675.00. The minimum charge also applies where an approved application is in effect and no product is handled.

* * * * *

PART 59—INSPECTION OF EGGS AND EGG PRODUCTS

6. Section 59.126 is revised to read:

§ 59.126 Overtime inspection service.

When operations in an official plant require the services of inspection personnel beyond their regularly assigned tour of duty on any day, or on a day outside the established schedule, such services are considered as overtime work. The official plant shall give reasonable advance notice to the inspector of any overtime service necessary and shall pay the Service for such overtime at an hourly rate of $10.60 to cover the cost thereof.

7. In § 59.128, paragraph (a) is revised to read:

§ 59.128 Holiday inspection service.

(a) When an official plant requires inspection service on a holiday or a day designated in lieu of a holiday, such service is considered holiday work. The official plant shall, in advance of such holiday work, request the inspector in charge to furnish inspection service during such period and shall pay the Service therefor at an hourly rate of $10.60 to cover the cost thereof.

* * * * *

8. In § 59.370, paragraph (b) is revised to read:

§ 59.370 Cost of appeals.

* * * * *

(b) The costs of an appeal shall be borne by the appellant at an hourly rate of $13.68, including travel time and expenses if the appeal was frivolous, including but not being limited to the following: The appeal inspection discloses that no material error was made in the original inspection, the condition of the product has undergone a material change since the original inspection, the original lot has changed in some manner, or the Act or these regulations have not been complied with.

PART 70—VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS AND U.S. CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

9. In § 70.71, paragraphs (b) and (c) are revised to read:

§ 70.71 On a fee basis.

* * * * *

(b) Fees for grading services will be based on the time required to perform such services for class, quality, quantity (weight test), or condition, whether ready-to-cook poultry, ready-to-cook rabbits, or specified poultry food products are involved. The hourly charge shall be $14.72 and shall include the time actually required to perform the work, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $19.44 per hour. Information on legal holidays is available from the supervisor.

10. In § 70.77, the reference to footnote 1 in paragraph (a) (6) (i) is deleted, the wording in footnote 1 below paragraph (a) (6) is deleted and is incorporated in the subparagraph, and paragraphs (a) (6) and (7) as amended to read, as follows:

§ 70.77 Charges for continuous poultry or rabbit grading performed on a resident basis.

(a) * * *

(6) For poultry grading: An administrative service charge based upon the aggregate weight of the total volume of all live and ready-to-cook poultry handled in the plant per billing period computed in accordance with the following:

(i) Total pounds per billing period multiplied by $.00015, except that the minimum charge per billing period shall be $85.00 and the maximum charge shall be $675.00. The minimum charge also applies where an approved application is in effect and no product is handled.

(7) For rabbit grading: An administrative service charge equal to 25 percent of the grader's total salary costs. A minimum charge of $85.00 will be made each billing period. The minimum charge also applies where an approved application is in effect and no product is handled.

* * * * *

§ 70.80 [Amended]

11. In § 70.80, the reference to footnote 2 is redesignated as 1 and footnote 2 under the section is redesignated as 1.

Legislation requires that the fees and charges for grading and inspection services under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), shall be reasonable and shall, as nearly as possible, cover the cost of such service. It is also required under the Egg Products Inspection Act (21 U.S.C. 1031 et seq.) that the costs of inspection incurred but not provided for in the mandatory egg and egg products inspection programs be recovered.

The facts upon which the determinations are based as to the level of fees and charges necessary to cover these costs are not available to the industry, but are peculiarly within the knowledge of the Department. Therefore, public rulemaking would not result in the Department receiving additional information on this matter.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER since increased revenues are urgently needed to provide services.

Issued at Washington, D.C. on October 22, 1976, to become effective November 21, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-31471 Filed 10-27-76;8:45 am]

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

[Valencia Orange Reg. 551]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Oct. 29–Nov. 4, 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.

§ 908.851 Valencia Orange Regulation 551.

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

(2) The need for this section 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 fairly good.

Prices f.o.b. for the week ending October 21, were $3.86 per carton on 621 cars as compared with $3.92 per carton on 619 cars during the prior week. Track and rolling supplies at 282 cars were down 56 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 section 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 section is based became available and the time when this section 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 section, 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 section effective during the period herein specified; and compliance with this section 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 October 26, 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 October 29, 1976, through November 4, 1976, are hereby fixed as follows:

(i) District 1: 270,000 cartons;

(ii) District 2: 330,000 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: October 28, 1976.

DAVID A. PATTON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-31831 Filed 10-27-76;11:34 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 1980–E]

PART 1980—GUARANTEED LOAN PROGRAMS

Subpart E—Business and Industrial Loan Program; Correction

In FR Document 76–28724 appearing at page 43390 in the FEDERAL REGISTER of October 1, 1976, paragraph A in the Administrative text following § 1980.476, is corrected by adding the following revised note which was inadvertently deleted immediately after paragraph A. 2. "NOTE: The assumption should be reviewed as if it were a new loan. The Loan Note Guarantee(s) will be endorsed in the space provided on the form(s)."

(7 U.S.C. 1989; 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.)

Effective date. This correction is effective October 1, 1976.

Dated: October 19, 1976.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.76-31470 Filed 10-27-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 7]

LETTERS OF CREDIT

Proposed Standards for Issuance by National Banks

Notice is hereby given that the Comptroller of the Currency is considering an amendment to 12 CFR 7.701.6, an interpretive ruling relating to letters of credit.

The existing interpretive ruling establishes five standards for the issuance of letters of credit by national banks. The purpose of the amendment is to make clear that these standards are intended as guidelines for the safe and sound issuance of letters of credit. The standards should not be interpreted as creating a federal common law on what constitutes a valid and enforceable letter of credit.

In recent years, several cases have arisen where a national bank issuer of a letter of credit has refused to pay drafts drawn thereunder on the grounds that the document in question did not meet the Comptroller's five standards and was therefore an ultra vires guarantee. This argument, which has been made in pleadings filed in cases involving standby letters of credit, is usually predicated on certain language in the existing ruling stating that the five standards "must" be met in order to constitute a "true letter-of-credit transaction" as contrasted to a "mere guaranty".

While the Comptroller expects national banks to adhere to the standards enumerated in the ruling, it was not his intention to suggest that a letter of credit lacking one or more of the five specified characteristics would thereby be rendered unenforceable. His sole intention was to set standards for the safe and sound issuance of letters of credit, which can be complicated transactions, particularly for banks not experienced in the area. The principles governing the validity and construction of letters of credit, on the other hand, are found in Article 5 of the Uniform Commercial Code as adopted in each jurisdiction, and in the Uniform Customs and Practice for Documentary Credits where applicable. It is on the basis of these principles that the enforceability of letters of credit should be determined.

Other changes in the existing ruling include the deletion of the first enumerated standard ("the bank must receive a fee or other valid business consideration for the issuance of its undertaking") on the grounds that Uniform Commercial Code § 5–105 provides to the contrary. This standard has been replaced with a provision stating that letters of credit should be conspicuously labeled as such, a measure derived from UCC § 5–102(1)(c). Under this provision, national banks financing the shipment of goods or extending credit through their domestic offices to assure the performance of their customers' obligations in the manner described in 12 CFR 7.1160(a), are expected to label their commitments as "letters of credit." The new standard would not prevent a national bank from characterizing a national bank from characterizing its letter of credit as revocable or irrevocable in the manner prescribed in Article 1 of the Uniform Customs and Practice for Documentary Credits.

Comments on the proposed amendment will be received until November 29, 1976, and should be addressed to John E. Shockey, Acting Chief Counsel, Comptroller of the Currency, Washington, D.C. 20219. All comments received will be made available for inspection by any interested party.

The Comptroller of the Currency proposes to revise 12 CFR 7.7016 to read as follows:

§ 7.7016 Letters of credit.

A national bank may issue letters of credit permissible under the Uniform Commercial Code and the Uniform Customs and Practice for Documentary Credits to or on behalf of its customers. Letters of credit should be issued in conformity with the following: (a) Each letter of credit should conspicuously state that it is a letter of credit or be conspicuously entitled as such; (b) the bank's undertaking should contain a specified expiration date or be for a definite term; (c) the bank's undertaking should be limited in amount; (d) the bank's obligation to pay should arise only upon the presentation of a draft or other documents as specified in the letter of credit, and the bank must not be called upon to determine questions of fact or law at issue between the account party and the beneficiary; (e) the bank's customer should have an unqualified obligation to reimburse the bank for payments made under the letter of credit.

Dated: October 20, 1976.

ROBERT BLOOM,
Acting Comptroller of the Currency.

[FR Doc.76-31523 Filed 10-27-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3520]

COMPETITIVE COAL LEASING

Proposed Procedures

On August 4, 1976, the Federal Coal Leasing Amendments Act of 1975 (Act), became law. In that Act, Congress established an all competitive coal leasing system. The Act, which significantly affected the Secretary of the Interior's pre-existing coal leasing authority under the Mineral Leasing Act of 1920, as amended, has two major effects: (1) It eliminated the Secretary's power to issue coal leases noncompetitively; and (2) established a comprehensive set of procedures that instruct the Department how to issue competitive coal leases. On June 1, 1976, the Department of the Interior adopted regulations that administratively established an all competitive coal leasing system called the Energy Minerals Activity Recommendation System (EMARS). 41 F.R. 22051 (1976). The Department has now completed an intensive review of the requirements of the Act, and has concluded that EMARS, with modification, is compatible with the coal leasing system established by Congress in the Federal Coal Leasing Amendments Act of 1975. The Department, in reaching this conclusion, has carefully taken into consideration the views of those members of Congress who supported the passage of the Act, and whose views were ultimately persuasive to Congress. The purpose of this rulemaking notice is to propose changes in EMARS to make it consistent with the leasing system that Congress has now established.

Before discussing what changes must be made in the EMARS regulations, the Department would like to discuss the areas of similarity between EMARS and the new Act. Although some details have been changed, the Act and the existing EMARS regulations have the same four basic areas, and under either system:

(1) The Department must lease coal through a competitive bidding system which prohibits lease issuance unless the Department receives fair market value for the coal resources;

(2) The Department may not least coal unless the issuance of a lease is compatible with a comprehensive land-use plan prepared with public involvement;

(3) The Department must consider the effects of lease issuance on impacted communities and other affected areas; and

(4) All leases must be issued on terms that will ensure the diligent development of the

coal resources and prevent speculative holding of Federal coal leases.

The Department's coal leasing system, EMARS, and the system established by Congress share these four major attributes. The Act also prescribes or changes some details not found in EMARS including the following:

(1) Half of all leases issued each year must be offered on a deferred bidding system;

(2) A "reasonable" number of leases must be "reserved" to public bodies;

(3) Coal leases may be issued to governmental bodies on lands set aside for naval or military purposes with the approval of the Secretary of Defense;

(4) Federal surface managing agencies may veto coal development on lands they manage;

(5) No lease may be issued (or readjusted or renewed) unless the Attorney General has been given the opportunity to comment on the antitrust implications of the action;

(6) Leases which authorize surface mining must have a royalty rate of not less than 12½ percent;

(7) Leases must be mined to achieve the maximum economic recovery of the coal; and

(8) The public must be given an opportunity to comment on the fair-market value of lands to be leased.

The proposed regulations incorporate these requirements into EMARS. The Department would like to comment on the requirements of section 7 of the Act, which requires the Department to conduct an exploration program, although no proposals on that are specifically included in these proposed regulations. While there was some dispute during the consideration of the Act over the scope of this program, the sponsors of the legislation clearly express their view that the exploration requirement was not intended to delay resumption of coal leasing; instead, it essentially codifies the Geological Survey's existing exploration program, and the Department's existing practices in this area. On June 29, 1976, Senator Metcalf the Chairman, Subcommittee on Minerals, Materials and Fuels, Senate Interior Committee stated: "[T]hat at no time in the consideration of S. 391 has there been any intention by Congress to prevent new lease sales by the Secretary until all Federal lands have been evaluated." 122 Cong. Rec. E3667 (daily ed. June 29, 1976). The exploration requirements were described in a joint letter from Senator Metcalf and Congresswoman Mink to President Ford.

Section 7 of the bill essentially extends and codifies the on-going evaluation program carried out by the Geological Survey by directing the Secretary "to evaluate * * * the known recoverable coal" on Federal lands. This program does not prevent the Secretary from issuing coal leases where he believes he has adequate information about the nature and extent of the coal, nor does it require that all known coal be evaluated before any is leased.

122 Cong. Rec. E 3667 (daily ed. June 29, 1976). This interpretation of section 7 was repeated in Congressional debates on August 3 and 4. 122 Cong. Rec. H 8312, 8314 (daily ed. August 4, 1976); 122 Cong. Rec. S 13189–90 (daily ed. August 3, 1976). In accordance with the views of the principle proponents of the Act, the Department will not halt consideration of new lease sales until after a nationwide inventory of coal resources is completed. It will, however, expand the coal evaluation program and conduct adequate evaluation of the mineral resources of areas in land-use plans and of areas in a given tract in a lease to ensure reasonable return to the public treasury from all leased lands.

Similarly, the Department has concluded that land-use plans completed under the Bureau of Land Management's land-use planning system (with minor revisions) comply with the requirements of section 3 of the Act. As Congresswoman Mink and Senator Metcalf told the President, the Act's land-use requirements are "comparable" to the Department's. 122 Cong. Rec. E 3667 (daily ed. June 29, 1976). Changes in land-use plans, and new plans, will be adopted in accordance with the requirements of the Act.

Several areas of the proposed regulations require special attention.

1. *Special leasing opportunities.* Section 2 of the Federal Coal Leasing Amendments Act requires the Department to "reserve" a "reasonable" number of tracts to be offered to public bodies including Federal agencies, rural electric cooperatives or nonprofit corporations for use in implementing a definite plan to produce energy for their use or for sale to their members and customers. The existing EMARS regulations have no corresponding section for this type of sale. The proposed regulations cover these types of sales in § 3525.7. Only qualifying public bodies will be allowed to submit bids in sales designated as "special leasing opportunities". With the exception of who may bid in a "special leasing opportunity," that type of a sale will have to comply with the procedural and substantive requirements of the new regulations. Although the Department may eventually quantify the term "reasonable", it has not attempted in this rulemaking to define the term. Instead it will proceed on an ad hoc basis to identify a reasonable number of special leasing opportunities. One option that the Department may eventually adopt would be to designate an established percentage of all tracts in each year as special leasing opportunities. This option is suggested in the legislative history of the Act. Comments on this and other options are specifically requested.

2. *Consultation with the Attorney General.* The Act requires the Department, prior to issuing a lease, to consult with the Attorney General to determine whether issuance of the lease would create or maintain a situation inconsistent with the antitrust laws. The two agencies are currently discussing what information the Attorney General will need to conduct this review. It is likely that prospective bidders in the sales will have to submit information to ensure that the Attorney General's review will be meaningful. Should the two agencies decide that a prospective lessee will have to submit this type of information, the Department of the Interior will propose appropriate amendments to its regulations to explain the requirements. The information requested may include a disclosure of Federal and nonfederal coal reserves. This information may be required from all bidders prior to a lease sale.

3. *Meetings on land-use plans.* Section 3 of the Federal Coal Leasing Amendments Act requires that prior to the adoption of land-use plans required by the Act, the agency which prepared the plan shall provide an opportunity for a "public hearing" if one is requested. This requirement is reflected in § 3525.10 of the proposed regulations. The Department does not believe that the statute requires a formal hearing conducted by an Administrative Law Judge. The regulations, in accordance with BLM practice require a meeting instead of a hearing.

4. *Deferred bonus bids.* The Act requires that 50 percent of the total acreage offered for sale each year to be on a deferred bonus bid basis. This requirement is found in § 3525.8. That section adopts the deferred bonus schedule that the Department has used in past oil shale leases, and requires the full amount of the bonus to be paid in five years. The Department is considering several alternatives to this schedule, including the alternatives of a 10-year payment schedule, and a payment schedule that defers payment of most of the bonus until after the lessee begins production. The Department reserves the right to adopt either of these alternatives in the final rulemaking notice.

The EMARS regulations are currently in 43 CFR Subpart 3520. That Subpart also contains rules that govern preferance right leasing and competitive leasing of other minerals. Because leasing procedures are now considerably different for coal than for other leasable minerals, the Department has decided to remove coal leasing from 43 CFR Subpart 3520, and to place EMARS regulations in a subpart of its own, Subpart 3525. This rulemaking also includes the necessary proposed changes to Subpart 3520 to remove competitive coal leasing from that subpart. We note that the Department's recent proposed regulations on diligent development, 41 FR 45571 (1976), included certain new requirements in Subpart 3520. These will be placed in Subpart 3525 when they are published in the final form.

The issuance of these regulations is not a major federal action that has a significant effect on the environment because the issuance of the regulations neither commits the Department to take any actions that would affect the environment, nor forecloses actions that would mitigate or eliminate environmental effects of possible future actions. The Department is committed to, and will prepare, appropriate environmental impact statements for coal leasing proposals that are major federal actions that significantly affect the environment.

The Department will decide on a case-by-case or group-by-group basis whether the issuance of any coal lease is in the public interest.

Interested persons are invited to participate in the rulemaking by submitting comments, suggestions or objections to the Director, Bureau of Land Management (210), Department of the Interior, Washington, D.C. 20240 by December 13, 1976. The Department will consider comments received by that date. The Department will consider comments received after that date to the extent possible.

Under the authority granted to the Secretary of the Interior by the Mineral Leasing Act of 1920, as amended, 30 U.S.C. 189, the Department of the Interior proposes to amend 43 CFR Part 3520 to read as follows:

1. Section 3520.1–2(a) is amended to say:

§ 3520.1–2 Competitive leases.

(a) The Secretary is authorized to lease competitively those lands as set forth in Subpart 3501 of this chapter, containing valuable mineral deposits as set forth in § 500.1–1 of this chapter except that coal leasing is governed by the procedures in Subpart 3525 of this part.

* * * * *

2. Section 3521.2–1 is revised to say:

§ 3521.2–1 Application or Bureau motion.

(a) *Application*—(1) *Forms.* (i) Where filed and copies. An application for a lease must be filed in duplicate in the proper office. No specific form is required. The application should include the information set forth in paragraph (a)(1)(ii) to (v) of this section.

(ii) The applicant's name and address.

(iii) State of citizenship and qualifications.

(iv) A complete and accurate description of the lands for which the lease is desired. See § 3501.1–3 of this chapter.

(v) Evidence that the land is valuable for the mineral for which application is made, with a statement as to the character, extent and mode of occurrence of the deposit.

(2) The contemplated investment for the development and purchase of equipment of a producing mine of a stated average daily output. *Phosphate.* To the extent such information is known to the applicant, a description of the phosphate and associated or related mineral deposits in the land based upon such actual examination as can be effected without an injury to the land or deposits (such examination shall not be deemed a trespass), giving nature and extent of the deposits; an outline in general terms of the proposed method of mining and processing facilities therefor.

(3) Evidence showing in sufficient detail that:

(i) The amount of phosphate lands, Federal and non-Federal, held by him, together with the lands described in the application are necessary for his proposed development plan.

(ii) He intends to explore, mine and develop the property in good faith.

(iii) His proposed operations of the property will be in accordance with good conservation practice and this additional development is needed in order to supply an existing demand which cannot otherwise be reasonably met.

3. Section 3521.2–2 is revised to say:

§ 3521.2–2 Qualifications.

(a) Compliance with Subpart 3502 is required.

(b) Bureau motion. (1) Bureau of Land Management responsibility.

(3) Geological Survey responsibility.

(c) Leasing units—(1) Phosphate: If the authorized officer shall determine, after consultation with the Mining Supervisor of the Geological Survey that specific lands or deposits, not under an outstanding permit or application for preference right lease, which constitute an acceptable leasing unit are subject to phosphate lease, they will be offered for such lease on the terms and conditions to be specified in the notice of lease offer to the qualified person who offers the highest bonus by competitive bidding equal to the fair market value of the mineral deposit either at public auction or by sealed bids as provided in the notice of lease offer.

(2) Solid (hardrock) minerals: Any qualified person may file an application for the competitive offering of such deposits. Leasing units may not exceed, in reasonably compact form, 2,560 acres of land described in the manner required by this section. The authorized officer may prescribe a lesser area for any mineral deposit if the Geological Survey reports that such lesser area is adequate for a logical leasing unit.

(i) *Exception.*—(*a*) *Phosphate.* In a notice for a phosphate lease, the detailed statement will set forth that the terms of minimum production will not be reduced or waived at the lessee's request as provided in § 3503.3–2(b)(3), (d), (e) of this chapter, or upon a satisfactory showing that market conditions are such that the lessee cannot operate except at a loss.

(*b*) *Asphalt.* All leases will be issued through competitive bidding only in the same manner as that provided for in Subpart 3120 of this chapter.

(*c*) *Publication.* Notice of offer of lands or deposits for lease by competitive bidding will be by publication once a week, or for such other period as may be deemed available, in a newspaper of general circulation in the county in which lands are situated.

4. A new Supart, 3525 is added to say:

Subpart 3525—Energy Minerals Activity Recommendation System (EMARS)

Sec.

3525.1 Authority.
3525.2 Objectives.
3525.3 Qualified applicants.
3525.4 Lands subject to leasing.
3525.5 Consent to leasing: Surface managing Agency.
3525.6 Consultation with Governor of State in which leases are issued.
3525.7 Special leasing opportunities.
3525.8 Deferred bidding policy.
3525.9 Consultation with Attorney General.
3525.10 Request for information on areas of interest.
3525.11 Management framework plans: availability.
3525.12 Competitive Leases: Procedures.
3525.13 Award of Leases.
3525.14 Compliance with Notice of Competitive Lease Offer.

AUTHORITY: Mineral Leasing Act of 1920, as amended, (30 U.S.C. 189).

Subpart 3525—Energy Minerals Activity Recommendation Systems (EMARS)

§ 3525.1 Authority.

(a) *Acts.* (1) The Act of February 25, 1920, 41 Stat. 437, as amended by the Act of June 3, 1948, 62 Stat. 284, the Act of September 9, 1959, 73 Stat. 490, the Act of August 31, 1964, 78 Stat. 710, and the Act of August 4, 1976, 90 Stat. 1083, 30 U.S.C. 201(a).

(2) The Act of August 7, 1947, 61 Stat. 913, and the Act of August 4, 1976, 90 Stat. 1090, 30 U.S.C. 352.

(b) *Provision.* The Secretary may issue coal leases through competitive bidding.

§ 3525.2 Objectives.

The objectives of the Department's coal leasing process called Energy Minerals Activity Recommendation System (EMARS), include: the orderly and timely development of Federally-owned coal; appropriate uses of the resources; effective environmental protection; and a fair market return to the public for the resources sold. The program consists of three principal elements: Nominations; multiple resource planning; and environmental analysis. Nominations provide the first indication of tracts which should or should not be leased. The nominations received are then compared with resource values through the Bureau's planning process, including Management Framework Plans. From these phases, proposed tract recommendations will be made and environmental analyses will be undertaken on the proposed coal lease tracts. The integration of these three elements, i.e., nominations, multiple resource planning, and environmental analysis—each of which will be undertaken with State and public participation—will produce specific coal lease recommendations for Secretarial decision.

§ 3525.3 Qualified applicants.

Leases may be issued to qualified applicants listed in Subpart 3502 of this chapter unless:

(a) The qualified applicant, or any subsidiary, affiliate, or person controlled by or under the common control of the qualified applicant holds a lease or leases to coal deposits issued by the United States and has held the lease for 10 years and is not producing coal in commercial quantities.

(1) The 10-year period referred to in paragraph (a) of this section shall begin on August 4, 1976, or the date the lease is issued, whichever is later.

(2) For the purpose of this paragraph, production of coal in commercial quantities means production adequate to meet the requirement for continuous operation as defined in § 3500.0–5(g) of this chapter unless the Secretary has suspended the requirement of coal production.

(b) The qualified applicant holds or controls more than 46,080 acres of Federal coal leases in any one state or 100,000 acres of Federal coal leases in the entire United States.

§ 3525.4 Lands subject to leasing.

(a) The Secretary may issue coal leases on all lands owned by the United States except lands in the:

(1) National Park System;

(2) National Wildlife Refuge System;

(3) National Wilderness Preservation System;

(4) National System of Trails;

(5) Wild and Scenic Rivers System, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act;

(6) Incorporated cities, towns and villages; and

(7) Tide lands, submerged coastal lands within the Continental Shelf adjacent or littoral to any part of land within the jurisdiction of the United States.

(8) Lands acquired by the United States for the development of mineral deposits, for foreclosure or otherwise for resale, or reported as surplus pursuant to the provisions of the Surplus Property Act of 1944.

(b) (1) The Secretary may issue coal leases with the consent of the Secretary of Defense on acquired lands set apart for military or naval purposes only if the leases are issued to a governmental entity, including any corporation primarily acting as an agency or instrumentality of a state, which

(i) Produces electrical energy for sale to the public and

(ii) Is located in the State in which the leased lands are located.

(2) A government entity is located in a State if its production facilities are in that State, and the coal produced from the lease will be used in the State.

§ 3525.5 Consent to leasing: Surface managing agency.

(a) The Secretary may not issue leases for lands the surface of which is under the jurisdiction of any agency other than the Department of the Interior unless the Federal agency has consented to the issuance of the lease, but any lease shall contain terms and conditions as the head of the agency may prescribe for the use and protection of the nonmineral interests in those lands.

(b) The Secretary must accept the conditions prescribed by the Surface Managing agency, but may prescribe additional terms and conditions to protec the interests of the United States and to safeguard the public welfare.

§ 3525.6 Consultation with Governors of State in which leases are issued.

(a) *General consultation.* Prior to offering a coal lease for competitive sale, the Secretary shall consult the Governor of the State in which the land to be leased is located.

(b) *Consultation for surface mining proposals in national forest.* (1) Prior to offering a coal lease in a National Forest where the method of mining which achieves maximum economic recovery of the coal resources is surface mining, the Secretary shall submit the lease proposals to the Governor of the State in which the coal deposits are found.

(2) The Secretary may not issue a lease until at least 60-days after he notifies the Governor of the lease proposal.

(3) If the Governor fails to object to the lease proposal in 60 days, the Secretary may issue the lease. If within the sixty-day period the Governor notifies the Secretary, in writing, that he objects to the lease proposal, the Secretary may not approve the lease for six-months from the date the Governor objects to the lease.

(4) The Governor may, during this six-month period, submit a written statement of reasons why the lease should not be issued, and the Secretary shall, on the basis of this statement, reconsider the lease proposal.

§ 3525.7 Special leasing opportunities.

(a) The Secretary shall, under the procedures established under this subpart, designate and reserve a reasonable number of coal lease tracts within competitive lease sales each year as special leasing opportunities.

(b) Only public bodies, including Federal agencies, rural electric cooperatives, or non-profit corporations controlled by any of these entities which have a definite plan to produce energy for their own use or for sale to their members or customers will be eligible to bid for leases designated as special leasing opportunities: Evidence of qualification to bid for lease designated as special leasing opportunities must be filed with the Department at least 60 days prior to a sale.

(c) The Secretary may designate certain coal lease tracts as special leasing opportunities only if a public body has nominated those or other tracts within the State, and has requested, in the nomination or elsewhere, that the procedures of this section apply.

(d) Leases issued under this Section may be assigned only to another public body.

§ 3525.8 Deferred bidding policy.

At least 50 per cent of the total acreage offered each year shall be designated as "deferred bid sales." In a deferred bid sale the lessee shall pay the bonus bid in five (5) equal installments. The first installment shall be made as required by § 3525.13. The balance shall be paid in equal annual installments due and payable on the first four anniversary dates of the lease.

§ 3525.9 Consultation with Attorney General.

(a) Subsequent to a lease sale, but prior to issuing a lease, the Secretary shall notify the Attorney General of the proposed lease issuance, the proposed lessee, normally the high bidder in a sale, and other relevant information. The Secretary may not issue a lease until 30 days after he notifies the Attorney General.

(b) The Secretary shall not issue the lease to the proposed lessee if, during this 30-day period, the Attorney General notifies the Secretary that the proposed lease issuance would create or maintain a situation inconsistent with the following laws:

(1) The Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890 (15 U.S.C. 1 et seq.), as amended;

(2) The Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (15 U.S.C. et seq.), as amended;

(3) The Federal Trade Commission Act (15 U.S.C. 41 et seq.), as amended;

(4) Sections 73 and 74 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes." approved August 27, 1894 (15 U.S.C. 8 and 9), as amended; or

(5) The Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a)."

(c) If the Attorney General notifies the Secretary that a lease should not be issued the Secretary may.

(1) Reject all other bids or may request the Attorney General in accordance with paragraph (a) of this section to consider the issuance of the proposed lease to the next qualified high bidder; or

(2) Issue the lease if, after he conducts a public hearing on the record in accordance with the Administrative Procedures Act, he determines that: that:

(i) Issuance of the lease is necessary to carry out the Purposes of the Federal Coal Leasing Amendments Act of 1975;

(ii) Issuance of the lease is consistent with the public interest; and

(iii) There are no reasonable alternatives to the issuance of the lease that are consistent with the Federal Coal Leasing Amendments Act of 1975, the antitrust laws and the public interest.

§ 3525.10 Request for information on areas of interest.

(a) *Purpose.* This section establishes a procedure by which industry, the general public, and State and local governments can inform the Department of the Interior of their views on coal leasing in particular areas. The Department will incorporate the information it receives into its internal planning processes for Federal coal leasing tract selections.

(b) *Description of process.* The Director will request information on an annual basis, or as necessary. The Request for Information on Areas of Interest will consist of two types.

(1) *Industry nominations.* Nominations from industry of tracts of land that the Department should or should not make available for coal leasing including, as appropriate, statements describing why the tracts should or should not be leased.

(2) *Areas of public concern.* Concurrently with Industry Nominations, State

and local governments and the general public are requested to submit Areas of Public Concern covering tracts of land that the Department should or should not make available for coal leasing including, as appropriate, statements describing why the tracts should or should not be leased.

(c) *Use of nominations.* Information obtained through the nominations process will be analyzed and compared with multiple resource opportunities identified in the Management Framework Planning process. Proposed coal lease tracts will then be developed on the basis of nominations and multiple resource information.

(d) *Description of nominations.* All nominations or statements of information for or opposed to leasing shall: (1) (i) Describe the lands by legal subdivisions, section, township, and range; or in the case of land covered only by protracted surveys, by section, township, and range according to an approved protraction diagram; or

(ii) Use the Bureau of Land Management's Surface/Minerals Management Quads (minerals ownership maps) to indicate nominated areas. A readily discernible line on these maps conforming to legal subdivision and section lines will be accepted as the descriptive required in paragraph (d)(1)(i) of this section. The maps are available for sale at BLM State and most District Offices.

(2) Describe reasonably compact areas, which will be assumed to include all Federal coal within the boundaries described, and may not exceed 25,000 acres.

(e) *Multiple nominations.* If a person submits two or more nominations for leasing or two or more nominations against leasing, choices shall be ranked in order of importance and shall be numbered consecutively. Nominations should be ranked on a nationwide basis.

(f) *Inspection and copying.* The procedures in 43 CFR Part 2 govern the public inspection and copying of information submitted under this section.

(g) *Notice of requests for nominations on areas of interest.* (1) Notice of each Request for Information on Areas of interest will be published in the FEDERAL REGISTER and in a newspaper(s) of general circulation in the State affected and will specify the area or areas covered by the call, the size and ranking of nominations, the period of time within which to submit nominations, and the addresses to which the nominations are to be submitted.

(2) Nominations will be accepted only for those lands that are eligible for coal leasing. Lands not subject to leasing include (i) lands listed in § 3525.4; (ii) lands withdrawn from coal leasing or otherwise not subject to the provisions of the Mineral Leasing Act; (iii) land subject to a coal lease, permit or preference right lease application; and (iv) areas designated by BLM as primitive areas.

(h) *Areas nominated in national forest system.* The authorized officer will notify the Secretary of Agriculture of all lands nominated for leasing that are in the National Forest System.

§ 3525.11 Management framework plans: Availability.

Management Framework Plans and multiple land use management plans of other Federal agencies, as appropriate, will be available for inspection at the appropriate Bureau or agency office. Upon the request of the Governor of a State affected by coal lease actions, the State Director will make available for his review the Management Framework Plans for that State, and, as appropriate, adjacent States.

§ 3525.12 Competitive leases: Procedures.

(a) *Establishment of leasing tracts.* General coal land or deposits shall be divided into suitable leasing tracts and leased competitively. The Energy Minerals Activity Recommendation System (EMARS) shall be used to identify tracts suitable for leasing through nominations and multiple-use land management planning.

(b) *Preparation of a land-use plan.* The Secretary may not issue a lease for coal deposits unless the lands containing coal deposits have been included in a comprehensive land-use plan and the sale is compatible with the plan. Each land-use plan shall assess the amount of coal deposits contained in the land and shall identify the amount of coal that is recoverable by deep mining operations and the amount that is recoverable by surface mining operations.

(1) *Agency to prepare land-use plans.* (i) The Bureau of Land Management will prepare plans for land under its jurisdiction in accordance with its procedures for the preparation of Management Framework Plans.

(ii) The Department of Agriculture and other federal agencies with jurisdiction over lands where there is interest in coal mining will prepare land-use plans for those lands.

(iii) If the Secretary finds that because of non-Federal interest in the surface, or because the coal resources are insufficient to justify the costs of a Federal comprehensive land use-plan, in an area, he may lease lands in that area if the lands containing the coal deposits have been included in either a comprehensive land-use plan prepared by the State within which the lands are located, or a land-use analysis prepared by the Secretary of the Interior.

(2) *Consultation and public meeting.* A plan will not be adequate for the purposes of this section unless the agency that prepares the plan has:

(i) Consulted appropriate State and local governments and the general public during the preparation of a plan; and

(ii) Provided an opportunity for a public meeting on a proposed plan prior to its adoption if requested by any person who may be adversely affected by the adoption of the plan.

(c) *Selection of proposed tracts.* (1) Proposed tracts will be selected by the Bureau of Land Management, and United States Geological Survey field offices, with participation from affected State governments, and other surface management agencies, if other than the Bureau of Land Management, based upon relevant information including information from the appropriate land-use plan, from nominations and from competitive coal lease applications on file.

(2) Prior to identifying proposed coal lease tracts, the Bureau of Land Management will hold a meeting to receive public comments on nominations and other resource uses identified in the management Framework Plan or other land-use plan. This requirement may be met by the public meeting on the adoption of a land-use plan.

(3) No lands may be included in a proposed tract unless: (i) the land is included in a completed land-use plan and leasing is compatible with the plan; (ii) the lands have been included in a known recoverable coal resource area (KRCRA);

(iii) the lands have been included in a nomination or have been identified by BLM as potential leasing tracts prior to the meeting held under paragraph (c)(2) of this section.

(4) The selection of proposed lease tracts will include consideration of such factors as: Depth, quality, thickness and extent of the coal resource: Water resource availability; relationship to existing communities; potential impacts on economic structure (e.g., employment, available services, etc.): Service and access corridors; aesthetic qualities such as scenic, cultural, wildlife, and vegetative values; rehabilitation potential and such other criteria as the Secretary may develop for withholding lands from leasing as unsuitable for mining.

(d) *Compliance with NEPA.* The National Environmental Policy Act will be complied with as follows: If several proposed leasing units have significant related characteristics and would sustain similar or related environmental impacts, as determined by the Secretary, they may be covered by a single regional environmental impact statement. Where leasing actions are adequately covered in a regional impact statement, no additional impact statement need be prepared. A public hearing will be held after publication of a draft regional environmental impact statement. An environmental analysis record or an impact statement, as appropriate, will be prepared for proposed leasing actions not included in a regional impact statement. The Department will provide public notice and an opportunity for a public meeting on an environmental analysis record for a coal leasing proposal that indicates that an environmental impact statement is not required.

(e) *Technical examinations.* A technical examination in accordance with the procedures in 43 CFR 3041.2 and 3041.2-1 will be completed on each unit to identify specific reclamation requirements and tracts requiring special environmental consideration and to prepare bonding requirements and stipulations to mini-

mize impacts upon the environment and other resources, land uses, or programs. Reclamation requirements will be imposed in accordance with 43 CFR 3041. The technical examination will include an evaluation of the proposed leasing unit to balance the value of the coal against the cost of mining, the cost of mitigation of environmental damage, and the significance of unmitigatable damages.

(f) *Recommendation of tentative coal lease tracts.* (1) After the BLM has completed the actions required by paragraphs (a)–(e) of this section, the State Director, after State government and surface management agency consultation, will recommend suitable tentative coal lease tracts to the Director. The Director will consolidate approved field recommendations into a proposed Coal Lease Sale Schedule for review and approval by the Secretary. If no public meeting has been held on the proposed lease tracts in the affected area prior to this time, a public meeting shall be held before the Secretary reviews the Director's recommendations.

(2) The Director's recommendation, and the Secretary's final approval, shall include a written synopsis of earlier analyses which evaluates and compares:

(i) The effects of recovering coal by deep mining, by surface mining and by any other method to determine which method or methods or sequence of methods achieves the maximum economic recovery of the coal within the proposed leasing tract, and

(ii) The effects which mining the proposed lease might have on an impacted community or area, including impacts on the environment, on agriculture and other activities, and on public services.

(g) *Notice of lease sale.* (1) Publication. Prior to the lease sale, the Authorized Officer shall publish in the FEDERAL REGISTER and in a newspaper(s) of general circulation in the county affected by the sale a notice of the proposed sale. The newspaper notice shall be published once a week for three consecutive weeks.

(2) The notice will show the time and place of sale, whether the sale will be at public auction or by sealed bids, the description of the land, and the place where a detailed statement of the terms and conditions of the lease offer and the obligations of the successful bidder to pay for publication of that notice may be obtained.

(3) It will also contain a statement that sealed bids may not be modified or withdrawn unless the modification or withdrawals are received prior to the time fixed for opening of the bids.

(4) The detailed statement will set forth the terms and conditions of the sale, including the manner in which the bids may be submitted, and statements that the successful bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of the notice of lease offer, and that the successful bidder's share shall be that proportion of the total advertising cost that the number of parcels of land awarded to him bears to the number of parcels for which successful high bidders are declared.

(5) The detailed statement will also contain a warning to all bidders against violation of 18 U.S.C. 1860, which prohibits unlawful combination or intimidation of bidders.

(6) The detailed statement will specify that the Government reserves the right to reject any and all bids. If the sale is by public auction, the statement of terms and conditions of the sale will also specify that sealed bids may be submitted. If any bid be rejected, the deposit will be returned.

(7) The detailed statement will also contain a request for comments on the fair market value of the tracts to be sold.

§ 3525.13 Award of leases.

(a) *Pre-sale evaluation.* Before the lease sale, the U.S. Geological Survey, considering public comments on fair market value and available geotechnical, engineering and economic data, shall make a coal resource economic evaluation of each tract to be sold and shall submit it to the authorized officer.

(b) *Notification of award.* Bids will be received only until the hour on the date specified in the notice of competitive leasing. All bids submitted after the hour will be rejected. The authorized officer will read all sealed bids. If the procedure calls for sealed bids followed by oral bids the oral bidding will begin at the level of the highest sealed bid received. After the oral bidding has ceased, the highest bid will be announced. No decision to accept or reject the high bid will be made at this time. The sale will be adjourned and the sale panel will convene to determine if the high bid adequately reflects fair market value considering, among other factors, comments on fair market value. The recommendations of the panel will be sent to the authorized officer who will make the final decision to accept a bid or reject all bids, as soon as possible after the sale date. The successful bidder will be notified in writing. The Department reserves the right to reject any and all bids but will not accept any bids which are less than the fair-market value of the tract.

(c) *Intertract competition.* The use of bidding competition between tracts (intertract bidding) is hereby authorized when and if the Bureau of Land Management and the U.S. Geological Survey determine it is needed in the public interest. The authorization to utilize intertract competition does not preclude the use of any other form of competitive bidding procedure.

§ 3525.14 Compliance with notice of competitive lease offer.

(a) *Action by successful bidder.* Four copies of the lease will be sent to the successful bidder, who will be required not later than the 15th day after his receipt thereof, or the 30th day after the date of the sale, whichever is later, to execute them, pay the balance of the bonus bid or the first payment deferred bonus bid lease, the first year's rental, and the cost of publication of the notice of the offer as specified in § 3525.12(g)(4) and file a bond as required by Subpart 3504.

(b) *Death of bidder.* If the bidder dies before the lease is issued, there must be compliance with § 3502.8 of this chapter.

Dated: October 22, 1976.

WILLIAM W. LYONS,
Deputy Under Secretary United States Department of the Interior.

[FR Doc.76-31512 Filed 10-27-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 76-119]

OAKLAND INNER HARBOR TIDAL CANAL, CALIFORNIA

Drawbridge Operation Regulations

At the request of the East Shore Home Owners Association of Alameda, California, the Coast Guard is considering revising the regulations for the High Street bridge to provide for closed periods from 7:30 a.m. to 8:30 a.m. and from 3:45 p.m. to 5:45 p.m., Monday through Friday. The draw presently opens after two hours notice during morning and evening peak vehicular traffic periods. This change is proposed because of increased vehicular traffic.

The proposal also sets out requirements for emergency and special openings of the draw.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Twelfth Coast Guard District, 630 Sansome Street, San Francisco, California 94126. 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, Twelfth Coast Guard District.

The Commander, Twelfth Coast Guard District, will forward any comments received before November 30, 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 by revising § 117.712(d) to read as follows:

§ 117.712 Tributaries of San Francisco Bay and San Pablo Bay, Calif.

* * * * *

(d) *Oakland Inner Harbor Tidal Canal; Country of Olemede Highway*

bridges at Park and High Streets and Department of Army highway and railroad bridges at Fruitvale Avenue. (1) From 7:30 a.m. to 8:30 a.m., and from 3:45 p.m. to 5:45 p.m., Monday through Friday, except holidays, the draw need not open for the passage of vessels except that—

(i) The draw shall open as soon as possible for vessels in distress, and emergency vessels, including commercial vessels engaged in rescue or emergency salvage operations; and

(ii) The draw shall open after two hours notice to the Park Street bridge for vessels which must, for reasons of safety, move on a tide or slack water.

(2) At all other times, the draw shall open on signal.

* * * * *

(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).)

The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: October 21, 1976.

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

[FR Doc.76-31506 Filed 10-27-76;8:45 am]

[33 CFR Part 117]

[CGD 76-160]

CHEBOYGAN RIVER, MICHIGAN

Proposed Drawbridge Operation Regulations

At the request of the Michigan Department of State Highways and Transportation, the Coast Guard is considering amending the regulations for the U.S. 23 drawbridge across the Cheboygan River, mile 0.92, to require that the draw only open from May 16 through September 15, from three minutes before to three minutes after the quarter hour and three-quarters hour from 7:18 a.m. to 6:12 p.m., Monday through Friday, and from 11:18 a.m. to 5:12 p.m. on Saturday. From December 15 through March 15, the draw will open after 24 hours notice. At all other times the draw shall open on signal. The draw is presently required to open on signal at all times. This change is being considered because of an increase in vehicular traffic during these periods.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199. 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, Ninth Coast District.

The Commander, Ninth Coast Guard District, will forward any comments received before November 30, 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 by adding a new § 117.696 immediately after § 117.695 to read as follows:

§ 117.696 Cheboygan River, Cheboygan, Mich., U.S. 23 bridge.

(a) The draw shall open on signal except that: (1) From May 16 through September 15, Monday through Friday, from 7:18 a.m. to 6:12 p.m., and from 11:18 a.m. to 5:12 p.m., on Saturday, the draw need open only from three minutes before to three minutes after the quarter hour and the three-quarters hour.

(2) From December 15 through March 15, the draw need open only if at least 24 hours notice is given to the City of Cheboygan Police Department.

(b) The draw shall open on signal at any time for public vessels of the United States, state or local government vessels engaged in public safety or law enforcement activities, commercial vessels, or vessels in distress. The opening signal from these vessels is four blasts of a whistle or horn, or by shouting.

(c) The opening signal from all other vessels is one long blast followed by one short blast.

(d) The acknowledging signal is:

(1) When the draw shall open promptly, and one long blast followed by one short blast.

(2) When the draw cannot open or is open and must be closed, four short blasts.

(e) The owner of or agency controlling this bridge shall keep a copy of the regulations in this section together with information stating how notice is to be given to the authorized representative of the bridge owner posted both upstream and downstream, either on the bridge or elsewhere in such manner that it can easily be read from an approaching vessel at all times.

(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).)

The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: October 20, 1976.

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

[FR Doc.76-31507 Filed 10-27-76;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 16222]

AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd. DH/BH/-125 Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive applicable to Hawker Siddeley Aviation, Ltd., Model DH/BH/-125 airplanes. Based on the results of fatigue tests conducted by the manufacturer, the FAA has determined that a failure of the knife edges installed in the emergency brake reducing valve of Model DH/BH/-125 airplanes could occur within a specified service life which could result in a complete loss of emergency braking capability with no advance warning to the crew. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require repetitive replacement of the knife edges of the emergency brake reducing valve or the valve itself on Hawker Siddeley Aviation, Ltd. Model DH/BH/-125 airplanes.

Interested persons are invited to participate in the making of the proposed rule by submiting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue S.W., Washington, D.C. 20591. All communications received on or before December 13, 1976, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION LTD. Applies to Model DH/BH/-125 airplanes, all series, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent possible failure of the knife edges of the emergency brake reducing valve, P/N AC.61516, and consequent complete loss of emergency braking capability without advance warning, accomplish the following:

(a) Comply with paragraph (b) or (c) of this AD as follows, and thereafter, continue to comply with paragraph (b) or (c) of this AD at intervals not to exceed 4500 landings since last compliance:

(1) For airplanes having emergency brake control valve knife edges that have accumulated less than 4300 landings, since new, on the effective date of the AD, compliance is required prior to the accumulation of 4500 landings.

(2) For airplanes having emergency brake control valve knife edges that have accumulated 4300 or more landings, since new, on the effective date of this AD, compliance is required prior to the accumulation of an additional 200 landings.

(3) For airplanes for which no records exist that indicate the number of landings the emergency brake control valve knife edges have accumulated, compliance is required prior to the accumulation of 200 landings after the effective date of this AD.

(b) Replace the emergency brake control valve knife edges with new parts in accordance with Part A of section 2 entitled "Accomplishment Instructions" of Hawker Siddeley Aviation, Ltd. Service Bulletin 32-167, dated January 27, 1976, or an FAA-approved equivalent.

(c) Replace the entire emergency brake reducing valve, P/N AC. 61516, with a valve fitted with new knife edges and install the valve in accordance with Part B of the section entitled "Accomplishment Instructions" of Hawker Siddeley Aviation, Ltd. Service Bulletin 32-167, dated January 27, 1976, or an FAA-approved equivalent.

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Washington, D.C. on October 19, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-31286 Filed 10-27-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SW-53]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Refugio, Tex., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before November 29, 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 Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Forth Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (41 FR 440), the Refugio, Tex., transition area is altered as follows:

REFUGIO, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Tom O'Connor Oilfield Airport (latitude 28°20'04" N., longitude 97°08'58" W.); within 2 miles each side of the 335° bearing from the Vidauri RBN (latitude 28°23'51" N., longitude 97°10'40" W.), extending from the 5-mile-radius area to 8 miles northwest of the Vidauri NDB; within a 5-mile radius of Mellon Ranch Airport (latitude 28°16'50" N., longitude 97°12'30" W.), and within 3½ miles each side of the 319° bearing from the Mellon Ranch NDB (latitude 28°16'47" N., longitude 97°12'20" W.), extending from the 5-mile radius to 12 miles northwest of the Mellon Ranch NDB.

Alteration of the transition area is necessary to provide controlled airspace for a standard instrument approach procedure (NDB Rwy 15, Original) to the Mellon Ranch Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.76-31539 Filed 10-27-76;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 76-AL-11]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would alter the lateral boundaries and operating hours of Restricted Area R-2211, Blair Lakes, Alaska.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before November 29, 1976, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-320, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed amendment would redesignate Restricted Area R-2211 as follows:

Boundaries. Beginning at Lat. 64°30'00" N., Long. 147°44'00" W.; to Lat. 64°20'00"N., Long. 147°19'00"W.; to Lat. 64°13'30"N., Long. 147°32'00"W.; to Lat. 64°22'30"N., Long. 147°58'00"W.; to point of beginning.
Time of designation. 0800 to 1800, local time, Monday through Friday and at other times as activated by NOTAM issued by the using agency at least 24 hours in advance.
Designated altitudes. Surface to 18,000 feet MSL.
Controlling agency. Federal Aviation Administration, Elelson RAPCON.
Using agency, Alaskan Air Command.

The Alaskan Air Command has completed an operational anlysis of the Blair Lakes Gunnery Range. The analysis revealed significant areas where modification of the protected airspace over the range would benefit both the Air Force and the flying public.

When the range was initially designed and protecting airspace requested from the Federal Aviation Administration, the Air Force had a requirement to practice certain types of weapons deliveries. Subsequent improvements in tactics and changes in mission have reduced airspace requirements. Furthermore, budget constraints have dictated a need to have continuous operation hours available in order to increase scheduling flexibility and maximize range use.

The overall size of the airspace restricted area would be reduced by eliminating part of the northwestern end and most of the southeastern area. In addition, the boundaries would be realigned to correspond with the axis of the target complex. The revised altitudes would extend from the surface to 18,000 feet MSL and the operating hours would be from 0800 to 1800 local time, Monday through Friday, other times by NOTAM.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1438(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 21, 1976.

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

[FR Doc.76-31540 Filed 10-27-76;8:45 am]

[14 CFR Part 135]

[Docket No. 16097; Notice 76-18A]

REGULATORY REVIEW PROGRAM

Conference

The purpose of this notice is to inform all interested persons that from November 8 through 12, 1976, the Federal Aviation Administration will conduct a conference at the Stouffer Denver Inn, Denver, Colorado, as part of the Federal Aviation Regulations, Part 135 Regulatory Review Program. Information relating to this Conference is contained herein and in Notice 76-18 that was published in the FEDERAL REGISTER, (41 FR 38778) September 13, 1976.

The proceedings will be conducted through three committees identified by their areas of coverage as follows:

Committee A—Subpart A through E, Part 135; Proposals 1 through 42. Committee A will handle all proposals in Subparts A through E which pertain to proposed amendments and new rules covering the present Air Taxi Regulations. Most air taxi operators should be interested in this phase. This portion is scheduled for Monday and Tuesday, November 8 and 9.

Committee B—Subpart F and G (new), Part 135; Proposals 43 through 97.

Committee B will handle new subparts F and G—Rules Governing Special ATCO Operations and Airplane Performance Operating Limitations. These subparts apply to "Commuter Air Carriers" using multiengine airplanes; operations conducted in airplanes certificated to carry ten or more passengers; operations conducted in multiengine turbine powered airplanes and operations conducted in airplanes having a maximum certificated gross takeoff weight of more than 12,500 pounds. This portion is scheduled for Wedensday, Thursday, and Friday, November 10, 11, and 12.

Committee C—Subpart H (new), Part 135; Proposals 97 through 110. Committee C will handle Subpart H which applies to maintenance requirements for operations conducted under the provisions of Subpart F & G. This portion is scheduled for Wednesday, Thursday, and Friday, November 10, 11, and 12.

By adopting this schedule, it will permit many attendees not concerned with Subparts F, G, and H to leave at the conclusion of Tuesday's sessions if desired.

Every effort has been expended to make the following Agenda both flexible and convenient. To the extent practicable, the committee sessions have been scheduled to avoid situations which require attendees to be in two places at one time. In addition, the Agenda contains a Daily Schedule of Events, which sets forth the activities scheduled for each day of the Conference and an Agenda Item Schedule for each of the working committees.

DAILY SCHEDULE OF EVENTS

Registration: Sunday November 7 through 12, 1976, from 9:00 a.m. to 5:00 p.m. in the lobby of the Stouffer Denver Inn.

Schedule: All sessions will be held in the Main Ballroom on the first floor. Small subcommittees may be established during certain sessions that will meet in other rooms. Lunch breaks are scheduled from noon until 1:30 p.m. each day.

OPENING SESSION

MONDAY, NOVEMBER 8

9:00 a.m. Call to order.
9:15 a.m. Welcome, Prologue and Conference mission.
10:15 a.m. Public response.

COMMITTEE SESSIONS

MONDAY, NOVEMBER 8

Morning

Committee A	*Agenda Item*
11:00 a.m. to 12:00 p.m.	Subpart A, part 135, proposals 1 through 6.

Afternoon

1:30 p.m. to 5:00 p.m.	Subpart A, part 135, proposals 7 through 10.
	Subpart B, part 135, proposals 11 through 19.

TUESDAY, NOVEMBER 9

Morning

8:30 a.m. to 12:00 p.m.	Subpart C, part 135, proposals 20 through 32.

Afternoon

1:30 p.m. to 5:00 p.m.	Subparts D and E, part 135, proposals 33 through 41.
	Special proposal 42 (FAR 121.9).

Committee A will meet on Tuesday evening to continue discussion if any Agenda items were not completed during the afternoon session.

WEDNESDAY, NOVEMBER 10

Morning

Committee B	*Agenda Item*
8:30 a.m. to 12:00	Subpart F (new), part 135, proposals 43 through 49.

Committee C	*Agenda Item*
8:30 a.m. to 12:00	Subpart H (new), part 135, proposals 97 through 100.

Afternoon

Committee B	*Agenda Item*
1:30 p.m. to 5:00 p.m.	Subpart F (new), part 135, proposals 50 through 57.

Committee C	*Agenda Item*
1:30 p.m. to 5:00 p.m.	Subpart H (new), part 135, proposals 101 through 103.

THURSDAY, NOVEMBER 11

Morning

Committee B	*Agenda Item*
8:30 a.m. to 12:00 Noon	Subpart F (new), part 135, proposals 58 through 68.

Committee C	*Agenda Item*
8:30 a.m. to 12:00 Noon	Subpart H (new), part 135, proposals 104 through 106.

Afternoon

Committee B	*Agenda Item*
1:30 p.m. to 5:00 p.m.	Subpart F (new), part 135, proposals 69 through 78.

Committee C	*Agenda Item*
1:30 p.m. to 5:00 p.m.	Subpart H (new), part 135, proposals 107 through 110.

Committee C can meet Thursday evening or Friday morning to continue discussion of any Agenda items not completed.

FRIDAY, NOVEMBER 12

Morning

Committee B	*Agenda Item*
8:30 a.m. to 12:00 p.m.	Subpart G (new), part 135, proposals 79 through 87.

Afternoon

Committee B	*Agenda Item*
1:30 p.m. to 5:00 p.m.	Subpart G (new), part 135, proposals 88 through 96.

To register in advance to attend the Conference, write to: Federal Aviation Administration, Flight Standards Service, Operations Review Branch, AFS-920, 800 Independence Avenue, SW., Washington, D.C. 20591. There will also be a Conference Registration Desk in the lobby of the Stouffer Denver Inn beginning on Sunday November 7 at 9:00 a.m. and during the conference dates.

Room reservations should be made by writing or calling the Stouffer Denver Inn, East 32nd and Quebec Street, Denver, Colorado 80207, telephone 303-321-3333.

There is no admission fee or any other charge required to participate in the conference. However, conferees will be required to register with the Federal Aviation Administration.

This notice is issued under the authority of section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 20, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-31568 Filed 10-27-76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 438]

ADVERTISING, DISCLOSURE, COOLING-OFF AND REFUND REQUIREMENTS CONCERNING PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS

Publication of Presiding Officer's Summary, Findings and Conclusions With Respect to Proposed Trade Regulation Rule

As an accommodation to all interested parties, the Commission has decided to make public at this time the Presiding Officer's Report, required by § 1.13 of the Commission's rules, consisting of his Summary, Findings and Conclusions with regard to those issues designated by the Presiding Officer and such other findings and conclusions as he sees fit. This report is being made public in advance of the completion and publication of the staff's analysis of the rulemaking record and its recommendations to the Commission.

In so doing, the Commission cautions all concerned that the Presiding Officer's Report has not yet been reviewed or adopted by the Bureau of Consumer Protection or the Commission itself and its publication should not be interpreted as reflecting the present views of the Commission or any individual member thereof. The Commission also wishes to make clear that the sixty-day period which the Rules of Practice provide for public comment on the reports by the Presiding Officer and the staff does not commence until the staff's report, required by § 1.13 (g) of the rules, is also placed on the public record. Hence, comment on the Presiding Officer's report alone would be considered premature at this time.

By direction of the Commission.

Issued: October 8, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-31457 Filed 10-27-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 76-304]

NORMAN G. JENSON

Cancellation With Prejudice Licenses

OCTOBER 20, 1976.

Notice is hereby given that the Commissioner of Customs on October 20, 1976, pursuant to section 641, Tariff Act of 1930, as amended (19 U.S.C. 1641), and § 111.51(b), Customs Regulations, as amended, upon the specific request of Norman G. Jensen, Palo Alto, California, canceled with prejudice individual customhouse broker's license No. 4482 issued to him on November 1, 1971, for the Customs District of San Francisco, and corporate customhouse broker's license No. 2968 issued to Norman G. Jensen, Inc., a corporation incorporated under the laws of the State of California, on December 11, 1970.

The Commissioner's decision is effective as of October 20, 1976.

VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.76-31462 Filed 10-27-76;8:45 am]

[T.D. 76-303]

POTATOES, WHITE OR IRISH

Tariff-Rate Quota for Year Beginning September 15, 1976

OCTOBER 21, 1976.

The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to item 137.25, Tariff Schedules of the United States, for the 12-month period beginning September 15, 1976, is 45,000,000 pounds.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1976, made by the United States Department of Agriculture as of September 1, 1976, was in excess of 21 billion pounds.

In accordance with headnote 2, part 8A, of schedule 1, Tariff Schedules of the United States, the quantity is not increased because the estimated production is greater than 21,000,000,000 pounds.

VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.76-31461 Filed 10-27-76;8:45 am]

[T.D. 76-305]

TAPERED ROLLER BEARINGS

Foreign Value

OCTOBER 14, 1976.

Pursuant to an American manufacturer's petition filed in accordance with the provisions of section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), the Customs Service has considered whether the appraised value of tapered roller bearings from Japan is too low, and has notified the petitioner of its determination.

The petitioner contended that foreign value, as described in section 402a(c) of the Tariff Act of 1930, as amended (19 U.S.C. 1402(c)), represented by the prices at which tapered roller bearings are offered by distributors in the Japanese domestic market, is the proper basis for the appraisement of tapered roller bearings from Japan. In support of this contention, the petitioner referred to a report of investgiation prepared by a Customs Representative in Japan, dated November 28, 1975, which, the petitioner asserts, estabilshes that tapered roller bearings are freely offered for sale at the distributor level to all purchasers in the domestic market.

The Customs Service agrees that the report establishes that one distributor did, in fact, freely offer for sale in the domestic market, at price list prices plus 10 percent, those tapered roller bearings found on the price list of a Japanese manufacturer, Koyo Seiko Co., Ltd., and that the report indicates that at least two other distributors may also have freely offered such merchandise. On the basis of this report, the Customs Service also agrees that foreign value existed as to those bearings and bearings similar to those bearings at the time of the investigation.

It is the understanding of the Customs Service that the predominant use of Japanese tapered roller bearings is in the manufacture of automobiles and that large numbers of these automobiles are sold and driven in Japan. It is apparent that a market for the sale of replacement bearings continues to exist in Japan. It further appears that sales of replacement bearings by distributors are being made at fixed prices available to all. Therefore, it is the opinion of the Customs Service that, in the absence of specific information to the contrary and based on the report of investigation, foreign value continues to exist with respect to the sale of those bearings found on the price list of Koyo Seiko Co., Ltd., and to the sale of bearings that are similar to those bearings.

Accordingly, with respect to such bearings entered for consumption or withdrawn from warehouse for consumption more than 30 days after the date of publication of this notice in the Customs Bulletin, appraisement will be made on the basis of foreign value or export value, whichever is higher, as provided by section 402a(a)(1) of the Tariff Act of 1930, as amended (19 U.S.C. 1402(a)(1)), until such time as additional information may be received by the Customs Service which causes Customs officers to believe that foreign value or export value does not exist.

A notice of the filing of the American Manufacturer's petition was not published in the FEDERAL REGISTER, as the petition was filed prior to the amendment to § 175.21 of the Customs Regulations (19 CFR 175.21) which requires such publication.

G. R. DICKERSON,
Acting Commissioner of Customs

[FR Doc.76-31460 Filed 10-27-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

COLLABORATIVE RESEARCH, INC.

Manufacture of Controlled Substances; Registration

By Notice dated August 30, 1976, and published in the FEDERAL REGISTER on September 3, 1976; (41 FR 37367), Collaborative Research, Inc., 1365 Main Street, Waltham, MA 02154, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of lysergic acid diethylamide, a basic class of controlled substance listed in schedule I.

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Acting Deputy Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of lysergic acid diethylamide is granted.

Dated: October 20, 1976.

FREDERICK A. RODY, Jr.,
Acting Deputy Administrator, Drug Enforcement Administration.

[FR Doc.76-31555 Filed 10-27-76;8:45 am]

FHER CORP., LTD.

Manufacture of Controlled Substances; Registration

By Notice dated August 30, 1976, and published in the FEDERAL REGISTER on September 3, 1976; (41 FR 37367), Fher Corporation Ltd. Carretera 132, KM 25.3, P.O. Box 4108, Ponce, PR 00731, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of phenmetrazine, a basic class of controlled substance listed in schedule II.

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Acting Deputy Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of phenmetrazine is granted.

Dated: October 20, 1976.

FREDERICK A. RODY, JR.,
Acting Deputy Administrator, Drug Enforcement Administration.

[FR Doc.76-31554 Filed 10-27-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DUCK STAMP CONTEST

Judging

In accordance with CFR 91.22, it is hereby announced that display and judging of the entries in the annual "Duck Stamp" contest will be held in the Main Auditorium, Department of the Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240, at 1 p.m. on Friday, Novemebr 12, 1976.

The design selected will appear on the 1977-78 Migratory Bird Hunting and Conservation Stamp.

The event is open to the public.

Dated: October 22, 1976.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc.76-31511 Filed 10-27-76;8:45 a.m.]

Office of Hearings and Appeals

[Docket No. M 76-383]

J. T. COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), J. T. Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine in Somerset County, Pennsylvania.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing cabs and canopies on the electrical equipment in this mine would create a safety hazard to the equipment operators.

2. Petitioner uses the continuous mining method in this mine and employs the following electrical equipment: two Lee Norse CM 28H continuous miners, two Galis 300 roof bolters, two Joy 18SC shuttle cars, two Joy 6 SC shuttle cars, and one SS 74 scoop tractor.

3. The No. 2 Mine is in the Upper Kittaning coal seam which ranges from 36 to 42 inches in height. Installation of canopies on the equipment would limit visibility severely as well as disturb the roof support system, both hazardous occurrences.

4. Petitioner feels that cabs and canopies will reduce the safety of the equipment operators due to the above circumstances.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 29, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

FRANCES A. PATTON,
Acting Director, Office of Hearings and Appeals.

OCTOBER 19, 1976.

[FR Doc.76-31444 Filed 10-27-76;8:45 am]

[Docket No. M 76X644]

LENA COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Lena Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine located in Letcher County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's equipment consists of one Galis roof bolting machine, one 14BU Joy loading machine, one Wilcox roof bolting machine, one 10 RU Joy cutting machine, and one Epling battery tractor.

3. The No. 1 Mine is in the 5-A seam which ranges from 9 feet 3 inches to 37 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. Installation of canopies on the equipment would limit the field of vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the equipment operators' vision is limited and since their position in the decks is cramped with the canopies installed, the canopy installation could be a contributing factor in any accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 29, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

OCTOBER 20, 1976.

FRANCES A. PATTON,
Acting Director,
Office of Hearings and Appeals.

[FR Doc.76-31445 Filed 10-27-76;8:45 am]

[Docket No. M 76X646]

MINK BRANCH COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Mink Branch Coal Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine located in Floyd County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of two AR-4 Elkhorn scoops, one Wilcox roof bolter and one Pauls roof bolter.

3. The No. 1 Mine is in a seam which ranges from 38 to 48 inches in height. The mine roof is supported by halfheaders and crossbars.

4. Installation of canopies on the scoops and roof bolters limits the vision of the operators of the equipment and creates a hazard to them. Petitioner and the equipment operators feel that operating this equipment in low coal with rolling top and bottom with cabs and canopies installed is more hazardous than operating without the cabs and canopies.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 29, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

FRANCES A. PATTON,
Acting Director,
Office of Hearings and Appeals.

OCTOBER 20, 1976.

[FR Doc.76-31446 Filed 10-27-76;8:45 am]

[Docket No. M 76-429]

TRIANGLE COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Triangle Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 3 Underground Mine located in Buchanan County, Hurley, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches.

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing cabs and canopies on the electrical equipment in this mine would create a safety hazard to the equipment operators.

2. Petitioner uses the conventional mining method in this mine and employs the following electrical equipment: one Epling spinner, one Royal cutting machine, one Paul Elswick roof bolter, and one Méscher tractor.

3. The No. 3 Underground Mine is in the Blair Seam which ranges from 30 to 32 inches in height. Installation of cabs and canopies on the equipment would severely limit visibility and also disturb the roof support system, both hazardous occurrences.

4. Petitioner feels that since the equipment operators' visibility would be reduced and their compartments cramped with the cabs and canopies installed, that this would be a contributing factor in any accidents which might occur.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or fur-

nish comments on or before November 29, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

FRANCES A. PATTON,
Acting Director, Office of Hearings and Appeals.

OCTOBER 19, 1976.

[FR Doc.76-31447 Filed 10-27-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A384]

MAINE

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Aroostook County, Maine, as a result of water damage to crops and land as a result of Hurricane Belle August 10 and 11, 1976. Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor James B. Longley that such designation be made.

Applications for emergency loans must be received by this Department no later than December 14, 1976, for physical losses and July 13, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 21st day of October, 1976.

FRANK W. NAYLOR, Jr.,
Acting Administrator, Farmers Home Administration.

[FR Doc.76-31469 Filed 10-27-76;8:45 am]

Forest Service

TONTO NATIONAL FOREST GRAZING ADVISORY BOARD SOUTHWESTERN REGION

Meeting

The Tonto National Forest Grazing Advisory Board will meet December 16, 1976, at 10:00 a.m. at the office of the Forest Supervisor, Tonto National Forest, located at 102 South 28th Street, Phoenix, Arizona.

The purpose of this meeting is to discuss the following agenda items:

1. Grazing fees.
2. Communications between Permittees and Forest Officers.
3. Tonto National Forest grazing policy.
4. Control of livestock numbers.
5. Predator control.
6. Coordination of special use permits with grazing.
7. Armer Mountain Allotment unauthorized grazing (if requested by the violator).
8. Current problems identified by grazing permittees.

The meeting will be open to the public. Persons who wish to attend should notify Bruce Hroneck, Supervisor, Tonto National Forest, 102 South 28th Street, Phoenix, Arizona 85034, Telephone No. 602-261-3205. Written statements may be filed with the Board before or after the meeting.

Oral statements may be made by public attenders when recognized by the chair.

Dated: October 20, 1976.

BRUCE B. HRONEK,
Forest Supervisor.

[FR Doc.76-31499 Filed 10-27-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE ON HOUSING FOR THE 1980 CENSUS

Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix I, Supp. V, 1975), notice is hereby given that the Census Advisory Committee on Housing for the 1980 Census will convene on November 18, 1976 at 9:30 a.m. The Committee will meet in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Housing for the 1980 Census was established in March 1976 to provide technical advice and guidance in planning the forthcoming decennial Census of Housing to ensure that the major statistical requirements of decision makers are provided by the 1980 Census of Housing program.

The Committee is composed of 18 members including a representative from each of nine organizations and nine members appointed by the Secretary of Commerce from a broad spectrum of industrial leaders involved in housing production, marketing, financing, management; academicians knowledgeable as to housing problems and data needs; and persons concerned with the ultilization, adequacy, and suitability of the Nation's housing stock.

The agenda for the meeting is: (1) The role of the Housing Advisory Committee; (2) election of temporary chairperson; (3) status of 1980 census planning; (4) status of housing census content planning; (5) ancillary surveys, including components of change, residential finance, and follow-on surveys; (6) quality of housing census data-results of census evaluation studies.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact Mr. Arthur F. Young, Chief, Housing Division, Bureau of the Census, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-2863.

Dated: October 22, 1976.

ROBERT L. HAGAN,
Acting Director, Bureau of the Census.

[FR Doc.76-31474 Filed 10-27-76;8:45 am]

REGISTRATION AND VOTING STATISTICS

Survey

Notice is hereby given that the Bureau of the Census will conduct a survey to collect registration and voting statistics. This survey will be conducted under the provisions of Section 207 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973aa-5. The survey shall cover a count of citizens of voting age, race or color, and specified minority groups, and a determination of the extent to which such persons are registered to vote and have voted in the elections surveyed.

In accordance with administrative procedure, 5 U.S.C. 553, notice and hearing on this survey are unnecessary since the survey is required by law. It shall begin not earlier than November 2, 1976, and will be taken in the jurisdictions listed below.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Dated: October 22, 1976.

ROBERT L. HAGAN,
Acting Director, Bureau of the Census.

ALABAMA—STATEWIDE

State represented by surveys in the following counties:

Dallas	Mobile
Escambia	Montgomery
Etowah	Talladega
Jefferson	Wilcox
Limestone	

ALASKA—STATEWIDE

State represented by surveys in the following census divisions:

Aleutian Islands	Kodiak
Anchorage	Nome
Bethel	Wade Hampton
Fairbanks	Wrangell-Petersburg
Kenai-Cook Inlet	

ARIZONA—STATEWIDE

State represented by surveys in the following countries:

Gila	Maricopa

plus surveys in these counties selected for themselves:

Apache	Pima
Cochise	Pinal
Coconino	Santa Cruz
Mohave	Yuma
Navajo	

CALIFORNIA

Counties of:

Kings	Monterey
Merced	Yuba

COLORADO

El Paso County

FLORIDA

Counties of:

Collier	Hendry
Glades	Hillsborough
Hardee	Monroe

GEORGIA—STATEWIDE

State represented by surveys in the following counties:

Burke	Glynn
Carroll	Gwinnett
Chatham	Jackson
De Kalb	Laurens
Dougherty	Meriwether
Fulton	Troup

HAWAII

Honolulu County

LOUISIANA—STATEWIDE

State represented by surveys in the following parishes:

Caddo	Iberville
Calcasieu	Jefferson Davis
East Baton Rouge	Orleans
Franklin	Rapides

MAINE

Caswell Plantation (Aroostook County)
Limestone Town (Aroostook County)
Cutler Town (Washington County)
Perry Town (Washington County)

MASSACHUSETTS

Ayer Town (Middlesex County)
Shirley Town (Middlesex County)
Harvard Town (Worcester County)

MICHIGAN

Clyde Township (Allegan County)
Chippewa Township (Isabella County)
Buena Vista Township (Saginaw County)

MISSISSIPPI—STATEWIDE

State represetned by surveys in the following counties:

Bolivar	Lowndes
Harrison	Oktibbeha
Hinds	Washington
Jones	Yazoo
Leflore	

NEW MEXICO

Counties of:

Curry	Otero
McKinley	

NEW YORK

Counties of:

Bronx	New York
Kings	

NORTH CAROLINA

Counties of:

Anson	Edgecombe
Beaufort	Franklin
Bertie	Gaston
Bladen	Gates
Camden	Granville
Caswell	Greene
Chowan	Guilford
Cleveland	Halifax
Craven	Harnett
Cumberland	Hertford
Hoke	Person
Jackson	Pitt
Lee	Robeson
Lenoir	Rockingham
Martin	Scotland
Nash	Union
Northampton	Vance
Onslow	Washington
Pasquotank	Wayne
Perquimans	Wilson

OKLAHOMA

Counties of:

Choctaw	McCurtain

SOUTH CAROLINA—STATEWIDE

State represented by surveys in the following counties:

Allendale	Lancaster
Charleston	Laurens
Chesterfield	Marlboro
Georgetown	Richland
Greenville	Williamsburg
Horry	

SOUTH DAKOTA

Counties of:

Shannon	Todd

TEXAS—STATEWIDE

State represented by surveys in the following counties:

Bell	Liberty
Bexar	Lubbock
Collin	Moore
Dallas	Potter
El Paso	Smith
Galveston	Tarrant
Harris	Val Verde
Hidalgo	Washington

UTAH

San Juan County

VIRGINIA—STATEWIDE

State represented by surveys in the following counties:

Arlington	Henry
Campbell	Page
Culpeper	Pittsylvania
Dinwiddie	Southhampton
Fairfax	York

and the independent cities of:

Alexandria	Martinsville
Danville	Newport News
Fairfax	Norfolk
Falls Church	Petersburg
Franklin	Richmond
Hampton	Virginia Beach
Lynchburg	

plus the following named county selected for itself:

Charles City County

WISCONSIN

Komensky Town (Jackson County)

[FR Doc.76-31519 Filed 10-27-76;8:45 am]

Office of the Secretary

SOUTHWEST BORDER ECONOMIC DEVELOPMENT REGION

Designation of an Economic Development Region

Pursuant to the provisions of Section 501(a) of the Public Works and Economic Development Act of 1965, as amended (Pub. L. 89-136; 42 U.S.C. 3181 (a)), having examined all pertinent data, I have determined that the following counties in the States of Arizona, California, New Mexico, and Texas meet the requirements of the Act for designation as an economic development region: Arizona: Cochise, Pima, Santa Cruz, and Yuma; California: Imperial, San Diego, and Riverside; New Mexico: Dona Ana, Grant, Hidalgo, Luna, and Otero; and Texas: Brewster, Cameron, Culberson, Dimmit, Edwards, El Paso, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Kinney, La Salle, Maverick, Pecos, Presidio, Real, Starr, Tarrel, Uvalde, Val Verde, Webb, Willacy, Zapata, and Zavala. Accordingly, in response to a request dated June 30, 1976, from the Governors of the four States, I have today designated the aforementioned counties as the Southwest Border Economic Development Region: *Provided*, That Cochise, Pima, Santa Cruz, and Yuma Counties in the State of Arizona and Hidalgo, Luna, Otero, Dona Ana, and Grant Counties in the State of New Mexico shall remain a part of the Four Corners Economic Development Region until October 1, 1979.

Dated: October 23, 1976.

ELLIOT RICHARDSON,
Secretary of Commerce.

[FR Doc.76-31803 Filed 10-27-76;10:12 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL PANEL ON ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of November 1976:

Name: National Panel on Alcohol, Drug, Abuse, and Mental Health.

Date and Time: November 15; 9:30 a.m., open meeting.

Place: Room 14-105, Parklawn Building, Rockville, Maryland. Contact Mr. Robert W. Brown, Parklawn Building, Room 13C-26, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3706.

Purpose: The National Panel on Alcohol, Drug Abuse, and Mental Health advises and makes recommendations to the Secretary concerning the activities to be carried out through the Alcohol, Drug Abuse, and Mental Health Administration. By law, the Panel is composed of three members, one each from the public members of the National Advisory Council on Alcohol Abuse and Alcoholism, National Advisory Council on Drug Abuse, and the National Advisory Mental Health Council.

Agenda: This meeting will be open to the public. Agenda items will include reports by Panel Members on the Institutes' National Advisory Councils, an evaluation of ADAMHA programs, and discussions of ADAMHA's prevention strategy, ADAMHA's proposed manpower development and training strategy, and possible joint Council projects. Agenda items are subject to change as priorities dictate. Public attendance will be limited to space available.

Substantive program information and a summary of the meeting may be obtained, upon request, from the contact person listed above.

Dated: October 21, 1976.

DAVID F. KEFAUVER,
Associate Administrator for Extramural Programs, Alcohol, Drug Abuse and Mental Health Administration.

[FR Doc.76-31467 Filed 10-27-76;8:45 am]

National Institute of Education

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Meeting

Notice is hereby given that the next meeting of the National Council on Educational Research will be held on November 5, 1976, at the National Institute of Education, 1200 19th Street, NW., Washington, D.C., in Room 823. The meeting will convene at 9:30 a.m. and adjourn at 4:00 p.m.

The National Council on Educational Research is established under section 405 (b) of the General Education Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of the Institute;

(b) Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute;

(c) Recommending to the Assistant Secretary and the Director ways to strengthen educational research, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of educational research.

The entire meeting will be open to the public. The tentative agenda is as follows:

9:30—Convene
9:30–10:00——Swearing in of New Council Members and Remarks
10:00–11:00—Director's Report
11:00–11:45——Report of Executive Committee; NCER Policy Notebook
11:45–12:45—Luncheon
12:45–1:30—Review and Reports Committee: NCER Review Process External Program Review
1:30–2:00—Report of Program Committee
2:00–3:00—FY 1979 Policy Guidance
3:00–4:00—NCER Committees Meet to Discuss Work to Be Done

Members of the public are invited to attend the sessions. Written statements relevant to an agenda item (or to any other item considered of interest to the Institute) may be submitted at any time and should be sent to the Chairman and Mrs. Ella L. Jones, Administrative Coordinator of the Council, at the address shown below.

In accordance with Council Policy (NCER Resolution No. 013074–8) copies of Council resolutions and minutes of Council meetings can be obtained by contacting the Administrative Coordinator. Resolutions are available shortly after the particular meeting at which adopted. Because minutes require approval by the Council at a subsequent meeting, they are usually available approximately four to six weeks after the date of the meeting to which they refer.

In order to verify the tentative agenda, or assure adequate seating arrangements, interested persons are requested to contact the Administrative Coordinator, National Council on Educational Research, whose address and telephone number are listed below:

National Council on Educational Research
National Institute of Education
Washington, D.C. 20208
Telephone: 202–254–7900

Dated: October 26, 1976.

HAROLD L. HODGKINSON,
Director,
National Institute of Education.

[FR Doc.76-31630 Filed 10-27-76;8:45 am]

ARTIFICIAL KIDNEY-CHRONIC UREMIA ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Artificial Kidney-Chronic Uremia Advisory Committee, National Institute of Arthritis, Metabolism, and Digestive Diseases, December 7, 1976. The meeting will be held in Building 31, Conference Room 9, at the National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 9 a.m. to 10 a.m. 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) 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 from 10 a.m. to 5 p.m. 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.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014 (301) 496–3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 133.849, National Institutes of Health.)

Dated October 14, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-31483 Filed 10-27-76;8:45 am]

DENTAL RESEARCH INSTITUTES AND SPECIAL PROGRAMS ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Dental Research Institutes and Special Programs Advisory Committee, National Institute of Dental Research, National Institutes of Health, on November 11–12, 1976, at the Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD. This meeting will be open to the public on November 11, 1976 from 8:30 a.m. to 9:30 a.m. for opening remarks 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 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 11, 1976, from 9:30 a.m. to 5:00 p.m., and on November 12, 1976, from 8:30 a.m. to adjournment for the review, discussion, evaluation and ranking of Institutional National Research Service Awards. 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.

Dr. Emil L. Rigg, Special Assistant for Institutes and Centers, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 507, Bethesda, Maryland 20014 (Phone 301–496–7748) will provide summaries of meetings, rosters of committee members, and substantive program information.

Dated: October 21, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-31484 Filed 10-27-76;8:45 am]

COOPERATIVE GROUP CHAIRMEN, NATIONAL CANCER INSTITUTE

Meeting

Notice is hereby given of the Cooperative Group Chairmen Meeting of the Clinical Investigations Branch, Division of Cancer Treatment, National Cancer Institute, December 14, 1976, Building 31, C Wing, Conference Room 8, Bethesda, Maryland 20014.

This meeting will be open to the public from 9 a.m. to adjournment, to discuss and review cooperative group clinical, operational, and procedural activities. Attendance by the public will be limited to space available.

For additional information, please contact: Dr. Hugh L. Davis, Jr., Special Assistant for the Clinical Investigations Branch, Division of Cancer Treatment,

National Cancer Institute, National Institutes of Health, Room 114, Blair Building, Bethesda, Maryland 20014, (301) 427–8097.

Dated: October 18, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–31481 Filed 10–27–76;8:45 am]

PERIODONTAL DISEASES ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Periodontal Diseases Advisory Committee, National Institute of Dental Research, National Institutes of Health, Bethesda, MD, on December 9–10, 1976, in Building 31.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on December 9 in Conference Room 6, and from 9:00 a.m. to adjournment on December 10 in Conference Room 4, to complete plans for related workshops on techniques for measuring periodontal diseases and discuss plans for developing new clinical research programs including manpower. Attendance by the public will be limited to space available.

Dr. Anthony A. Rizzo, Special Assistant to the Associate Director, Extramural Programs, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 521, Bethesda, MD 20014, (telephone 301–496–7784) will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13,841, National Institutes of Health.)

Dated: October 21, 1976.

SUZANNE L. FREMEAU,
Committee Management Office,
National Institutes of Health.

[FR Doc.76–31485 Filed 10–27–76;8:45 am]

PUBLIC ADVISORY COMMITTEE

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the National Institutes of Health announces the renewal by the Secretary, HEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the Recombinant DNA Molecule Program Advisory Committee. Authority for this committee will expire on June 30, 1978, unless the Secretary formally determines that continuance is in the public interest.

Dated: October 15, 1976.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc.76–31486 Filed 10–27–76;8:45 am]

SICKLE CELL DISEASE ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Sickle Cell Disease Advisory Committee, National Heart, Lung, and Blood Institute, December 16 and 17, 1976, National Institutes of Health, Building 31, Conference Room 10, C–Wing. The entire meeting will be open to the public from 8:30 a.m. to 5:00 p.m. on December 16 and 17, 1976, to discuss recommendations on the implementation and evaluation of the Sickle Cell Disease Program. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, Building 31, Room 5A03, (301) 496–4236, will provide summaries of the meeting and rosters of committee members.

Mr. Howard F. Manly, Executive Secretary, Sickle Cell Disease Advisory Committee, NHLBI, Building 31, Room 4A29, (301) 496–6931, will furnish substantive program information.

Dated: October 18, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76–31482 Filed 10–27–76;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EQUALITY OF EDUCATIONAL OPPORTUNITY

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), that the Executive Committee of the National Advisory Council on Equality of Educational Opportunity will convene at 9:00 a.m. on Friday, November 12, until 3:00 p.m. in Suite 115 of the Hyatt Regency, Poplar Avenue, Memphis, Tennessee.

The National Advisory Council on Equality of Educational Opportunity is established under section 716 of the Emergency School Aid Act (Pub. L. 92–318, Title VII, as amended by Pub. L. 93–380). The Council is established to: (1) advise the Assistant Secretary for Education with respect to the operation of the program authorized under the Emergency School Aid Act (ESAA), including the preparation of regulations and the development of criteria for the approval of applications; and (2) review the operation of the program with respect to its effectiveness in achieving its purpose as stated in the Act and with respect to the Assistant Secretary's conduct in the administration of the program.

The meeting of the Executive Committee, which is open to the public, will be for the purpose of discussing plans for the Council's Fourth Interim Report (March, 1977), and the work plan and Council organization for FY 1977. The Executive Director will also report on the Council status.

Records of all meetings are kept at NACEEO headquarters, 1325 G Street, N.W., Suite 710, Washington, D.C., and are available for public inspection.

Signed at Washington, D.C. on October 18, 1976.

LEO A. LORENZO,
Executive Director.

[FR Doc.76–31479 Filed 10–27–76;8:45 am]

Health Services Administration

QUALIFIED HEALTH MAINTENANCE ORGANIZATION

Establishment

Notice is hereby given, pursuant to 42 CFR 110.605, that in the month of September 1976 the following entity has been determined to be a qualified health maintenance organization under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e–9(d)).

Qualified Health Maintenance Organization

Name, address, service area, and date of qualification

(Operational qualified health maintenance organization: 42 CFR 110.603 (a)).

1. Westchester Community Health Plan, 145 Westchester Avenue, White Plains, New York 10601. Service area: Westchester County, New York. Date of Qualification: September 30, 1976. (Achieved pre-operational status on September 28, 1976.).

Files containing detailed information regarding this qualified health maintenance organization will be available for public inspection between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, at the Office of Quality Standards, Office of Assistant Secretary for Health, Department of Health, Education, and Welfare, Room 14A–27, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Questions about the review process or requests for information about qualified health maintenance organizations should be sent to the same office.

Date: October 20, 1976.

JOHN A. O'ROUKE,
Acting Director,
Office of Quality Standards.

[FR Doc.76–31501 Filed 10–27–76;8:45 am]

Office of the Secretary

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Statement of Organization, Functions, and Delegations of Authority

Part 11, Chapter 11, of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, entitled Office of the Assistant Secretary for Health (38 FR 18571–74, July 12, 1973, as amended most recently at 41 FR 18697, May 6, 1976) is amended to reflect the establishment of an Office of Health In-

formation and Health Promotion in the Office of the Assistant Secretary for Health for the purpose of coordinating health information, health promotion, preventive health services, and education in the use of health care within the Department of Health, Education, and Welfare (DHEW), with the private sector, and for establishing a national clearinghouse to facilitate exchange of information.

Section 11–B, Organization and Functions, is amended by inserting the following statement after the Office of Child Health Affairs (1N15):

Office of Health Information and Health Promotion (1N16). (1) Coordinates health information, health promotion, preventive health services, and education in the use of health care within the DHEW; (2) coordinates the above activities with similar activities within organizations in the private sector; (3) facilitates coordination and collaboration between components of the Department, PHS, Medicare, Medicaid, Office of Education and others, and professional organizations, citizen organizations, and public interest groups with common interests in health care; (4) promotes the internal integration of health information, health promotion, and preventive health program activities at the operational level; (5) collaborates with the Office of Policy Development and Planning in the development and implementation of the PHS forward plan and in analogous planning activities of Medicare, Medicaid, and other Department health programs as they relate to health information, health promotion, preventive health services and education in the apppropriate use of health care; (6) prepares the report to Congress on the status of health information, health promotion, preventive health services, and education in the appropriate use of health care; and (7) provides for the operation of a national clearinghouse to assist in the analysis of issues and problems in health information, promotion, and prevention activities.

Dated: October 18, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-31487 Filed 10-27-76;8:45 am]

OFFICE OF THE ASSISTANT SECRETARY FOR PLANNING AND EVALUATION

Statement of Mission, Organization, Function and Delegation of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare is amended to delete Chapter 1G. Office of the Assistant Secretary for Planning and Evaluation (40 FR 34442, August 15, 1975 and 39 FR 1652, January 11, 1974) and substitute therefor a revised Chapter 1G that updates the organizational statement and presents the divisional structure under the several offices. The revised Statement reads as follows:

SECTION 1G.00 *Mission and Organization.* The Assistant Secretary for Planning and Evaluation serves as the principal advisor to the Secretary on economic, social and program analysis matters. He/she is responsible for the Department's master calendar planning process and forward planning activities, which encompass legislative development, policy analysis activities and research and evaluation planning. This mission is accomplished through an organization consisting of functional and programmatic units. This dual approach provides both an operational framework to direct, coordinate and evaluate departmental activities, and a research and analytic capability to perform policy analyses.

SEC. 1G.10 *Organization.* A. Office of Program Systems.

1. Division of Research and Evaluation Systems.
2. Division of Policy Analysis.
3. Division of Planning Systems.

B. Office of Planning and Evaluation/Health.

1. Division of Health Financing and Cost Analysis.
2. Division of Health Evaluation and Prevention Programs.
3. Division of Health Resources and Services.

C. Office of Planning and Evaluation/Education.

1. Division of Elementary and Secondary Education.
2. Division of Special Education Needs.
3. Division of Research, Evaluation and Statistics.
4. Division of Higher Education.
5. Division of Telecommunications Policy.

D. Office of Social Services and Human Development.

1. Division of Intergovernmental Systems.
2. Division of Program Planning and Evaluation.
3. Division of Policy Research and Analysis.

E. Office of Income Security Policy.

1. Division of Policy Planning.
2. Division of Policy Analysis.
3. Division of Policy Research.

F. Office of Special Concerns.

1. Division of Spanish Surnamed Americans.
2. Division of Black American Affairs.
3. Division of Asian American Affairs.
4. The Women's Action Program.

G. Office of Technical Support and Statistics.

1. Division of Scientific Computation.
2. Division of Simulation and Modeling.
3. Division of Statistical Methodology.
4. Division of Survey Development.

SEC. 1G.20 *Functions.* A. The Office of Program Systems is responsible for the general development, coordination, and operation of the Department's policy planning and development activities, as well as the planning and coordination of Departmental research, evaluation, and policy/program analysis activities. This Office also supervises the collection, storage, retrieval, and dissemination of information required for planning, policy analysis, and evaluation.

1. The Division of Research and Evaluation Systems is responsible for the design, development and implementation of a departmental research and evaluation plan and for management of this system. Functions include: Developing the Department's annual evaluation research, and data guidance; guiding production of the Department's research and evaluation plans; coordinating monitoring of ongoing evaluation activities, developing a prototype system for assessing and monitoring the technical quality of research and evaluation activities; developing and operating systems for collection, dissemination, and analysis of results; examining evaluation planning and management processes for the Department and developing improved measures of identifying program effectiveness and performance.

2. The Division of Policy Analysis is responsible for the conduct of policy analyses and evaluations in subjects and areas not covered by or cutting across the programmatic offices of the Assistant Secretary: Functions include: Coordinating the performance of analyses on cross cutting topics that are performed through task forces; devising departmental policies, positions, and procedures for dealing with highly technical analytic requirements, such as inflation impact and measuring income distribution effects of social programs; representing the Department externally on government-wide requirements and procedures for policy analysis; developing approaches to effectively conduct policy analysis of social programs and providing technical support to other offices on techniques of policy, systems, and cost-benefit analysis.

3. The Division of Planning Systems is responsible for developing, implementing, directing, and coordinating the Department's master calendar planning process which links evaluation, research analysis, forward planning, budgeting, legislation development and program implementation. Functions include: The development of a master calendar of milestones for each of the above functional components; directing the Department's forward planning activities, to include preparing and coordinating for the Secretary memoranda concerning projected policy issues and socio-economic forecasts; planning and coordinating the formulation of the Department's legislation in support of forward plans and budgets; directing and coordinating the Department's policy analysis process to identify issues for analysis and prepare action or decision papers for the Secretary; representing the Department externally on planning matters; and monitoring progress in the implementation of new programs through review of plans, identification of issues related to operational problems, and performing cost analysis of major programs.

B. The Office of Planning and Evaluation/Health is the principal office within the Office of the Assistant Secretary which directly interfaces with the Department's health agencies to coordinate the health related issues of the planning, policy analysis and legislative formulation process and which conducts research, analyses and evaluation activities in the health area.

1. The Division of Health Financing and Cost Analysis performs quantitative studies and evaluations of DHEW's health financing programs, i.e., Medicare and Medicaid. Functions include: Formulating and analyzing alternative legislative proposals; preparing quantitative evaluations of the efficacy of existing and potential programs in terms of such variables as their cost, effectiveness, economic impact, and effect on medical price inflation; and synthesizing technical analysis performed outside of the Government in a manner that is relevant to policy formulation. The Division is also responsible for overseeing, within the Department, the development of the Administration's policies and proposals for National Health Insurance.

2. The Division of Health Evaluation and Prevention Programs is responsible for assuring the development and execution of an effective program to assess the performance of the Department's health activities. Functions include: Identifying policy issues relevant to current program experiences; conducting or sponsoring analysis of these policy issues; supervising an operational management system to monitor more than two hundred evaluation studies; and coordinating preparation of the annual Health Evaluation Plan of the Department. The responsibilities associated with the Health Evaluation Plan include, but are not limited to: Integration of significant health issues into other programmatic studies by reviewing plans that cut across program units; coordination of evaluation activities among and between health agencies and other Departmental health programs such as Medicare and Medicaid; review of final reports to extract pertinent conclusions for use in decision making processes; and serving as the focal point for the development of the Department's Forward Plan for health programs and legislation. This Division also performs analysis of the Department's preventive health activities and programs.

3. The Division of Health Resources and Services is responsible for assessing the adequacy, appropriateness and efficiency of health resources in meeting the real demands for health care services. In addition, this Division is also responsible for performing analyses of the Department's health service programs such as Health Maintenance Organizations, Comprehensive Health Centers, and Community Mental Health Center Programs.

C. The Office of Planning and Evaluation/Education is the principal office within the Office of the Assistant Secretary which directly interfaces with the Department's education agencies to coordinate the education related issues of the planning, policy analysis, and legislative formulation process and which conducts research, analysis, and evaluation activities in the education area. The Office also includes the Division of Telecommunications Policy which is responsible for the formulation of policy pertaining to application of telecommunications to all DHEW programs.

1. The Division of Elementary and Secondary Education is responsible for the development and assessment of policy issues relating to elementary and secondary education. Specific functions include: Developing and assessing educational program proposals; assessing alternative strategies involved in school desegregation, compensatory education, impact aid, and vocational education; conduct of analysis and evaluations of alternative school finance strategies; costing out decision alternatives in terms of resource commitment, target coverage, output measures, and other relevant variables; and representing the Assistant Secretary and providing education analysis capability to departmental ad hoc task forces.

2. The Division of Special Education Needs is responsible for the development and coordination of special education policies and activities. Such policies include the problems of low income students, women, racial or ethnic minorities, and the handicapped. Functions include: Assessing alternative strategies for assisting these groups: Developing and coordinating policies in relationship to compliance requirements of civil rights legislation; developing guidelines and regulations pursuant to special educational programs; conduct of statistical or economic evaluations of educational processes; preparing reports and decision memorandum for use of senior officials of the Department; and representing the Department on matters related to special educational needs. Additionally, these responsibilities involve substantial in-house and contracted research activities on priority policy issues.

3. The Division of Research, Evaluation, and Statistics is responsible for the development and coordination of policies and activities for educational research, evaluation, and statistical programs. Functions include: Coordinating the Department's system for the evaluation of education programs; assessing alternative strategies for allocating the Department's R&D resources in education; developing guidelines and regulations education R&D and statistical programs; conduct of policy research studies and analysis; and representing the Department in areas related to education R&D and statistics.

4. The Division of Higher Education is responsible for coordination and initiation of relevant research and evaluation on higher education policies for the Department. Functions include: Analyzing legislative options and developing legislative specifications; consulting with higher education experts on current conditions, trends, plans, and proposals vis-a-vis the Federal role in higher education; monitoring the financial condition of institutions of higher education and availability of non-Federal financial resources; coordinating with the Office of Education on plans and proposals to alter educational programs and processes; collecting and analyzing relevant policy and program data resulting in recommendations concerning new Federal policy; evaluating ongoing and experimental higher education programs; and representing the Department on inter-Departmental and interagency task forces in the area of higher education.

5. The Division of Telecommunications Policy is responsible for the formulation of policies, programs and legislative initiatives for health, education, and other social service applications of telecommunications. Specific functions include: Administering the telecommunications Demonstrations Grant Program; formulating and representing the Department's positions before the Federal Communications Commission, the Office of Telecommunications Policy, Executive Office of the President, and international bodies; policy coordination with the National Aeronautics and Space Administration, the Department of Commerce, and other Federal agencies; technical, marketing, economic and social systems research and analysis of prospective telecommunications applications; liaison with industry to determine the latest state-of-the-art in satellite, cable, fibre optics, and other technologies; and liaison with user communities to assess needs and potential application.

D. The Office of Social Services and Human Development is the principal office within the Office of the Assistant Secretary which directly interfaces with the Department's agencies administering social services, human development, and disability programs and is concerned with issues relating to the planning and management of state and local government's human resource programs. It coordinates the related issues of the planning, policy analysis and legislative formulation process and which conducts research, analysis, and evaluation activities in these areas.

1. The Division of Intergovernmental Systems is responsible for all activities concerned with improving state and local government's capacity to plan and manage human resource programs Functions include: Developing and revising legislation to improve local government's capabilities to manage human service programs; internal reform and simplification of DHEW program regulations and guidelines which impede comprehensive planning and delivery; designing and implementing mechanisms to provide technical assistance; funding of selected innovative capacity-building projects; and aid in the development of state and local information systems.

2. The Division of Program Planning and Evaluation is responsible for overseeing and assisting in the development of policy making, forward planning, re-

search and development, as well as evaluation activities in SRS and HD. Functions include: policy coordination on the development of legislative, regulatory, and programmatic proposals; and performing independent evaluations and analysis of program functions and synthesizing technical studies in a manner useful to policy formulation and decision making.

3. The Division of Policy Research and Analysis is responsible for the conduct of a program of research and analysis, including support of extramural research, in the areas of social services, human development, disability and long-term care. Functions include: Direct analysis of the interrelationships of policies and programs in the areas of social services, human development, disability and long-term care with those of income maintenance, health, education, housing, transportation and manpower programs; and technical consultation to other divsions of the Office of the Secretary, agencies, and interdepartmental task forces on studies in these areas.

E. The Office of Income Security Policy is responsible for conducting the necessary program and policy analysis and research to provide information on the implications of alternative strategies to meet current and long-range objectives in income maintenance and employment related areas. Is responsible for carrying out a research and evaluation effort designed to add to the body of knowledge on income security issues and for overseeing similar agency and interdepartmental efforts, with particular attention to the Social Security Administration. Other functions include: Formulation of policy, economic and social analysis; program analyses; evaluation; and interdepartmental programs for planning and evaluation which deal with the general area of income security as it impacts on departmental responsibilities and objectives.

1. The Division of Policy Planning is responsible for identifying, in conjunction with relevant agencies, immediate planning issues related to the Department's income maintenance programs. Functions include: Describing the objectives, costs and effects of major policy alternatives; conduct of an annual review of the Department's income maintenance plans; and recommending to the Secretary appropriate departmental strategies. In addition to reviewing all policy issues under consideration for departmental action, this Division is also responsible for initiating discussion of policy concerns related to these programs.

2. The Division of Policy Analysis is responsible for performing indepth analyses of major policy issues and concerns in the general area of income security which impact upon departmental responsibilities and analyzing/developing major alternatives for Federal employment/manpower, social insurance and welfare policies.

3. The Division of Policy Research is responsible for the conduct of a reserach program designed to add to the body of knowledge regarding the desirability of various policy approaches to promote the income security of our citizens, with particular emphasis on the lower income population. This responsibility involves a substantial amount of in-house research as well as the design, award and monitoring of major extramural research contracts and grants. Functions include; coordinating with relevant SRS and SSA offices in the development of their evaluation and research plans; identifying successful practices and innovative methods as well as assuring that they are adopted into departmental programs and projects; analyzing and reviewing criteria by which program performance is measured; and developing new and improved criteria.

F. The Office of Special Concerns is responsible for conducting the necessary program and policy analysis, and research to advise the Secretary and the Assistant Secretary on the implications of alternative Departmental policies and strategies for the effective delivery of services to minorities and women. The Office initiates special policy analyses in these areas and assists or advises in the program and policy analyses conducted by the other offices within the Office of the Assistant Secretary. The Office is responsible for carrying out a research and evaluation effort designed to add to the body of knowledge on minorities' and women's issues and for overseeing similar agency and interdepartmental efforts. In addition, the Office is the principal office within the Office of the Secretary which directly interfaces with the Department's Office for Civil Rights and other Departmental agencies to coordinate the related issues of the planning, policy analysis and the legislative formulation process and which conducts research, analysis and elevation activities in the civil rights area. These responsibilities, plus special research and analysis projects assigned by the Secretary or Assistant Secretary, are accomplished through four divisions representing the interests of Spanish-surnamed Americans, Black Americans, Asian Americans and women as well as through cross divisional working teams.

1. The Division of Spanish-surnamed Americans serves as the principal advisor to the Secretary in all policy matters relating to the Hispanic community. The Division brings this perspective to the development and implementation of a basic social science research, evaluation and policy strategy program for the Office of Special Concerns designed to increase the effective impact of Departmental programs on minorities and women. Specific functions include: Design and conduct of research and evaluation studies on the needs of the Spanish-surnamed American populations and on the impact of Department policies and programs on these groups; advice and assistance in the design of research and evaluation studies conducted elsewhere within the Office of the Assistant Secretary and Department; identification of the policy issues relevant to impact on these groups; conduct of or assistance in analysis of these policy issues; preparation of reports, issue papers and decision memoranda for the Secretary; advice and assistance in policy analyses conducted elsewhere within the Department; periodic analysis of the standard performance indicators of the Department's programs, such as beneficiary data, to assess the equity of service delivery to Spanish-surnamed Americans and development of recommendations to the Assistant Secretary and Secretary indicating the need for improvement; provision of information and advice on programmatic and policy issues impacting on this population to the Department's Regional Directors, heads of principal operating components and their staff, and to other agencies of Federal and State governments; provision of advice to the Secretary on methods of building and sustaining effective communication with Spanish-surnamed American communities including the appropriate degree of their participation on the implementation and evaluation of Department programs.

Division staff also serve on cross devision teams to conduct the planning, policy, legislative, research and evaluation activities in the civil rights area, as well as other cross-cutting activities assigned to the Office by the Secretary or Assistant Secretary.

2. The Division of Black American Affairs serves as the principal advisor to the Secretary in all policy matters relating to the Black community. The Division brings this perspective to the development and implementation of a basic social science research, evaluation and policy strategy program for the Office of Special Concerns designed to increase the effective impact of departmental programs on minorities and women. Specific functions include: Design and conduct of research and evaluation studies on the needs of the Black American populations and on the impact of Department policies and programs on these groups; advice and assistance in the design of research and evaluation studies conducted elsewhere within the Office of the Assistant Secretary and Department; identification of policy issues relevent to impact on these groups; conduct of or assistance in analysis of these policy issues; preparation of reports, issue papers and decision memoranda for the Secretary; advice and assistance in policy analyses conducted elsewhere within the Department; periodic analysis of the standard performance indicators of the Department's programs, such as beneficiary data, to assess the equity of service delivery to Black Americans and development of recommendations to the Assistant Secretary and Secretary indicating the need for improvement; provision of information and advice on programmatic and policy issues impacting on this population to the Department's Regional Directors, heads of principal operating components and their staff, and to other agencies of Federal and State governments; provision of advice

to the Secretary on methods of building and sustaining effective communication with Black American communities including the appropriate degree of their participation in the implementation and evaluation of Department programs. Division staff also serve on cross division teams to conduct the planning, policy, legislative, research and evaluation activities in the civil rights area, as well as other cross-cutting activities assigned to the Office by the Secretary or Assistant Secretary.

3. The Division of Asian American Affairs serves as the principal advisor to the Secretary in all policy matters relating to the Asian community. The Division brings their perspective to the development and implementation of a basic social science research, evaluation and policy strategy program for the Office of Special Concerns designed to increase the effective impact of Departmental programs on minorities and women. Specific functions include: design and conduct of research and evaluation studies on the needs of the Asian American populations and on the impact of Department policies and programs on these groups; advice and assistance in the design of research and evaluation studies conducted elsewhere within the Office of the Assistant Secretary and Department; identification of policy issues relevant to impact on these groups; conduct of or assistance in analysis of these policy issues; preparation of reports, issue papers and decision memoranda for the Secretary; advice and assistance in policy analyses elsewhere within the Department; periodic analysis of the standard performance indicators of the Department's programs, such as beneficiary data, to assess the equity of service delivery to Asian Americans and development of recommendations to the Assistant Secretary and Secretary indicating the need for improvement; provision of information and advice on programmatic and policy issues impacting on this population to the Department's Regional Directors, heads of principal operating components and their staff, and to other agencies of Federal and State governments; provision of advice to the Secretary on methods of building and sustaining effective communication with Asian American communities including the appropriate degree of their participation in the implementation and evaluation of Department programs.

Division staff also serve on cross division teams to conduct the planning, policy, legislative, research and evaluation activities in the civil rights, as well as other cross-cutting activities assigned to the Office by the Secretary or Assistant Secretary. The Women's Action Program serves as the principal advisor to the Secretary in all policy matters relating to Women. The Division brings this perspective to the development and implementation of a basic social science research, evaluation and policy strategy program for the Office of Special Concerns designed to increase the effective impact of Departmental programs on minorities and women. Specific functions include: Design and conduct of research and evaluation studies on the needs of women and on the impact of Department policies and programs on women; advice and assistance in the design of research and evaluation studies conducted elsewhere within the Office of the Assistant Secretary and Department; identification of policy issues relevant to impact on these groups; conduct of or assistance in analysis of these policy issues; preparation of reports, issue papers and decision memoranda for the Secretary; advice and assistance in policy analyses conducted elsewhere within the Department; periodic analysis of the standard performance indicators of the Department's programs, such as beneficiary data, to assess the equity of service delivery to women and development of recommendations to the Assistant Secretary and Secretary indicating the need for improvement; provision of information and advice on programmatic and policy issues impacting on this population to the Department's Regional Directors, heads of principal operating components and their staff, and to other agencies of Federal and State governments; provision of advice to the Secretary on methods of building and sustaining effective communication with women including the appropriate degree of their participation in the implementation and evaluation of Department programs. Division staff also serve on cross division teams to conduct the planning, policy, legislative, research and evaluation activities in the civil rights area, as well as other cross-cutting activities assigned to the Office by the Secretary or Assistant Secretary.

G. The Office of Technical Support and Statistics is responsible for the provision of technical staff services and professional scientific advice in direct support of analytic work in planning and evaluation and performs advanced applied research in selected areas of statistics and econometrics. Functions include: In-house statistical computing and scientific data processing; performance of special studies and research to improve existing statistical techniques; development of new quantitatives methods for planning and evaluation; technical coordination of departmental statistical planing activities and of large-scale survey development, data collection, and analysis projects; and provision of major technical resources for systems simulation and mathematical modeling.

1. The Division of Scientific Computation provides specialized computer programming and systems analysis support to all planning and evaluation elements under the Assistant Secretary, including applications of advanced numerical analysis techniques; creation of statistical softwave packages; and performance of large-scale data analysis projects.

2. The Division of Simulation and Modeling conducts applied studies in economics and operations research as required in support of planning and evaluation activities, maintains and develops large scale computerized simulation models, and furnishes specialized technical support in modeling of socioeconomic processes and program variations.

3. The Division of Statistical Methodology performs special studies in mathematical statistics and sampling methods to determine the degree of reliability and validity attained or attainable in major data collection and analysis projects, the statistical adequacy of existing and proposed operational measures for social and economic programs, and the need for new techniques to meet new problems.

4. The Division of Survey Development plans and directs the execution of major sample surveys to acquire data for policy analysis and planning and manages a multi-year development program in planning and testing design elements for a new national survey of income and program benefits to be operated in the 1980 decade.

Dated: October 18, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-31488 Filed 10-27-76;8:45 am]

Office of the Assistant Secretary for Health

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council

Date and Time: November 22, 1976 (10:00 a.m. to 5:00 p.m.); November 23, 1976 (9:00 a.m. to 1:00 p.m.)

Place: Auditorium (first floor), DHEW North Building, 330 Independence Avenue, S.W., Washington, D.C.

Purpose of Meeting: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to William D. Coughlan, Staff Director, National

Professional Standards Review Council, Office of Quality Standards, Room 16A-09, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: October 15, 1976.

WILLIAM B. MUNIER,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.76-31502 Filed 10-27-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-371; FDAA-3015-EM]

SOUTH DAKOTA

Amendment to Notice of Emergency Declaration

Notice of Emergency for the State of South Dakota, dated June 17, 1976, and amended on July 8, 1976, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of June 17, 1976, and to make emergency assistance available to these additional counties effective the date of this amended notice.

The Counties of:

Clay Union

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: October 18, 1976.

JAMES P. DOKKEN,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.76-31545 Filed 10-27-76;8:45 am]

Office of the Secretary

[Docket No. D-76-465]

DIRECTOR, OFFICE OF PROCUREMENT AND CONTRACTS, ET AL.; REGIONAL ADMINISTRATORS, ET AL.

Designations and Redelegations of Authority

The Designations and Redelegations of Authority published at 41 FR 2666, January 19, 1976, as amended at 41 FR 11067, March 16, 1976, are further amended to reflect organizational changes within the HUD Office of Procurement and Contracts and the expansion of procurement authority within HUD Regional Offices to include ordering limitations for purchases under various Government Supply Schedules, as well as extending procuring authority to Area and Insuring Offices. Accordingly, the designations and redelegations of authority are amended as follows:

1. Section B is revised to read as follows:

Section B. *Authority redelegated.* The Director, Policy, Evaluation and Administration Division; the Director, Research and Demonstrations Division; the Director, Administrative Support Division; the Director, Procurement and Grants Division; the Chief, Contract Services Branch; and the Special Assistant to the Director, Office of Procurement and Contracts; each is designated as a Contracting Officer and Purchasing Agent and is authorized to:

1. Enter into and administer all purchases and procurement contracts for property and services and make related determinations thereto under sections 302(c) (1 through 15) of the Federal Property and Administrative Services Act, as amended (41 U.S.C. 252(c) (1 through 15)), except:

a. Making related determinations under 302(c)(11) with respect to purchases and procurement contracts in excess of $25,000 and under section 302(c) (12) and (13) of the Federal Property and Administrative Services Act (41 U.S.C. 252(c) (11), (12) and (13)).

b. Entering into and administering purchases and procurement contracts and making related determinations with respect to the Property Disposition Programs.

c. Entering into and administering purchases and procurement contracts for temporary housing with respect to disaster relief activities under 42 U.S.C. 4401 and 42 U.S.C. 5121.

2. Enter into and administer Interagency Agreements with all other Federal agencies.

2. Section C is revised to read as follows:

Section C. *Authority redelegated.* Each Regional Administrator, Assistant Regional Administrator for Administration, Regional Director of Administrative Services and Regional Purchasing Agent is authorized: (1) to enter into and administer purchases for property and services for the Department which are placed under the General Services Administration Federal Supply Schedule Contracts, Schedule Contracts of the National Industries for the Blind and Schedule Contracts of the Federal Prison Industries, Inc., up to the maximum ordering limitation for each such contract, and (2) to enter into and administer purchases and procurement contracts for property and services for the Department not to exceed $10,000 on an individual basis under section 302(c)(3) of the Federal Property and Administrative Services Act, as amended (41 U.S.C. 252(c)(3)).

Each Regional Administrator and each Regional Contracting Officer (RCO) is designated as a Contracting Officer and Purchasing Agent and may, when directed to do so by the Assistant Secretary for Administration, enter into and administer specific purchases, procurement contracts, and Interagency Agreements with other Federal agencies for property and services required by the Department, and make related determinations thereto under Sections 302(c) (1 through 15) of the Federal Property and Administrative Services Act, as amended (41 U.S.C. 252(c) (1 through 15)), except the authority to make related determinations under Section 302(c) (11), (12) and (13) of the Federal Property and Administrative Services Act (41 U.S.C. 252(c) (11) and (13)).

The authority in this Section C does not apply to purchases and contracts for Property Disposition Programs.

3. The present Sections D and E are redesignated as Sections E and F.

4. A new section D is added to read as follows:

Section D. *Authority redelegated.* Each Area Office Director, Area Office Administrative Division Director, Insuring Office Director and Insuring Office Administrative Officer is designated as a Regional Purchasing Agent and is authorized: (1) To enter into and administer purchases of property and services for the Department not to exceed $500 on an individual basis under Section 302(c)(3) of the Federal Property and Administrative Services Act, as amended (41 U.S.C. 252(c)(3)), and (2) to enter into and administer purchases which are placed under the General Services Administration Federal Supply Schedule Contracts, Schedule Contracts of the National Industries for the Blind and Schedule Contracts of the Federal Prison Industries, Inc., up to the maximum ordering limitation for each such contract, except:

a. Purchases of capitalized equipment or furniture other than from General Services Administration Supply Schedule Contracts.

b. Purchases and contracts for Property Disposition Programs.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).)

Effective date: These designations and redelegations of authority shall be effective October 28, 1976.

THOMAS G. CODY,
Assistant Secretary for Administration.

[FR Doc.76-31546 Filed 10-27-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76-195]

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE

Renewal and Charter

This notice announces the renewal by the Secretary of Transportation of the Chemical Transportation Industry Advisory Committee under section 14 of the Federal Advisory Committee Act (5 U.S.C. App. I) and publishes the new charter of the Committee that is prepared under the requirements of section 9 of that act.

The purpose of the Chemical Transportation to the Coast Guard Marine Safety Council with respect to the regulation of the water transportation system for hazardous materials.

Renewal of the Chemical Transportation Industry Advisory Committee, as shown by the following charter, is in the public interest in connection with the duties imposed by law on the Department of Transportation under 46 USC 170 and 391a and 33 USC 1221, et seq.

CHARTER—CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMITTEE

1. *Purpose.* This Instruction promulgates the charter for the Chemical Transportation Industry Advisory Committee as required by the Federal Advisory Committee Act, Pub. L. 92-463.

2. *Cancellation.* Commandant Instruction 5420.12B is hereby cancelled.

3. *Objectives.* The objectives and mission of the Committee are to provide advice and consultation to the Marine Safety Council with respect to the water

transportation system for hazardous materials.

4. *Duration.* Continuing.

5. *Membership.* The Committee is composed of not more than 40 regular members who are recognized experts or other persons having interest in fields relating to the water transportation of hazardous materials. Alternate members may be appointed in the same manner as regular members and may serve in the absence of the regular member for whom they are an alternate. Members are appointed by the Commandant, subject to the approval of the Secretary of Transportation. Members may be reappointed. The terms of the members shall be three (3) years, and shall be staggered, with one-third of the terms expiring each year on 30 June.

6. *Committee Officers*—a. The Chairman is appointed by the Commandant. He provides opportunity for participation by each member and by public attendees, ensures adherence to the agenda, maintains order, and conducts each meeting in general accordance with Roberts' Rules of Order. He is responsible for preparation of written recommendations submitted to the Coast Guard at Committee meetings.

b. *Sponsor.* The Chairman, Marine Safety Council designates a Sponsor for the Committee from the Council membership. The Committee reports to the Sponsor.

c. *Executive Director.* The Committee has an Executive Director designated by the Sponsor to manage Committee affairs. He works with the Chairman, or in his absence, performs his duties.

d. *Executive Secretary.* The Executive Secretary, Marine Safety Council is the Executive Secretary of the Committee. He maintains Committee records required by current directives on committee management and provides such staff support as is necessary.

7. *Meetings.* The Committee meets approximately once each year, and special meetings may be called as necessary. Notice of each meeting is published in the FEDERAL REGISTER in accordance with current directives. All meetings are open to the public who are permitted to attend, appear before, or file statements with the Committee. The sponsor approves the calling of all meetings and approves all agenda. Each committee meeting must be conducted in the presence of the sponsor or his designated representative, a government employee, who has the authority and duty to adjourn the meeting whenever he deems such action to be in the public interest.

8. *Cost.* All necessary operating expenses are borne by the Committee Sponsor. It is estimated that the annual cost will be approximately $9,000 and ½ man year. All members serve voluntarily without compensation (either travel or per diem) from the Federal Government.

9. *Availability of Records.* Subject to Section 552 of Title 5, United States Code, the records, reports, minutes, agenda, or other documents made available to the Committee are available for public inspection and copying in the offices of the Executive Secretary, Marine Safety Council, Room 8117, 400 Seventh Street, S.W., Washington, D.C. 20590.

10. *Reports.* The Executive Director furnishes detailed minutes of each meeting to the sponsor. The minutes contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued or approved by the Committee. The Chairman and Executive Director certify to the accuracy of the minutes. At the end of each calendar year, the Executive Director prepares a report summarizing all activities, including any pertinent background material. This report is furnished the sponsor and filed with the Library of Congress.

11. *Subcommittees.* The Chairman is authorized to establish subcommittees with the approval of the Sponsor from among the membership of the Committee. The subcommittee shall comply with all regulations to which the parent committee is subject.

12. *Filing Date.* October 22, 1976. This charter will expire on 30 June 1978 unless sooner terminated or extended.

Dated: October 22, 1976.

H. G. LYONS,
Acting Chief, Office of Merchant Marine Safety.

[FR Doc.76-31508 Filed 10-27-76;8:45 am]

Federal Highway Administration

[FHWA Docket 76-9]

BAYONNE BRIDGE, GEORGE WASHINGTON BRIDGE, GOETHALS BRIDGE, AND OUTERBRIDGE CROSSING TOLLS

Hearing

Hearing in the above entitled matter shall commence on Wednesday, November 3, 1976, at 10 a.m. in the offices of the U.S. Customs Service, Room 770, No. 6 World Trade Center, New York, New York 10048.

Dated this 22d day of October 1976.

JOHN E. FAULK,
Administrative Law Judge.

[FR Doc.76-31657 Filed 10-27-76;8:45 am]

Federal Aviation Administration

RADIO TECHNICAL COMISSION FOR AERONAUTICS (RTCA) EXECUTIVE COMMITTEE

Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; U.S.C. App. 1) notice is hereby given of a meeting of the RTCA Executive Committee to be held November 17, 1976 at Marriott (Twin Bridges) Motel, Commonwealth IV Room, Arlington, VA commencing at 2:00 p.m. The Agenda for this meeting is as follows: (1) Role of International Associates in RTCA Activities; (2) Special Committee Activities Report; (3) RTCA Future Work Program; (4) RTCA and European Organization for Civil Aviation Electronics (EUROCAE) Cooperative Efforts; (5) Means for Improving Service to and Participation by International Associates.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

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

KARL F. BIERACH,
Designated Officer.

[FR Doc.76-31535 Filed 10-27-76;8:45 am]

National Highway Traffic Safety Administration

[Docket No. IP76-7; Notice 2]

AMERICAN MOTORS CORP.

Petition for Exemption From Notice and Recall for Inconsequential Noncompliance

This notice denies the petition by American Motors Corporation (AMC) of Michigan to be exempted from the notification and recall requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for a noncompliance with 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices and Associated Equipment, on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on June 24, 1976 (41 FR 26061) and opportunity afforded for comment.

Standard No. 108 requires that a single compartment red rear combination stop and turn signal lamp emit not less than 140 candlepower as measured at the third group of seven groups of test points. AMC has discovered "that a few Hornet stop and turn signal lamps * * * installed on vehicles manufactured between January 20 and February 4, 1976", may fail to comply. A sample lamp tested by AMC as part of its own internal routine quality control program, registered 139 candlepower at the third group, one candlepower below the required minimum. AMC attributed the failure to the fact that the red plastic lens on the failed lamp was slightly darker than specification due to an incorrect bulk plastic material. It stated that the difference in candlepower could not be detected by the naked eye or by inspection of the lens, and that the noncompliance is therefore inconsequential as it relates to motor vehicle safety.

Three comments were received in response to Notice 1, from the Grote Manufacturing Company, General Motors Corporation ("GM") and Truck Safety Equipment Institute ("TSEI"). AMC also filed a supplement to its petition. All

commenters supported AMC's petition. Each commenter referenced a report of the National Bureau of Standards, "Photometric Data Variability of Automotive Lighting Components" which had concluded that measurements by different test laboratories of the same lamps will disclose results that may vary as much as 10 percent. GM argued that as a result repeat measurements of the AMC lamp might record a light output above the minimum design specifications.

Both GM and AMC in its supplement stress that the noncompliance is inconsequential on lamps in-use. GM argues that the test points in the third group represent directions of the signal light "which can only be seen by drivers who are located in the adjacent lane to the right of and several car lengths behind the signaling car". AMC argued that the performance of the noncomplying lamps is actually superior to that of other flashers allowed by Standard No. 108. Specifically, the Federal standard permits a maximum voltage drop across the flasher of 0.8 volt to accommodate the performance characteristics of electronic flashers, while the AMC flasher is "bi-metal" which has a maximum voltage drop of 0.4 volt. Thus the actual light output in use of the nonconforming AMC lamp will exceed that of a conforming lamp with an electronic flasher unit, meeting the minimum photometrics, because of the voltage drop differential. TSEI argued that the "designed to conform" specifications of Standard No. 108 were included specifically "to comprehend and overlook marginal variations in performance from the design-oriented performance levels set in the SAE Standards * * *" But it also voiced the fear that the utilization of Section 157 may "lead to successive erosion of the test values set out in Standard No. 108" by the granting over a period of time of a series of inconsequential defect petitions with respect to Standard No. 108.

The NHTSA has reviewed AMC's data and arguments in this matter as well as those of Grote, GM, and TSEI.

The first consideration is whether a noncompliance can be said to exist for which relief may be sought. In other words, does the failure of one lamp by one candlepower in a single test establish a noncompliance, obliging a manufacturer to initiate a notification and remedy campaign. Had NHTSA obtained this result in its testing it might well have concluded without further investigation that the test result was a random failure and that a noncompliance had not been established. The actual facts, however, indicate that the failure may not be limited to one lamp or to one candlepower. Since the problem involves bulk plastic material that was darker than manufacturer's specifications, it is possible that light output from all lamps with lenses made from this material will be affected, and that if there is one instance in which 139 candlepower was recorded, in all likelihood there will be others. It is clear, therefore, that in AMC's view a noncompliance exists. But AMC has provided the agency with no facts in support of its contention that the noncompliance is limited to 1 candlepower at one group of test points. If test results do vary by as much as 10 percent, there may be instances in which only 125 candlepower will be measured in the third group, and there may be previously complying test groups that now fall into noncompliance. AMC did not furnish a copy of the test results of the failed lamp, or the lamp's design specifications which would indicate if compliance of other groups of test points had been rendered marginal by the darker lens material. The agency therefore must determine not whether a failure by 1 candlepower is inconsequential but what the failure range of the lamps may be and whether that range is inconsequential. In short, more information is needed for an informed decision. AMC should provide NHTSA with the design specification for the lamp with a specification lens installed, and its complete test results of the failed lamp. It should also quantify the "few" lamps involved, since production figures indicate that as many as 3520 Hornets could be involved. Finally, AMC should provide its views as to how it can be assured that the noncompliance is no worse than the 1 candlepower indicated, and limited to only "a few" lamps.

AMC has not met its burden of convincing this agency that the noncompliance is inconsequential as it affects motor vehicle safety, and its petition is hereby denied, without prejudice to file additional data in support.

(Sec. 103, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on October 20, 1976.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.76-31376 Filed 10-27-76;8:45 am]

YOUTH HIGHWAY SAFETY ADVISORY COMMITTEE

Cancellation of Public Meeting

The November 6 and 7, 1976 meeting of the Youth Highway Safety Advisory Committee in Denver, Colorado has been cancelled. Notice of this meeting was published October 18, 1976 in the FEDERAL REGISTER.

Issued in Washington, D.C., on October 27, 1976.

WILLIAM M. MARSH,
Executive Secretary.

[FR Doc.76-31799 Filed 10-27-76;10:02 am]

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Public Meeting; Correction

As announced in the FEDERAL REGISTER on October 21, the National Highway Safety Advisory Committee will be meeting on November 8, 9, 10 and 11. Several changes in the subcommittee meeting times and room assignments have taken place. All meetings will be held at the DOT Headquarters Building, 400 7th Street, SW. Agendas for the meeting will remain the same. The following is a corrected schedule of events:

November 8—Executive Subcommittee in Room 6200 from 7:30 p.m. to 9:30 p.m.

November 9—General Session in Room 4234 from 8:30 a.m. to 12:15 p.m. Vehicle Subcommittee in Room 6200 from 1:30 p.m. to 4:30 p.m.

November 10—Adjudication and Alcohol Subcommittee in Room 4234 from 8:30 a.m. to 12:00 noon. Highway Environment Subcommittee in Room 6200 from 9:00 a.m. to 12:00 noon. Driver Subcommittee in Room 4234 from 1:00 p.m. to 4:30 p.m.

November 11—Full Committee Session in Room 2232 from 8:45 a.m. to 1:00 p.m.

Additional information may be obtained from the NHSTA Executive Secretary, Room 5215, 400 7th Street, SW., Washington, D.C., telephone area code 202, 426-2872.

Issued in Washington, D.C., on October 27, 1976.

ROBERT DOHERTY,
Assistant Executive Secretary.

[FR Doc.76-31835 Filed 10-27-76;8:45 am]

Urban Mass Transportation Administration

RESEARCH AND DEVELOPMENT PRIORITIES CONFERENCE

Meeting

The Urban Mass Transportation Administration (UMTA), together with the American Public Transit Association (APTA), will conduct a conference to obtain ideas and suggestions relative to priorities in urban mass transportation research, development, and demonstrations. The conference will further UMTA's objective of assuring that its R. & D. efforts are derivative of the real need of the transit industry and the public. The conference will be held at Stouffer's National Center Hotel, Crystal City, 2399 South Jefferson Davis Highway, Arlington, Virginia 22202, from 10:00 a.m. to 5:00 p.m. on November 30 and from 7:30 p.m. to 3:30 p.m. on December 1, 1976.

The purpose of this conference is to permit representatives of the mass transit operating industry, as well as suppliers and academic, governmental, consumer, and other interested groups, to express their views on how UMTA might shape a responsive research, development, and demonstration (R.D. & D.) agenda.

This is the second conference in what is expected to be a series of annual conferences.

At the first conference, convened on February 19 and 20, 1976, the topics discussed were R. & D. sponsored by UMTA in bus and paratransit technology, rail transit technology, new systems and automation, socio-economic research and special projects, transit management, planning methodology, service and methods demonstrations, and policy oriented issues.

At the second conference, here announced, the discussions will include the Federal role in fostering new technology and innovative transportation system management; the best means for the Federal Government to foster improved information exchange with the private sector concerning R. & D. results, ideas, and work in progress; UMTA's program and priorities in non-hardware R. & D. (policy-oriented research, service and methods demonstrations, transit management, planning methodology); and R. & D. priorities from four points of view: transit operators, city officials, state governments, and the Congress.

Because of space limitations, the conference will be limited to 250 attendees on a first come, first served basis, and will be further constrained by a limitation of one representative of each organization. Invitations have been extended to selected members of the transit industry and academic, Federal, State, and local interest groups to serve as panel members as well as to participate in the conference. Applications for registration and a copy of the agenda may be obtained from Mr. John B. Schnell, APTA, 1730 M Street, NW., Suite 911, Washington, D.C. 20036. A registration fee of $35 is required with the application (make checks payable to the American Public Transit Association). Registration will close on November 15, although applications will be accepted after that date if a registration fee of $40 accompanies the application. Written statements from interested persons will be accepted before or after the meeting, either directly or by mail. Inquiries or statements should be addressed to Mr. Schnell, APTA, at the above address.

Copies of the proceedings of the conference will be made available through the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22151.

Issued in Washington, D.C., October 22, 1976.

ROBERT E. PATRICELLI,
Urban Mass Transportation Administrator.

[FR Doc.76-31513 Filed 10-27-76;8:45 am]

CIVIL RIGHTS COMMISSION

NORTH CAROLINA ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that a planning meeting of the North Carolina Advisory Committee (SAC) to this Commission will convene at 3:00 pm. and end at 6:00 pm. on November 19, 1976, at the Velvet Cloak Inn, 1505 Hillsborough Street, Queen Mary Room, Raleigh, North Carolina 27605.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Citizens Trust Bank Bldg., Room 362, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.

The purpose of this meeting is planning for the migrant study and the jury selection study.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 20, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-31542 Filed 10-27-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 634-6]

ENVIRONMENTAL HEALTH ADVISORY COMMITTEE, STUDY GROUP ON MUTAGENICITY TESTING

Meeting

Notice is hereby given that a meeting of a Study Group on Mutagenicity Testing of the Science Advisory Board's Environmental Health Advisory Committee will be held at 9:00 a.m. on November 12, 1976 in Conference Room A (Room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

The purpose of the meeting will be to review and comment on the scientific aspects of those portions of draft EPA Guidelines for the registration of pesticides relating to mutagenicity testing with a view toward preparing a preliminary report to the Environmental Health Committee which will meet on November 22, 1976. The draft Guidelines have been prepared by the EPA Office of Pesticide Programs and have been referred to the Environmental Health Advisory Committee for review. Further information on the November 22, 1976, meeting of the Environmental Health Advisory Committee will be published shortly in the FEDERAL REGISTER.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460 by c.o.b. November 8, 1976. Please ask for Miss Carol Luszcz.

The telephone number is (703) 557-7720.

THOMAS D. BATH,
Staff Director, Science Advisory Board.

OCTOBER 20, 1976.

[FR Doc.76-31441 Filed 10-27-76;8:45 am]

[FRL 634-8]

FEDERAL CONTRACTS, GRANTS AND LOANS

List of Violating Facilities

Pursuant to Section 306 of the Clean Air Act (42 U.S.C. 1857 et seq., as amended by Public Law 91-604), the Federal Water Pollution Control Act, (33 U.S.C. 1251 et seq., as amended by Public Law 92-500), and Executive Order 11738, EPA has been authorized to provide certain prohibitions and requirements concerning the administration of the Clean Air Act and Federal Water Pollution Control Act with respect to Federal contracts, grants, or loans. On April 16, 1975, regulations implementing the requirements of the statutes and the executive order were promulgated in the FEDERAL REGISTER (see 40 CFR Part 15, 40 FR 17124, April 16, 1975). Section 15.20 of the regulations provides for the establishment of a List of Violating Facilities which will reflect those facilities ineligible for use in nonexempt Federal contracts, grants or loans.

The representatives of any facility under consideration for listing are afforded the opportunity to appear at a Listing Proceeding conducted by the Director, Office of Federal Activities. Listing occurs when the Director determines there is adequate evidence of noncompliance with clean air or water standards. Federal, State, and local criminal convictions, civil adjudications, and administrative findings of noncompliance may serve as a basis for consideration of listing. However, in the case of a State or local civil adjudication or administrative finding, EPA may consider listing only at the request of the Governor.

The List of Violating Facilities is contained in two sublists. Sublist 1 includes those facilities listed on the basis of a conviction under section 113(c) of the Clean Air Act or section 309(c) of the Federal Water Pollution Control Act. Sublist 2 includes those facilities listed on the basis of any injunction, order, judgment, decree or other form of civil ruling by a Federal, State or local court issued as a result of noncompliance; or a conviction in a state or local court for noncompliance; or on the basis of noncompliance with an order under section 113(a) of the Clean Air Act or section 309(a) of the Federal Water Pollution Control Act, or have been subjected to equivalent State or local proceedings to enforce clean air or water standards.

The purpose of this Notice is to add the Mayaguez, Puerto Rico, facility of Star-Kist Caribe, Inc. to Sublist 2 of the List of Violating Facilities.

No agency in the Executive Branch of Government shall enter into, renew, or extend any nonexempt contract, subcontract, grant, subgrant, loan or subloan where a facility listed would be utilized for the purposes of any such agreement.

Pursuant to this authority, the Director, Office of Federal Activities, U.S. Environmental Protection Agency, certifies that the following facilities have been placed on the List of Violating Facilites as of October 22, 1976. The List of Violating Facilities will be revised periodically as any listings or de-listing occur.

LIST OF VIOLATING FACILITIES

SUBLIST 1

No Facilities Listed.

SUBLIST 2

Del Monte de Puerto Rico, Inc., Mayaguez, Puerto Rico; Star-Kist Caribe, Inc., Mayaguez, Puerto Rico.

Dated: October 22, 1976.

REBECCA W. HANMER,
Director,
Office of Federal Activities.

[FR Doc.76-31548 Filed 10-27-76;8:45 am]

[FRL 635-2]

NEW JERSEY

Proposed Revision of State Implementation Plan

The State of New Jersey has proposed to the Environmental Protection Agency (EPA) that its implementation plan be revised to permit the temporary use of fuel oil with a sulfur content of 1.5%, by weight, at an Owens Illinois, Inc. facility located in Bridgeton City, Cumberland County, New Jersey.

On September 15, 1976 EPA published a FEDERAL REGISTER notice (41 FR 39329) announcing its disapproval of an earlier New Jersey proposal which would have allowed the use of 2.5% sulfur fuel oil at this facility. The reasons for EPA's disapproval are fully discussed in the September 15 notice. Briefly, these reasons relate to the proposal's failure to demonstrate conclusively that air quality standards for sulfur oxides would not be contravened with the use of 2.5% sulfur fuel oil. The use of 1.5% sulfur content fuel oil at the Owens Illinois facility would lessen the risk of contravention of national ambient air quality standards for sulfur oxides to a level acceptable to EPA. Unless valid evidence to the contrary is received during the public comment period established by this notice, EPA intends to approve this current proposal.

This current implementation plan revision request was submitted by the State of New Jersey on September 7, 1976. It consists, in part, of an administrative order issued by the Commissioner of the New Jersey Department of Environmental Protection pursuant to section 7:27-9.5(a), Temporary Variances, of the New Jersey Administrative Code (N.J.A.C.). The order allows the temporary relaxation, until January 12, 1977, of New Jersey's present 1.0% sulfur-in-fuel-oil limitation applicable to this source.

This proposed revision, submitted in accordance with all applicable EPA requirements as contained in 40 CFR Part 51, raises no new issues other than those present in the State's previous proposal which was subject to a public hearing on April 19, 1976. The technical justification for this revision is that contained in New Jersey's and Owens Illinois' earlier submittals discussed in EPA's September 15, 1976 FEDERAL REGISTER notice. Seventeen similar revision proposals, treated by New Jersey at the same public hearing, have been approved by EPA on July 12, 1976 (41 FR 28491) and October 1, 1976 (41 FR 43408).

This notice is issued, as required by section 110 of the Clean Air Act, to advise the public that comments may be submitted for a period of 30 days following publication of this notice on whether the proposed revision for the Owens Illinois facility should be approved or disapproved. Only comments received during the 30-day public comment period hereby established will be considered. The Administrator's decision to approve or disapprove the proposed plan revision will be based on whether such revision meets the requirements of section 110(a)(2)(A)-(H) of the Clean Air Act and EPA regulations in 40 CFR Part 51.

Copies of the proposed plan revision and EPA preliminary analysis are available for public inspection during normal business hours at the Air Branch, EPA, Region II, 26 Federal Plaza, New York, New York 10007, and at the New Jersey Department of Environmental Protection, Bureau of Air Pollution Control, John Fitch Plaza, Trenton, New Jersey 08625. Additional copies are available for inspection at the Public Information Research Unit, 401 M Street, SW., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

Dated: October 20, 1976.

G. M. HANSLER,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.76-31550 Filed 10-27-76;8:45 am]

[FRL 635-1; OPP-42033]

STATE OF NEW YORK

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136b) and 40 CFR Part 171 [39 FR 36446 (Oct. 9, 1974) and 40 FR 11698 (March 12, 1975)], the Honorable Hugh L. Carey, Governor of the State of New York, has submitted a State Plan for Certification of Pesticide Applicators to the Environmental Protection Agency (EPA).

Notice is hereby given of the intention of the Regional Administrator, EPA Region II, to approve this plan on a contingency basis pending enactment of an approvable amendment to Article 33 of the Environmental Conservation Law to delete or clarify the exemption granted to public employees from unlawful acts and pending approval of implementing regulations. Proposed regulations are set forth in the plan.

A summary of the plan follows. The entire plan, together with all attached appendices (except for sample examinations), may be examined during the normal business hours at the following locations:

50 Wolf Road, Albany, New York, 12233 (Bureau of Pesticides, Division of Quality Services, Department of Environmental Conservation, tel. 518/457-7482).

Room 907, 26 Federal Plaza, New York, New York 10007 (Pesticides Branch, Environmental Programs Division, EPA Region II, tel. 212/264-8358).

Room 401 East Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460 [Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, tel. 202/755-4854].

SUMMARY OF STATE PLAN

The New York State Department of Environmental Conservation (NYSDEC) has been designated as the State lead agency for the administration of the pesticide applicator certification program, with the Bureau of Pesticides in the Division of Quality Services responsible for the program's implementation.

Legal authority for the program is contained in Article 33 and Portions of Article 15 and 71 of the Environmental Conservation Law Relating to Pesticides and Proposed Part 325 Pesticide Applicator Regulations.

The plan indicates that the State lead agency has or will have sufficient qualified personnel and funds necessary to carry out the proposed program. The Bureau of Pesticides has a budget of $395,128 for its fiscal year 1976-1977.

The State lead agency will submit an annual report to EPA on or about the 30th of January of each year and special reports to meet specific needs.

The State estimates that 10,000 commercial applicators and 25,000 private applicators will need to be certified. Wallet size identification cards containing all necessary information will be furnished to all certified applicators, to be presented to dealers at the time of restricted use pesticide purchase.

The commercial applicator categories proposed are those which are listed in 40 CFR 171.3. An additional major category is proposed for Aerial Applicators. New subcategories proposed are as follows:

3. Ornamental and Turf Pest Control
   a. Ornamentals and shade trees including turf
   b. Turf
5. Aquatic Pest Control
   a. Aquatic vegetation control
   b. Aquatic insect control
   c. Undesirable fish control
6. Right-of-way Pest Control
   a. Highway right-of-way
   b. Railroad right-of-way
   c. Utility and pipeline rights-of-way
7. Industrial, Institutional, Structural and Health Related Pest Control
   a. Structural and rodent
   b. Fumigation
   c. Termite
   d. Lumber and wood products
   e. Construction
   f. Food processing
   g. Cooling towers
   h. Other
11. Aerial Application
   a. Pilot (basic and pilot core level only) works under the direct supervision of a certified applicator
   b. Agricultural and forestry
   c. Right-of-way
   d. Public health

The State of New York plans to conduct training programs for commercial applicators covering the Federal standards contained in 40 CFR 171. These standards are set forth in detail in the Northeast Pesticide Coordinators' Pesticide Applicator Core Training Manual to be used for core training, and in specific category/subcategory training materials now being developed. Training will be offered by the New York State Cooperative Extension Service (NYSCES) county agents and specialists, by trade and professional associations, community colleges, etc. Two written examinations are required: one covering the general or "core" material, and the other covering the specific requirements of the category or subcategory. Examinations will be given by the NYSDEC within the training module as well as separately at scheduled intervals. Information about the courses and examination times may be obtained from the NYSDEC's Bureau of Pesticides. Commercial applicators must be certified to use both general and restricted use pesticides with the exception of individuals applying antimicrobial agents except where such pesticides have been classified for restricted use by the NYSDEC or EPA.

The New York State Plan provides for private applicator categories. The categories proposed are as follows:

1. Field and forage
2. Fruit
3. Vegetable
4. Greenhouse and florist
5. Nursery, ornamentals and turf
6. Livestock and poultry

The State of New York plans to conduct training programs for private applicators covering the Federal standards contained in 40 CFR 171. These standards are set forth in detail in the Northeast Pesticide Coordinators' Pesticide Applicator Core Training Manual to be used in core training, and in NYSCES materials for categories. Training will be offered on a county basis conducted by NYSCES county agents. A two part written examination is required: the first part covering the general or "core" material, and the second part covering the specific requirements of the category. Examinations will be given within the training module as well as separately at scheduled intervals.

Those persons who wish to be certified as a private pesticide applicator who cannot read English will be offered specialized training by a NYSDEC approved training agent. Certification will be limited to the pesticide products for which the individual has demonstrated competency. Certification will further be limited to a period of time not to exceed the use season in which the special permit is issued.

Sample examinations are attached to the plan, as provided for by 40 CFR 171.7(e) (1) (i) (D) and (ii) (C). However, in view of the need to preserve the confidentiality of the examination format, the State of New York has requested that the examination not be made available for public inspection. EPA agrees with this position, and has removed sample examinations from the public inspection copies of the plan.

The State of New York certification program will require that all commercial applicators attend at least three (3) approved training courses within a five (5) year period or take a recertification examination. Private applicators will be required to attend three (3) approved training courses within a six (6) year period or take a recertification exam.

The New York State Plan also indicates that within sixty (60) days of final approval of the Government Agency Plan (GAP) by EPA, a statement concerning acceptance of GAP qualified Federal employees will be forwarded for inclusion in the New York Plan.

Reciprocal agreements may be made with any other States which have substantially the same standards. In the event of reciprocal agreements, certified applicators from other States will be certified in New York after they have officially applied, presented certification documents from the home state and paid the certification fees.

Other regulatory activities shown in the plan are State registration of all pesticide products and inspection and sampling of pesticide products. All pesticide dealers of restricted use pesticides are required to be registered by the State. Additionally, New York State has been classifying pesticides as restricted and administering a restricted use pesticides program since January 1, 1971.

Enforcement will be carried out by twelve (12) inspectors who will spot check commercial and private applicators to ensure that they comply with State and Federal laws and regulations. They will perform regular inspections and follow-up reports of suspected violations.

Public Comment

Interested persons are invited to submit written comments on the proposed State plan for the State of New York to the Regional Administrator, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007. The comments must be received within thirty (30) days after date of publication of this notice, and bear the identifying notation [OPP-42033]. All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations from 8:30 to 3:30 p.m. Monday through Friday.

Dated: October 13, 1976.

Gerald M. Hansler,
Regional Administrator, U.S. Environmental Protection Agency, Region II.

[FR Doc.76-31549 Filed 10-27-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-1537]

WASTE MANAGEMENT OPERATIONS, SAVANNAH RIVER PLANT, AIKEN, SOUTH CAROLINA

Availability of Draft Environmental Statement

Notice is hereby given that a Draft Environmental Statement, ERDA-1537, Waste Management Operations, Savannah River Plant, Aiken, South Carolina, was issued pursuant to the Energy Research and Development Administration's (ERDA) implementation of the National Environmental Policy Act of 1969. The statement was prepared to assess, the environmental impact of continuing the waste management operations at the South Carolina site.

Copies of the draft statement have been distributed for review and comment to Federal and South Carolina and Georgia State and local agencies and other organizations and individuals. Copies of the draft statement are available for public inspection at the ERDA public document rooms at:

ERDA Headquarters, 20 Massachusetts Avenue, Washington, D.C.
Albuquerque Operations Office, Kirtland Air Force Base East, Albuquerque, New Mexico.
Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois.
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho.
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada.
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee.
Richland Operations Office, Federal Building, Richland, Washington.
San Francisco Operations Office, 1333 Broadway, Oakland, California.
Savannah River Operations Office, Savannah Plant, Aiken, South Carolina.

Comments and views concerning the draft statement are requested from other interested agencies, organizations and individuals. Single copies of the draft environmental statement will be furnished for review and comment upon request addressed to W. H. Pennington, Director, Office of NEPA Coordination, U.S. Energy Research and Development Administration, Mail Station E-201, Washington, D.C. 20545, (301) 353-4241. Comments should be sent to the same address.

In accordance with guidelines from the Council on Environmental Quality, agencies and members of the public submitting comments on the draft environmental statement should endeavor to make their comments as specific, substantive, and factual as possible without undue attention to matters of form in the impact statement. It would assist in the review of comments if the comments were organized in a manner consistent with the structure of the draft statement. Emphasis should be placed on the assessment of the environmental impacts of the waste management activities and the

acceptability of those impacts on the quality of the environment, particularly as contrasted with the impacts of reasonable alternatives. Commenting entities may recommend modifications and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environment impacts.

Comments on the draft environmental statement will be placed in the above referenced document rooms and will be considered in the preparation of the final environmental statement if received within 90 days of the date of publication of this notice.

Dated at Germantown, Maryland, this 21st day of October 1976.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

[FR Doc.76-31468 Filed 10-27-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1010]

CBS, INC.

Petitions for Reconsideration of Actions in Rule Making Proceedings Filed

Correction

In FR Doc. 76-30936 appearing at page 46513 in the issue for Thursday, October 21, 1976 the date appearing in the note at the bottom of the table now reading "Nov. 15, 1976" should have read "Nov. 5, 1976".

FEDERAL ENERGY ADMINISTRATION

INDUSTRIAL ENERGY CONSERVATION

Requirement for Corporations To File Information on Energy Consumption, Extension and Clarification

On August 26, 1976, the Federal Energy Administration (FEA) issued a notice requiring any corporation which consumed at least one trillion British thermal units (Btu's) of energy, exclusive of energy consumed as feedstocks, within the United States in any of ten previously identified major energy-consuming industries in calendar year 1975 to provide information on its energy consumption to FEA by September 30, 1976, pursuant to instructions set forth in the notice (41 FR 36838, September 1, 1976). In response to certain comments and queries received from the affected corporations, FEA hereby issues certain changes and clarifications in that notice.

Since several corporations advised FEA that they were unable to assemble the required data by the date requested, FEA is extending the deadline through November 8, 1976. In view of statutory constraints, FEA has no current plans to further extend this deadline.

Second, FEA wishes to clarify the definition of corporation with respect to the corporate entity which is required to file energy consumption information in accordance with the original notice. In any case in which any person defined in section 3(2)(B) of the Energy Policy and Conservation Act (any corporation, company, association, firm, partnership, society, trust, joint venture, or joint stock company) controls, is controlled by, or is under common control with such other person, the corporation which is required to file is the ultimate parent corporation. Control includes both direct and indirect control. The following is an example. Parent X controls both Subsidiary A and Subsidiary B. Parent X consumed 500 billion Btu's of reportable energy in SIC-code industry 22, and Subsidiary A and Subsidiary B respectively consumed 400 billion Btu's and 300 billion Btu's of reportable energy in SIC-code industry 22. Parent X is the corporation which is required to file energy consumption information and must file for the total amount of 1.2 trillion Btu's in SIC-code industry 22.

Most reporting to date where intercorporate control is involved has been consistent with this clarification. Any corporation whose prior submission is at a variance with this clarification, however, should immediately contact Mr. Ramon Cilimberg (202-254-9627), and shall revise its submission accordingly, within the extended time period.

Finally, FEA also wishes to clarify the meaning of the term "executive officer," as that term is used in connection with delegation by the chief executive officer of authority to sign and certify the information submitted. As used in the notice, the term means any corporate officer of the filing corporation.

In all other respects, the notice remains the same.

Issued in Washington, D.C., October 21, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-31442 Filed 10-22-76;9:13 am]

MARTIN OIL SERVICE, INC., ET AL.

Action Taken on Consent Order

Pursuant to 10 CFR 205.197(c), the Federal Energy Administration (FEA) hereby gives notice of final action taken on a Consent Order.

On August 30, 1976, FEA published notice of a Consent Order which was executed between Martin Oil Service, Inc., Martin Oil of Indiana, Inc., Martin Oil Company of Texas, and Martin 4-Minute Auto Salon, Inc. (collectively "Martin") and FEA. (41 FR 36541, August 30, 1976). With that notice, and in accordance with 10 CFR 205.197(c), FEA invited interested persons to comment on the Consent Order.

No comments were received with respect to the Consent Order. FEA has concluded that the Consent Order as executed between FEA and Martin is an appropriate resolution of the compliance proceedings described in the Notice published on August 30, 1976, and hereby gives notice that the Consent Order shall become effective as proposed, without modification, on October 28, 1976.

Issued in Washington, D.C., October 21, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-31455 Filed 10-22-76;10:15 am]

DOW CHEMICAL CO.

Proposed Consent Order

I. INTRODUCTION

Pursuant to 10 C.F.R. 205.197(c), the Federal Energy Administration (FEA) hereby gives notice of a Proposed Consent Order which was executed on September 28, 1976 between the Dow Chemical Company (Dow) and the FEA. In accordance with that section, the FEA will receive comments with respect to this Consent Order. Although this Consent Order has been signed and tentatively accepted by the FEA, the FEA may, based upon comments received, withdraw its acceptance, and, if appropriate, attempt to negotiate an alternative order.

II. THE CONSENT ORDER

The Bay Refining Company was at all relevant times a wholly-owned subsidiary of the Dow Chemical Company (Dow), located in Bay City, Michigan. Bay purchased crude oil from domestic and foreign sources and produced two general categories of products: (1) gasoline and various covered products for sale to third parties; and (2) petrochemical feedstocks for transfer within Dow, to be used in the production of products that are not covered products. Bay no longer exists as a separate division of Dow.

FEA determined that when computing and reporting on its Forms FEO-96 the total cost of crude oil purchased for refining each month, Bay included only the crude oil purchased and physically used for the production of covered products. The cost of crude oil purchased and physically used for the production of petrochemical feedstocks that are not covered products was not included in the computation by Bay.

FEA regulations require the inclusion of the cost of all crude oil purchased for refining, including petrochemical feedstock production. This total cost of crude oil should be allocated among all covered products pursuant to the formulae in 10 CFR 212.83. FEA alleged that Bay's procedure was contrary to 10 CFR 212.83, and had resulted in the overstatement of unrecouped increased product costs for covered products by approximately $1,200,000. This amount comprised part of Bay's "banked costs" and was not passed through in price increases by Bay.

In an effort to conclude this compliance proceeding and to resolve the issues raised by FEA, the FEA and Dow entered into a Consent Order, the significant terms of which are:

(1) Dow shall include as part of its "total cost of crude oil" its total pur-

chases of crude oil for refining, whether used in the production of petrochemical feedstocks that are not covered products or in the production of covered products;

(2) Dow will recompute Bay's monthly increased product costs in accordance with FEA's interpretation of the regulations for every month from October 1973 through the current month, and will adjust Bay's unrecouped increased product costs to reflect that recomputation;

(3) Dow will complete the computations called for in the Consent Order within 60 days of the effective date of the Consent Order, and will submit its results to FEA for audit;

(4) Since the overstatement of unrecouped increased product costs did not result in price overcharges for covered products, and in view of Dow's good faith in working with FEA to correct these errors once the correct application of 10 CFR 212.83 was known by it, FEA agrees not to institute any further remedial proceeding against Dow for acts or conduct described in the Consent Order; and

(5) The provisions of 10 CFR 205.197, including the publication of this Notice, are applicable to the Consent Order.

III. SUBMISSION OF WRITTEN COMMENTS

Interested persons are invited to comment on the Consent Order by submitting such comments in writing to: Mr. N. Allen Andersen, Regional Administrator, Region V, Federal Energy Administration, 175 West Jackson Boulevard, Room A–333, Chicago, Illinois 60604. Copies of the Consent Order may be received free of charge by written request to the above address, or by calling (312) 353–0538.

Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on Dow Consent Order." All comments received by 4:30 p.m. CST on or before November 29, 1976, will be considered by the FEA in evaluating the Consent Order.

Any information or data which, in the opinion of the person furnishing it, is confidential must be identified as such and submitted in accordance with the procedures outlined in 10 CFR 205.9(f).

Issued in Washington, D.C., October 21, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76–31496 Filed 10–22–76;2:28 pm]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Delay in Publication of Proposed Test Procedures and Delay in Prescription of Test Procedures

The Federal Energy Administration (FEA) hereby gives notice, pursuant to section 323(b) of the Energy Policy and Conservation Act (Act) (Pub. L. 94–163), that it cannot, within the statutory time period publish certain proposed test procedures and prescribe certain final test procedures.

Section 323(a)(3) of the Act requires that, not later than September 30, 1976, FEA shall publish proposed test procedures for the following types of covered products: home heating equipment, not including furnaces, and kitchen ranges and ovens. Section 323(a)(4)(B) of the Act requires that, not later than September 30, 1976, FEA shall prescribe test procedures for the following types of covered products: refrigerators and refrigerator-freezers, freezers, dishwashers, clothes dryers, water heaters, room air conditioners, and television sets. Section 323(a)(6) of the Act, however, provides that FEA may delay the publication of proposed test procedures or the prescription of test procedures for a type of covered product (or class thereof) beyond the required dates if it determines that it cannot, within the applicable time period, publish proposed test procedures or prescribe test procedures applicable to such type (or class thereof) which meet the requirements of subsection 323(b) and publishes such determination in the FEDERAL REGISTER.

FEA is today giving notice of its determination that it could not by September 30, 1976: (1) Publish proposed test procedures applicable to home heating equipment, not including furnaces, and kitchen ranges and ovens, which meet the requirements of subsection 323(b), and (2) prescribe test procedures applicable to refrigerators and refrigerator-freezers, freezers, dishwashers, clothes dryers, water heaters, room air conditioners and television sets, which meet the requirements of 323(b). FEA will publish such proposed test procedures and will prescribe such test procedures as soon as practicable, unless it determines that test procedures cannot be developed which meet the requirements of subsection 323(b) and publishes such determination in the FEDERAL REGISTER, together with the reasons therefor.

Issued in Washington, D.C., October 21, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76–31493 Filed 10–22–76;1:57 pm]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to 46 CFR Part 542 and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/operator and vessels*
01194	A/S Berat: *Panatlantic.*
01306	Shaw Savill & Albion Co. Ltd.: *Cedric.*
01330	Shell Tankers (U.K.) Ltd.: *Mangelia.*
01465	Scottish Ship Management Ltd.: *Cape Wrath.*
01466	Common Brothers (Management) Ltd.: *Frank D. Moores.*
01616	Marquess Shipping Co. Ltd.: *Atlantic Marquess.*
01717	Billners Rederiaktiebolag: *Heljrid Billner.*
01719	Unterweser Reederei GMBH: *Eschersheim, Bornheim, Bockenheim, Griesheim, Kelkheim, Mannheim.*
01817	The Clan Line Steamers Ltd.: *Clan Maclean, Clan Maclaren.*
01988	Angfartygsaktiebolaget Tirfing: *Uppland.*
02194	Compagnie Generale Transatlantique: *Maryland, Michigan.*
02242	Dal Deutsche Afrika-Linien G.M.B.H. & Co.: *Woermann Senegal.*
02560	Aethalia Shipping Corp.: *Aethalia.*
02727	Societe Maritime Des Petroles BP: *Montsoreau.*
02756	Greenville Transportation Co.: *Olympio Brook.*
02780	Baltico Compania Naviera S.A.: *Phalcon.*
02836	The Scinda Steam Navigation Co. Ltd.: *Jalavishnu.*
02864	Refineria De Petroleos De Escombreras S.A. (Repesa): *Alcantara.*
02958	Kawasaki Kisen Kaisha, Ltd.: *Fumikawa Maru, Yamatogawa Maru, Yasukawa Maru.*
02982	The Shipping Corp. of India, Ltd.: *Rama.*
03082	Atlantic Petroleum Carriers Inc.: *Atlantic Endeavour.*
03094	Malaysia Marien Corp.: *Singapore Pride.*
03197	NV Motorscheepvaartmaatschappij Golden Star: *Maya.*
03214	Saleninvest AB: *Seven Stars.*
03314	Gulf Oil Corp.: *Yacona.*
03480	Osaka Senpaku K.K.: *Montevideo Maru.*
03484	Sanko Kisen K.K.: *Hakko Maru, Seiko Maru.*
03506	Taiheiyo Kaiun K.K.: *Hoyo Maru.*
03516	Toko Kaiun K.K.: *Torai Maru.*
03521	Tokushima Kisen K.K.: *Tokusho Maru.*
03601	Etela Suomen Laiva OY: *Vallila.*
04002	Compagnie Des Messageries Maritimes: *Mozambique.*
04173	Foss Launch & Tug Co.: *Foss 202, Foss 200.*
04277	C. W. Blakeslee & Sons, Inc.: *Blakeslee 85–0412.*
04292	Mercury Tank Cleaning Corp.: *Peter Frank.*
04803	Brent Towing Co. Inc.: *B–924.*
05017	Amerada Hess Corp.: *Hess Petrol, Hess Refiner.*
05072	Zannis Compania Naviera S.A. Panama: *Hariet.*
05197	Stravelakis Bros. Ltd. *Scorpios, Zygos, Didymi, Leon, Hydrohos, Toxotis, Tauros, Rea, Krios, Venthisikimi, Tritonas, Dias, Ira, Pluton, Antaios.*
05537	Empresa Navegacion Mambisa: *Combate De Palma Mocha.*
05547	Compania Pyrgos De Navegacion SA: *Fuji.*
05624	Perusahaan Pertambangan Minyak Dan Gas Bumi Negara: *Permina Samudra XII.*
06305	E. T. Barber Dba Neches Shell Co. Inc.: *NS–31 Chemical 801.*
06925	Bibby Bulk Carriers Ltd.: *Worcestershire.*
07019	Allied Shipping International Corp.: *Gemini, Actium.*
07255	Teh Tung Steamship Co. Ltd.: *Kalimantan Trader.*

Certificate No.	Owner/operator and vessels
07326---	Universal Marines Lines Inc. S.A.: *Space King.*
07362---	Primorsk Shipping Co.: *Aion, Pamyatj Lenina, Aktubinsk, Aikhal, Anui, Petr Shirshov.*
07374---	Ocean Tramping Co. Ltd.: *Nancheng.*
07686---	Windward Shipping Co. Ltd.: *Enrus.*
07741---	Vroulikia Compania Naviera S.A. PN.: *Amelio.*
07817---	Yick Fung Shipping and Enterprises Co. Ltd.: *Adriatic Sea, Venice, Artic Ocean, Red Sea.*
07941---	Dundee Shipping Inc.: *Stolt Puma.*
08076---	Paropys Compania Naviera S.A.: *Pelopidas.*
08239---	Midiboy Shipping Corp. Inc.: *Midiboy.*
08374---	Canyon Maritime Enterprises Inc.: *Corona Canyon.*
08530---	Prompt Shipping Corp., Ltd.: *Beaufort Career.*
08585---	Interessentskapet A/S Falkefjell & Co.: *Falkefjell.*
08626---	Standard Tank Cleaning Corp.: *Pat Kip.*
08902---	Golden Arrow Navigation Co. Ltd. Famagusta: *Golden Arrow.*
09137---	Arne Teigens Rederi A/S: *Rytterdal, Rytterfjell.*
09281---	Southwest Pacific Shipping Co.: *Galaxy.*
09654---	West Compania Naviera S.A.: *Golden Leader.*
09727---	Fukuho Kaiun Sangyo K.K.: *Shuwa Maru.*
09741---	New Spirit Line S.A.: *New Venture.*
10021---	Leitch Transport Ltd.: *Cape Breton Highlander, St. Lawrence Navigator, St. Lawrence Prospector, Canadian Transport.*
10136---	Oriental Armonia S.A.: *Bela Kosmo, Bela Rozo.*
10490---	Rederij M.S. Shipmair II: *Shipmair II.*
10574---	Midas Light Transport Inc.: *Sanko Light.*
10637---	Libra-Linhas Brasileiras De Navegacao S.A.: *Rica.*
11065---	C & M Shipping Co., S.A.: *Rio Concord.*
11140---	Olympic Shipping Lines Inc.: *Halcyon Star, Halcyon Sol.*
11260---	Intercontinental Transportation Services, Ltd.: *Golar Freeze.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-31516 Filed 10-27-76;8:45 am]

CITY OF LOS ANGELES AND MATSON TERMINALS, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 17, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

F. B. Crawford, General Manager, Port of Los Angeles, P.O. Box 151, San Pedro, California 90733.

Agreement No. T-3363, between City of Los Angeles (City) and Matson Terminals, Inc., (Matson) provides for the preferential berth assignment of Berths 206-209 and adjacent land areas at the Port of Los Angeles, as further described in the basic agreement. The terms of this agreement will commence after it has been approved by the Federal Maritime Commission, if such approval is granted, and will continue through January 31, 1986, with two five-year renewal options. Matson will use the facilities for the operation of a container terminal. As compensation, City will receive the sum of all tariff charges subject to a maximum amount through the agreement period ending January 31, 1977. Thereafter, compensation will be subject to a revenue sharing formula based on tariff charges and as further described in the agreement. Simultaneous with the effectuation of this agreement, will be the cancellation of Federal Maritime Commission Agreement No. T-2356 (preferential assignment currently in use by the parties).

By Order of the Federal Maritime Commission.

Dated: October 22, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-31518 Filed 10-27-76;8:45 am]

PUERTO RICO MARITIME SHIPPING AUTHORITY AND TRAILER MARITIME TRANSPORT, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 17, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Dennis N. Barnes, Esquire, Morgan, Lewis & Bockius, 1800 M Street, N.W., Washington, D.C. 20036.

Agreement No. DC-83, which is between the Puerto Rico Maritime Shipping Authority (PRMSA) and Trailer Marine Transport Corporation, Inc., (TMT) was originally approved by the Commission December 11, 1976, for a period of one year. Agreement No. DC-83 provides for (1) the parties' discussion of tariff rates, charges, classifications, practices and related matters to be charged or observed by each in the U.S. Atlantic Coast/Puerto Rico trade; and (2) the parties' discussion exploring the resolution of matters in litigation between the parties before the Federal Maritime Commission.

The parties to Agreement No. DC-83 have petitioned that the Commission renew the agreement beyond its expiration date. It is their opinion that, while the agreement has enabled the parties to conduct discussions that have produced positive public benefits, there is a continuing need for the inter-carrier discussions authorized under the agreement.

By the Commission.

Dated: October 22, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-31515 Filed 10-27-76;8:45 am]

PUERTO RICO PORTS AUTHORITY AND SEA-LAND SERVICE, INC.

Agreement Filed

Notice of Agreement Filed by:

Gary R. Edwards, Esquire, Ragan & Mason, The Farragut Building, 900 Seventeenth Street, N.W., Washington, D.C. 20006; and William Karas, Esquire, Galland, Kharasch, Calkins & Brown, Canal Square, 1054 Thirty-First Street, N.W., Washington, D.C. 20007.

Agreement No. T-3199-1, between the Puerto Rico Ports Authority (Port) and Sea-Land Service, Inc., (Sea-Land) modifies the parties' basic agreement providing for Sea-Land's preferential rights at and lease of land adjacent to Berth E, Puerto Nuevo, San Juan, Puerto Rico. The purpose of the modification is to grant Sea-Land an additional five-year option with respect to the facilities covered by the basic agreement. This additional option is in consideration of the settlement of certain debts owed the Port by Sea-Land. The basic agreement is the subject of Federal Maritime Commission Docket No. 76-46, Agreements Nos. T-3191, et al.

The August 24, 1976, Order of Investigation and Hearing instituting Docket No. 76-46 provides that, in the event that any modification of Agreement No. T-3199 is filed with the Commission, such modification shall be made subject to Docket No. 76-46 for approval, disapproval or modification under the standards of section 15 of the Shipping Act, 1916.

By Order of the Federal Maritime Commission.

Dated: October 22, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-31517 Filed 10-27-76;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Order No. 112]

EASTERN DISTRIBUTION CENTER, INC., WILKES-BARRE/SCRANTON INTERNATIONAL AIRPORT, AVOCA, PENNSYLVANIA

Resolution and Order Approving Application

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter hereby orders:

After consideration of the application of the Eastern Industrial Development Company of Northeastern Pennsylvania (now, by change of name, Eastern Distribution Center, Inc.), a non-profit Pennsylvania corporation, filed with the Foreign-Trade Zones Board (the Board) on April 2, 1976, requesting a grant of authority for establishing, operating and maintaining of a foreign-trade zone within the Eastern Distribution Center, located in the Township of Pittston, Luzerne County, Pennsylvania, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied and that the proposal is in the public interest, approves the application.

Since the proposal involves an industrial park type zone that envisages the construction of buildings by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to § 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

GRANT

TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE IN PITTSTON TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended, (19 U.S.C. 81a-81u) (hereinafter referred to as "the Act") the Foreign-Trade Zones Board (hereinafter referred to as "the Board") is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Eastern Industrial Development Company of Northeastern Pennsylvania (now, by change of name, Eastern Distribution Center, Inc.; hereinafter referred to as "the Grantee"), has made application (filed April 2, 1976) in due and proper form to the Board requesting the establishment, operation, and maintenance of a foreign-trade zone in Pittston Township, Luzerne County, Pennsylvania.

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 24, at the location mentioned above and more particularly described on the maps and drawings accompanying the application requesting authority for a foreign-trade zone in Pittston Township, Luzerne County, Pennsylvania, marked as Exhibits IX and X, said grants being subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations, to-wit:

Operation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operation within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the U.S. Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer, Elliot L. Richardson, at Washington, D.C., this 21st day of October 1976, pursuant to Order of the Board.

FOREIGN-TRADE ZONES BOARD,
ELLIOT L. RICHARDSON,
Chairman and Executive Officer.

ATTEST:
JOHN J. DAPONTE, Jr.,
Executive Secretary.

[FR Doc. 76-31495 Filed 10-27-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 21, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC and FMC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before November 15, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, Room 5216, 425 I Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–376–5425.

INTERSTATE COMMERCE COMMISSION

ICC requests an extension no change of Form ACC–71, Revenue Included in Account 143, Miscellaneous Revenue, from the Operation of Coal and Ore Wharves and the Volume of Traffic Handled Over Coal and Ore Wharves for the year. Form ACC–71 is used to gather information not available on other reports filed with the Commission. These data are used to eliminate the costs of coal and ore wharf operations from railroad costs. Form ACC–71 is filed by approximately 14 Class I line-haul railroads which maintain coal and ore wharves. ICC estimates burden to average 40 hours per response.

FEDERAL MARITIME COMMISSION

Request for review of the reporting requirements contained in a new part to the Commission's rules, 46 CFR 514: Significant Vessel Operating Common Carriers in the Domestic Offshore Trade: Reports of Rate Base and Income Account. The new part requires the filing of additional information by persons engaged in the operation of cargo vessels in the common carriage of persons or property in the Domestic Offshore Trades (except persons engaged in intrastate operations in Alaska and Hawaii) and required to file tariffs with the Federal Maritime Commission, who have earned gross revenue in a trade of $1,500,000 or more for their fiscal year. This information will be furnished in lieu of the reports required by 46 CFR 512 (Federal Maritime Commission General Order 11). Carriers operating in a seasonal trade, however, may elect to report only those seasonal voyages having gross revenue in the trade of $50,000 or more under Part 514 and to report the remaining voyages under Part 512. The reports will be required annually and whenever a general rate change is filed, except that if the reports have been submitted in support of a general rate change at anytime during a fiscal year period, the next due annual report otherwise required need not be submitted. However, where a general rate change is supported by an annual report as permitted by the rules, then the next due annual report must be filed in the usual manner. It is estimated that 16 reports will be filed annually, with respondent burden ranging from 1,500 man-hours to 10,000 man-hours per response.

JOHN M. LOVELADY,
Acting Assistant Director, Regulatory Reports Review.

[FR Doc.76–31494 Filed 10–27–76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–25]

CERTAIN ABOVE GROUND SWIMMING POOLS

Prehearing Conference and Hearing

Notice is hereby given that a Prehearing Conference will be held in connection with Investigation No. 337–TA–25, Certain Above-Ground Swimming Pools, at 10:00 a.m. on November 17, 1976, in the hearing room of the Administrative Law Judge, Room 610 Bicentennial Building, 600 E Street, N.W., Washington, D.C. On or before November 12, 1976, the parties will have filed and served Prehearing Conference Statements in conformity with the Notice of Prehearing Statements issued October 15, 1976. The purpose of this Prehearing Conference is to review such statements, complete the exchange of exhibits, and resolve any other necessary matters in preparation for the hearing.

Notice is also given that the hearing in this proceeding will commence at 10:00 a.m. on November 30, 1976, in the hearing room of the Administrative Law Judge, Room 610 Bicentennial Building, 600 E Street, N.W., Washington, D.C., and will continue daily until completed.

The Secretary shall serve a copy of this Notice upon all parties of record, and shall publish this Notice in the FEDERAL REGISTER.

Issued October 22, 1976.

MYRON R. RENICK,
Presiding Officer.

[FR Doc.76–31553 Filed 10–27–76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76–93]

APPLICATIONS STEERING COMMITTEE; AD HOC ADVISORY SUBCOMMITTEE FOR EVALUATION OF APPLICATIONS EXPLORER MISSION–B/STRATOSPHERIC AEROSOL AND GAS EXPERIMENT PROPOSALS

Establishment

Pursuant to Section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), and after consultation with the Office of Management and Budget, the National Aeronautics and Space Administration has determined that the establishment of the Applications Steering Committee, Ad Hoc Advisory Subcommittee for Evaluation of Applications Explorer Mission-B/Stratospheric Aerosol and Gas Experiment Proposals is in the public interest and is required for the performance of duties imposed upon NASA by law. The Applications Steering Committee, under which the Subcommittee will operate, is a NASA-sponsored interagency committee, composed wholly of government employees. The Subcommittee will comprise membership from both the public and private sectors.

The intent of this Advisory Subcommittee is to assist NASA in evaluating and categorizing proposals according to their scientific merit and technological feasibility.

Dated: October 21, 1976.

JOHN M. COULTER,
Acting Assistant Administrator for DOD and Interagency Affairs.

[FR Doc.76–31454 Filed 10–27–76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ARCHITECTURE AND ENVIRONMENTAL ARTS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a closed meeting of the Architecture and Environmental Arts Advisory Panel to the National Council on the Arts will be held on November 16, 1976, from 9:30 a.m.–5:30 p.m., and November 17, 1976, from 9:30 a.m.–2:00 p.m., in Room 1132, Columbia Plaza Building, 2401 E Street, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76–31520 Filed 10–27–76;8:45 am]

THEATRE 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 Theatre Advisory Panel to the National Council on the Arts will be held on November 13, 1976, from 9:30 a.m.-5:00 p.m., and November 14, 1976, from 9:30 a.m.-4:00 p.m., in Room 1425, Columbia Plaza Building, 2401 E Street, N.W., Washington, D.C.

A portion of this meeting will be open to the public on November 13 from 9:30 a.m.-2:00 p.m. on a space available basis. Accommodations are limited. The agenda for this portion of the meeting includes a briefing and discussion on Theatre Program activities.

The remaining sessions of this meeting on November 13 from 2:00 p.m.-5:00 p.m., and November 14 from 9:30 a.m.-4:00 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, Washintgon, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-31521 Filed 10-27-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-44]

ACCIDENT REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Railroad Accident Report and Related Recommendations.—The National Transportation Safety Board on October 19 released report No. NTSB-RAR-76-10 covering the investigation of the head-on collision last February 4 of two Penn Central Transportation Company freight trains near Pettisville, Ohio. The 3 locomotive units and 21 cars of train NY-12 and the 4 locomotive units and 4 cars of train BM-7 were derailed. One locomotive unit of each train was destroyed and the derailed cars were heavily damaged. The two crewmembers in the lead locomotive of both trains were killed and one crewmember on each train was injured as a result of the collision. The estimated cost of damages was $1,165,000.

The Safety Board determined that the probable cause of the accident was the failure of the engineer to stop train NY-12 west of signal 3272E as required by signal indication, and the inability of the crew in the caboose of train NY-12 to take preventive action.

As a result of this investigation, the Safety Board, by separate letter also issued October 19, recommended that the Federal Railroad Administration (1) promulgate rules to require engine crews to communicate fixed signal aspects to conductors while trains are en route on signalized track (recommendation R-76-50); and (2) promulgate rules to require the engine crew of a train to exchange signals with engine crews of passing trains and/or wayside employees, and if passing crews do not acknowledge the signal, require the responsive engine crew or wayside employee to notify the dispatcher and/or conductor of the nonresponsive engine crew for corrective action (R-76-51). Both are Class II recommendations, for priority followup.

Also in connection with this accident, last April 28 the Board issued a Class I, urgent-followup recommendation, No. R-76-15, asking FRA to insure that switches in signal territory are so protected that related signals governing train movements will display their most restrictive aspects if the switch points do not close properly. (See 41 FR 18731, May 6, 1976.)

In addition to these recommendations, the Safety Board reiterated four recommendations made to FRA as a result of investigation of other train collisions. The earlier recommendations asked FRA to (1) in cooperation with the Association of American Railroads, develop a fail-safe device to stop a train in the event the engineer becomes incapacitated by illness, or death, or falls asleep (R-76-8, issued March 25, 1976); (2) study the environmental conditions in locomotive compartments that could distract crews from their duties or cause them to fall asleep at the controls (R-73-9, issued May 3, 1973); (3) where responsibility for safety operation of the train is assigned jointly to the engineer and the conductor, require that they be located and informed so that they can make quick, effective decisions (R-73-11, issued May 3, 1973); and (4) require an adequate backup system for mainline freight trains that will insure that a train is controlled as required by the signal system in the event the engineer fails to do so (R-76-3, issued January 25, 1976). Regulatory action was requested in each instance.

Intermodal Safety Recommendations.—Three Class II, priority-followup recommendations, seeking to better prepare firefighters and law-enforcement personnel to handle hazardous materials emergencies, were issued by Safety Board letter of October 20 addressed to the Secretary, U.S. Department of Transportation. The letter cites some ten accidents during the period 1968-1975 where transportation of hazardous materials resulted in injuries or deaths to firefighters.

As a result of its special investigation into this matter, the Safety Board now recommends that DOT (1) redesign its hazardous materials incident data reporting system to generate information about what emergency actions were taken, why they were taken, and what influence they had on the outcome of the emergency, for use in training firefighters and law-enforcement personnel to handle hazardous materials transportation emergencies (I-76-9); (2) develop a procedure to report such information regularly to Federal and State agencies with responsibilities for developing emergency training programs for law-enforcement and firefighting personnel (I-76-10); and (3) develop a procedure to use the emergency response information on dealing with emergencies to review periodically the validity of advice which DOT provides to other agencies with regard to hazardous materials transportation emergencies; also, periodically review the operational experience in meeting hazardous materials emergencies to assure that the practices recommended are appropriate (I-76-11).

Letters in Response to Safety Board Recommendations.—During the past week, responses were received from the following earlier recommendation addresses:

Federal Aviation Administration letter of October 6 responds to recommendations A-76-101 and A-76-102 which asked for amendments to Chapter 2—General Control, and Chapter 3—IFR Operations, of FAA's Air Traffic Control Handbook 7110.65 to reflect that "low altitude alerts" and "safety advisories" be issued on the basis of verbal reports from pilots as well as on the basis of radar observations. (See 41 FR 31625, July 29, 1976.) FAA concurs in the recommendations and indicates that the handbook will be revised to reflect these provisions, action to be completed by April 1, 1977.

FAA letter concerning recommendation A-76-120 is also dated October 6. (See 41 FR 35089, August 19, 1976.) In response to the recommendation, which asked for modification to aircraft master minimum equipment lists (MMEL), FAA indicates that a careful review has been made and action taken to standardize the MMEL's of those aircraft which the Safety Board identified as inconsistent with respect to the public address system. However, FAA contends that it is not persuaded that operation of a completely airworthy aircraft is unsafe because the public address system is inoperative when adequate alternate procedures are established for alerting passengers in an emergency. FAA states, "Our September 26, 1975, letter referenced by the NTSB provided guidance to our field elements for standardization and the establishment of limitations to assure an acceptable level of safety."

Specifically, with reference to A-76-120, FAA states that either the public

address or interphone system is required to be operable on each flight to maintain a link between the flight deck and cabin crewmembers. Furthermore, FAA directs the operator to have "additional procedures for alerting passengers and crewmembers on normal and emergency situations when public address and interphone systems are included in the MEL." FAA concludes, "These procedures will vary depending on the type of aircraft and must be approved by the principal operations inspector concerned. This, in our opinion, is a safe course of action for ensuring that passengers and cabin crew are alerted to prepare for an emergency landing or ditching. It provides for the accomplishment of the necessary actions without complete reliance on an electrically operated unit which may fail."

Federal Highway Administration letter of October 12 concerns recommendation H–76–19, issued following investigation of the highway accident which occurred near Eagle Pass, Texas, April 29, 1975. (See 41 FR 27135, July 1, 1976.) The recommendation asked for regulatory action requiring the criteria established in the Handbook of Highway Design for Operating Practices (E2 Culverts and Bridge Structures) to be mandatory for all modified and new designs. FHWA notes that the handbook was developed for use as a guide to illustrate the safety principles of the American Association of State Highway Transportation Officials (AASHTO) report on "Highway Design and Operational Practices related to Highway Safety." FHWA states that its directive, Federal-Aid Highway Program Manual 6–2–1–1—Interim Design Standards for Highways, designates those standards, specifications, policies, guides, and references that are acceptable for application in the geometric and structural design and traffic-control features of highways. FHWA is revising this directive to include as a regulatory item the criteria and standards established in the AASHTO report and to indicate that the safety related criteria of the directive are established as goals for developing State and local safety programs for all public highways, as required by Highway Safety Program Standard 12.

FHWA letter of October 13 responds to recommendation H–76–21, issued after investigation of the truck-train collision last November 19 at Elwood, Illinois. (See 41 FR 26078, June 24, 1976.) The recommendation asked for inclusion of procedures in the FHWA guidebook and training course for highway/railroad engineers, concerning the design and safety of grade crossings, to ensure that proposed active grade-crossing protection devices are operational when upgraded or newly constructed streets or highways are opened.

The FHWA response cites the Federal statute dealing with this subject, section 109—Standards, Title 23, "Highways," U.S. Code, which provides that plans and specifications for proposed projects on any Federal-aid system will not be approved if they fail to provide for a facility that (1) will adequately meet the existing and probable future traffic needs in a manner conducive to safety, durability, and economy of maintenance, and (2) will be designed and constructed in accordance with standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality. FHWA's Federal-Aid Highway Program Manual 6–6–2–1, paragraph 8b(2), dated April 25, 1975, implements this section of the U.S. Code, according to the letter, and states that "where a railroad-highway grade crossing is located within the limits of or near the terminus of a Federal-aid highway project for construction of a new highway or improvement of the existing roadway, the crossing shall not be opened for unrestricted use by traffic or the project accepted by FHWA until adequate warning devices for the crossing are installed and functioning properly."

FHWA plans with respect to developing a guidebook, "Railroad-Highway Grade Crossing Handbook" and the character of the handbook are described to complete the response to recommendation H–76–21. According to FHWA, the handbook is intended to be a digest of useful information on railroad-highway grade crossing and is to be written in easy-to-understand language for use by design engineers, utility engineers, traffic engineers, and railroad engineers. Estimated completion date for the work is June 1977.

United States Coast Guard letter of October 13 concerns recommendation M–74–4 dealing with the need for anchors on unmanned barges. The recommendation was issued following investigation into the collision of the Tug CAROLYN and WEEKS BARGE No. 254 with the Chesapeake Bay Bridge and Tunnel, September 21, 1972. USCG has completed a case study of unmanned barge casualties for FY 1973, entailing a review of more than 650 casualties.

USCG states, "The effectiveness of 'braking' with a remotely controlled anchor is based upon the distance and time available to the navigator, when he makes the determination that the vessel is in extremis, to prevent or minimize the severity of an impending disaster." USCG notes that in only 2.6 percent, or 17 of all the unmanned barge casualties studied was there sufficient time and distance to prevent or reduce the severity of the casualty. "The large majority of casualties studied," USCG states, "occurred in areas of restricted channels, with highwinds and currents, and where the vessels were required to navigate in close proximity to other barges, piers, bridges and other structures. The effectiveness in dropping an anchor under these conditions would be almost negligible."

USCG does not consider the results of this study sufficient justification for the implementation of regulations in this area, according to the letter.

The accident report and the safety recommendations are available to the general public; single copies may be obtained without charge. Copies of the letters responding to recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident report may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633 88 Stat. 2169, 2172 (49 U.S.C. 1903 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

OCTOBER 22, 1976.

[FR Doc.76–31498 Filed 10–27–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–322]

LONG ISLAND LIGHTING CO. (SHOREHAM NUCLEAR POWER STATION, UNIT 1)

Order

Counsel for Intervenors has requested, for personal reasons, a postponement of the oral argument in the above-entitled matter which was scheduled for October 20, 1976. Applicant and Staff do not oppose said request. The request is granted.

Accordingly, the oral argument is rescheduled for November 10, 1976, at 1:00 p.m., at the Holiday Inn, 4089 Nesconset Highway, Centerreach, New York.

For the Atomic Safety and Licensing Board established to rule on petitions for intervention.

Dated this 19th day of October 1976 at Bethesda, Maryland.

JOHN M. FRYSIAK,
Chairman.

[FR Doc.76–31349 Filed 10–27–76;8:45 am]

[Docket Nos. 50–282 and 50–306]

NORTHERN STATES POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 17 and 11 to Facility Operating License Nos. DPR–42 and DPR–60, issued to the Northern States Power Company (the licensee), which revised the Technical Specifications for operation of Unit Nos. 1 and 2 of the Prairie Island Nuclear Generating Plant (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of their date of issuance.

These amendments revised existing and added new limiting conditions for for operation, surveillance requirements and bases for the Control Room Special Ventilation and Emergency Charcoal Filter Systems to the Technical Specifications for the facilities to enhance the efficiency and reliability of the systems.

The amendments also revise several sections of the Technical Specifications to include the miscellaneous clarifications and corrections requested by the licensee.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated May 7, 1975 and supplement thereto dated May 26, 1976, (2) Amendment Nos. 17 and 11 to License Nos. DPR–42 and DPR–60, respectively, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at The Environmental Conservation Library of the Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of October, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-31352 Filed 10-27-76;8:45 am]

[Docket No. STN 50-437]

OFFSHORE POWER SYSTEMS (FLOATING NUCLEAR POWER PLANTS)

Order Resuming the Evidentiary Hearing

The public evidentiary hearing will resume at 9:30 a.m. local time, Wednesday, November 3rd at the following location:

NRC Public Hearing Room, 5th Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland 20014.

The purpose of this proceeding is to hear the evidence upon (1) Radiological Impact Upon Boaters and Swimmers (ACCCE Contention 3d), (2) Transportation of Radioactive Materials (ACCCE Contention 5, Atlantic Contention 3, Brigantine Original Contention and Walton Contention), and (3) Turbine Generator Matters (allegations made in the limited appearance statement of Mr. Effenberger during the hearing session on June 15, 1976). This session of the hearing will continue from November 3 through November 5, 1976 in order to receive evidence upon Contentions (1) and (2) supra, and, if possible from the standpoint of time and the ability of the parties to timely submit direct testimony, upon the subject matter identified in (3), supra.

(During a conference call on October 19, 1976, the Chairman notified counsel for the Applicant, Staff, ACCCE, City of Brigantine, the State of New Jersey, Atlantic County and Mr. Walton that the instant order was being issued. The NRC Staff advised that this information would be relayed to Counsel for the NRDC who was not available at the time of the conference call.)

Accordingly, Applicant's Motion (No. 3) To Establish Schedule dated October 4, 1976 and ACCCE's Cross-motion To Establish Schedule dated October 8, 1976 (as supplemented on October 15, 1976) are denied in part, and are allowed in part to the extent indicated by the instant order. (The Board is currently considering a motion to resume proceedings previously filed in another case, which, if granted, would preclude resumption of proceedings in the instant case between November 5, 1976 and January or February, 1977. During the hearing on November 3rd, the Board will notify the parties herein whether it has denied or allowed the motion to resume proceedings in the other case).

It is so ordered.

Dated at Bethesda, Maryland this 19th day of October, 1976.

For the Atomic Safety and Licensing Board.

SHELDON J. WOLFE,
Chairman.

[FR Doc.76-31350 Filed 10-27-76;8:45 am]

[Docket Nos. STN 50-556 and STN 50-557]

PUBLIC SERVICE CO. OF OKLAHOMA ET AL.

Receipt of Additional Antitrust Information; Time for Submission of Views on Antitrust Matters

In the matter of Public Service Co. of Oklahoma, Associated Electric Cooperative, Inc., and Western Farmers Electric Cooperative.

Public Service Company of Oklahoma, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, filed, on August 23, 1976, information requested by the Attorney General for Antitrust Review as required by 10 CFR 50, Appendix L. This information adds Western Farmers Electric Cooperative as a joint owner of the Black Fox Station, Units 1 and 2. The information was filed in connection with Public Service Company of Oklahoma and Associated Electric Cooperative, Inc.'s plans to construct and operate two boiling water nuclear reactors near the Town of Inola, Rogers County, Oklahoma. The original antitrust portion of the application was submitted on November 20, 1974, by Public Service Company of Oklahoma. The Notice of Receipt of the Antitrust Application was published in the FEDERAL REGISTER under Docket No. P–531–A on January 17, 1975 (40 FR 3030).

The remaining portions of the application, consisting of general and financial information and a Preliminary Safety Analysis Report accompanied by an Environmental Report were docketed on December 23, 1975 and assigned Docket Nos. STN 50–556 and STN 50–557. The docketed application contained an additional owner, Associated Electric Cooperative, Inc. Notice of Receipt of Application for Construction Permits and Operating Licenses and Availability of Applicants' Environmental Report was published in the FEDERAL REGISTER on January 23, 1976 (41 FR 3517). The Notice of Hearing was also published on January 23, 1976 (41 FR 3515).

A copy of all the above stated documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Tulsa City-County Library, 400 Civic Center, Tulsa, Oklahoma 74102.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Antitrust and Indeminity Group, Nuclear Reactor Regulation on or before December 27, 1976.

Dated at Bethesda, Maryland, this 20th day of October, 1976.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors, Branch No. 3, Division of Project Management.

[FR Doc.76-31351 Filed 10-27-76;8:45 am]

[Docket Nos. STN 50-477 and STN 50-478]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Availability of Revised Draft Environmental Statement for the Atlantic Generating Station, Unit Nos. 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Revised Draft Environmental Statement (NUREG–0058, Revision 1) related to the proposed construction of the Atlantic Generating Station, Unit Nos. 1 and 2, to be located off the southeastern coast of New Jersey about 2.8 statute miles offshore of Atlantic and Ocean Counties, has been prepared by the Commission's Office of Nuclear Reactor Regulation. The notice of intent to issue this Revised Draft Statement and the reopening of the

comment period for the Draft Environmental Statement published in April 1976 was published in the FEDERAL REGISTER on June 14, 1976 (41 FR 24007). The Revised Draft Statement incorporates entirely the original Draft Environmental Statement, the availability of which was noticed in the FEDERAL REGISTER on April 9, 1976 (41 FR 15071). Comments previously submitted on the April 1976 Draft Statement will be considered in the preparation of the Final Environmental Statement and need not be resubmitted on the Revised Draft. This Revised Draft Environmental Statement differs from the previous Draft Statement only to the extent that applicable results of the Draft Liquid Pathway Generic Study (NUREG–0140) published in September 1976, have been incorporated into Section 7 and the Summary and Conclusions of the Revised Statement.

The Revised Draft Environmental Statement is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W. Washington, D.C. and in the Stockton State College Library, Pomona, New Jersey 08240. The Revised Statement is also being made available at the Bureau of State and Regional Planning, Department of Community Affairs, 329 West State Street, Trenton, New Jersey 08625; the Atlantic County Planning Board, 25 Dolphin Avenue, Northfield, New Jersey 08225; and the Ocean County Planning Board, Court House Square, Toms River New Jersey 08753. Requests for copies of the Revised Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Site Safety and Environmental Analysis.

The Applicant's Environmental Report, as supplemented, submitted by the Public Service Electric and Gas Company on behalf of itself, Atlantic City Electric Company, and Jersey Central Power and Light Company, is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on March 27, 1974 (39 FR 11329).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Revised Draft Statement for the Commission's consideration. Federal, State and specified local agencies are being provided with copies of the Revised Draft. Other interested persons may obtain this document upon request. Comments are due by December 13 1976.

Comments from Federal, State, and local officials, or other interested members of the public received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Stockton State College Library, Pomona, New Jersey 08240. Upon consideration of comments submitted with respect to the Revised Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Revised Draft Environmental Statement from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Rockville, Maryland this 18th day of October 1976.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc.76–31410 Filed 10–27–76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.103, Revision 1, "Post-Tensioned Prestressing Systems for Concrete Reactor Vessels and Containments," identifies the post-tensioned prestressing systems that have been reviewed and approved by the NRC staff for use in concrete reactor vessels and containments. It also describes qualifications acceptable to the NRC staff for new post-tensioned systems. This guide was revised after consideration of comments from the public and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or. (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 19th day of October 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76–31353 Filed 10–27–76;8:45 am]

NUCLEAR FACILITY SITES

NRC Undertakes Study of Ways to Improve Efficiency of Federal/State Review

The 93rd and 94th Congress have considered a number of bills that would amend siting procedures for nuclear facilities. In the 93rd Congress, these included H.R. 16700; S. 3179, H.R. 13484; H.R. 12823 and H.R. 11957 In the 94th Congress, these included H.R. 7002, S. 1717; H.R. 3995 and H.R. 3734. Most of these bills addressed in some manner the growing problem of duplication in licensing reviews by Federal and State agencies; some would have provided for coordinated planning and scheduling, joint hearings and avoidance of duplicate data collection. Others would have authorized NRC to enter into agreement with states whereby the State would perform the NEPA reviews under NRC guidelines. The Joint Committee on Atomic Energy (JCAE) received conflicting testimony on the proposed roles of the States during hearings on these bills. None of the foregoing bills were reported by the JCAE to the Congress for action.

On April 9, 1976, Senators Pastore and Baker introduced another siting bill, S. 3286 and on May 3, 1976, an identical measure, H.R. 13512, was introduced by Congressman Price and others. Section 102 of these bills reads as follows:

> The Nuclear Regulatory Commission, in cooperation with other Federal and State agencies, shall conduct a study of methods to improve further the procedures for Federal and State participation in the review and approval, in areas other than protection against radiation hazards and protection of the common defense and security, of sites for utilization or production facilities. The study should give particular attention to methods for coordinating and reaching environmental decisions as efficiently as possible. The Chairman of the Nuclear Regulatory Commission shall submit the results of this study together with any recommended legislation to the Congress within twelve months of the date of the enactment of this Act.

These bills were not enacted by the 94th Congress; however, the Nuclear Regulatory Commission agrees that the study is needed and has directed that it be performed by its staff. The study is being coordinated by the Office of State Programs. A document entitled, "Efficiency in Federal/State Siting Actions—Detailed Study Plan," NUREG–0128, outlines the staff's approach to the study.

The detailed study plan identifies four objectives which will be studied sequentially. Common to all objectives is the development of a consensus as to the meaning of efficiency in environmental decisionmaking.

1. The study will identify key procedural and jurisdictional activity involved in reaching environmental decisions and will relate this activity to Federal, State and private actions involving siting reviews.

2. The study will determine the extent to which coordinated activities and long range planning actions affect the efficiency of environmental decisionmaking.

3. The study will analyze the options for coordinating and reaching environmental decisions more efficiently and will suggest definitions and measurements of improved efficiency.

4. Finally, the study will, if appropriate bases can be justified, recommend legislative options for consideration by the Congress and changes in the site approval procedures of NRC, other Federal agencies and the States.

Copies of the document outlining the study plan (NUREG–0128) are available at the Commission's Public Document Room or may be obtained by writing Elizabeth McCarthy, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Comments on the plan are invited and should be addressed to Mr. Robert G. Ryan, Director, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Comments should be submitted by November 10, 1976.

The study plan calls for convening a Panel on State Regulatory Activity Involved in Need for Power drawn from State Public Utility or Public Service Commissions supplemented by outside experts to review the steps involved in granting of a certificate of public convenience and necessity and the relationship of that certificate to the NRC review process. The panel will also review the timing of this certification and the supporting data requirements with respect to the need for power and the allocation of facilities cost to determine how coordinated actions might further improve the review process among the Federal/State parties.

It is expected that the State Regulatory Activity Involved in Need for Power Panel will meet twice for two days each time, the first on November 11th and 12th, 1976, and the second during the second week in February, 1977.

The study plan also calls for the convening of a Success Factor Evaluation Panel. This panel is to provide an independent appraisal of the factors that determine efficiency in reaching environmental decisions. The panel of outside experts experienced in institutional relations and representing a wide range of views, is charged with examining the event chains as they exist and suggesting measurements of efficiency in reaching decisions. It will attempt to define efficiency as perceived by the many participants in environmental decisionmaking.

It is expected that the Success Factor Evaluation Panel will also meet twice and for two days each time, the first on November 17th and 18th, 1976, and the second during the third week in February, 1977.

The November panel meetings will be held in Room 1167, 1717 H Street, NW., Washington, D.C., and will start at 9:00 a.m.

The panel meetings are being held to obtain the opinions of, and to provide the opportunity for interaction among, invited experts; however, they will be open to public attendance, observation and submission of written statements.

Reports of the meetings will be filed in the NRC Public Document Room.

Persons who wish further information about these panel meetings, or who wish to attend or submit a written statement, should write Elizabeth McCarthy, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, or call her at (301) 492–7950, giving name, address, and phone number.

Notice will be given in the FEDERAL REGISTER at a future date of workshops to be held in mid-December and in late March in cooperation with the National Governors' Conference to receive comments and opinions regarding the study from state agencies. Notice will also be given in the FEDERAL REGISTER of the date and location of the mid-February panel meetings.

Dated at Bethesda, Md. this 22d day of October 1976.

For the Nuclear Regulatory Commission.

ROBERT G. RYAN,
Director,
Office of State Programs.

[FR Doc.76–31651 Filed 10–27–76;8:45 am]

[Docket No. 50–313]

ARKANSAS POWER AND LIGHT CO.

Consideration of Proposed Modification to Facility Spent Fuel Storage Pool

The U.S. Nuclear Regulatory Commission (the Commission) is considering the approval of a modification to the spent fuel storage pool of Arkansas Nuclear One—Unit No. 1 (the facility) operated under Facility Operating License No. DPR–51 issued to the Arkansas Power & Light Company (the licensee). The facility is a pressurized-water reactor located in Pope County, Arkansas, and is currently authorized to operate at 2568 megawatts (thermal).

The proposed modification being considered involves replacement of the existing spent fuel storage racks having a capacity for 253 fuel assemblies with new storage racks with a capacity for 590 assemblies in accordance with the licensee's application dated October 7, 1976. Approval of the proposed modification would require concurrent issuance of an amendment to the above license to revise the Technical Specifications for the facility to reflect the increased spent fuel storage capacity.

Prior to approval of the proposed modification and the license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By November 29, 1976 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the approval of the modification to the subject facility spent fuel storage pool and the concurrent issuance of the license amendment. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Horace Jewell, Esquire of House, Holms & Jewell, 1550 Tower Building, Little Rock, Arkansas 72201, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated October 7, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas 72801.

Dated at Bethesda, Maryland this 26th day of October, 1976.

For the Nuclear Regulatory Commission,

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76–31796 Filed 10–27–76;8:45 am]

OFFICE OF THE FEDERAL REGISTER

NATIONAL FIRE CODES

National Fire Protection Association Technical Committee Reports; Availability

The Office of the Federal Register is issuing this notice of availability of the National Fire Protection Association's (NFPA) technical committee reports to be considered at the May 16–20, 1977, annual meeting at the Washington Hilton Hotel in Washington, D.C. These reports recommend changes, adoption, or withdrawal of certain fire safety standards developed by the NFPA and incorporated in various Federal regulations.

Single copies of the technical committee reports are available free from:

National Fire Protection Association, Publications Department, 470 Atlantic Avenue, Boston, MA 02210.

COMMENTS ON REPORTS BY: December 3, 1976.

ADDRESSED TO: Assistant Vice President—Standards
National Fire Protection Association,
470 Atlantic Avenue, Boston MA 02210.

Various Federal agencies use the NFPA standards as the basis for Federal regulations. Often, these regulations incorporate the NFPA standards by reference. (Incorporation by reference is authorized by 5 U.S.C. 552(a) and 1 CFR Part 51.) The NFPA standards collectively form the National Fire Codes.

BACKGROUND

Each new NFPA standard is developed by an NFPA technical committee. The technical committee presents the new standard in a technical committee report. The report recommends either tentative or official adoption of the standard by NFPA. The NFPA takes action on the technical committee report at either the fall meeting in November or the annual meeting in May.

If the NFPA tentatively adopts a standard, the NFPA makes the standard available for public review and comment and possible changes. After public review, the technical committee issues another technical committee report recommending further action.

If the NFPA officially adopts a standard, it becomes part of the National Fire Codes.

Tentative and official standards may be amended, revised, or withdrawn by the NFPA. Technical committee reports recommending amendments, revisions, or withdrawals of tentative or official standards are also presented for action at the NFPA meetings.

At each NFPA meeting, members may act to adopt or reject the technical committee reports presented. Any person who is a NFPA member of record thirty (30) days before the meeting may participate.

REPORTS FOR THE 1977 MEETING

The technical committee reports covering the standards listed in the table below will be presented at the May 16–20, 1977, meeting.

1977 annual meeting: Technical committee reports

NFPA standard No.	NFPA standard title	Recommended action
6	Organization of industrial fire loss prevention	W
7	Management control of fire emergencies	W
8	Management responsibility for effects of fire on operations.	W
12	Carbon dioxide extinguishing systems	O–P
12A	Halogenated fire extinguishing agent systems—Halon 1301.	O–P
12B	Halogenated fire extinguishing agent systems—Halon 1211.	O–P
15	Water spray fixed systems for fire protection	O–P
24	Outside protection	O–P
56E	Hypobaric facilities	O–P
70B	Electrical equipment maintenance	O–P
71	Central station signaling systems	O–P
72A	Local protective signaling systems	O–P
72D	Proprietary protective signaling systems	O–P
78	Lighting protection code	O–C
79	Electrical standard for metalworking machine tools.	O–P
80	Fire doors and windows	O–P
307	Operation of marine terminals	O–C
501A	Mobile home installations (pt. 8 only)	O–P
501B	Mobile homes (chap. 5 only)	O–P
501C	Recreational vehicles (chap. 4 only)	O–P
501D	Recreational vehicle parks (chap. 6 only)	O–P
1031	Professional qualifications for fire inspector, fire investigator, and fire prevention education officer.	N–O
1141	Guide for fire prevention measures in planned building groups.	N–O
1501	Standard for fire department safety officer	N–O

TYPES OF ACTION

Proposed action on official documents:
- O–P Partial amendments.
- O–C Complete revision.
- O–T Tentative revision.

Proposed action on tentative documents:
- T–P Partial amendments.
- T–C Complete revision.
- T–O Official adoption.

Proposed action on new documents.
- N–T Tentative adoption.
- N–O Official adoption.

Other proposed action:
- R Reconfirmation.
- W Withdrawal.

COMMENTS ON REPORTS

Commenters on these technical committee reports may use the forms provided for comments in the reports. Each person submitting a comment should include his name and address, identify the notice and give reasons for any recommendation.

The NFPA will compile all written comments and the technical committees' responses to those comments. This compilation will form the technical committee documentation and will be available by March 28, 1977. A copy of the technical committees' responses to those comments. This commenter. Copies of the technical committee reports and technical committee documentation will also be available for review at the Office of the Federal Register, 1100 L Street, NW., Washington, D.C.

Dated: October 22, 1976.

FRED J. EMERY,
Director of the Federal Register.

[FR Doc.76-29297 Filed 10-27-76;8:45 am]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION ADVISORY BOARD

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463; 5 U.S.C. App 1) notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation to be held at the Host International Hotel, Detroit, Michigan, November 12, 1976, at 1:30 p.m. The agenda for this meeting is as follows: (1) Opening remarks of the Administrator; (2) Approval of minutes of previous meeting; (3) Administrator's report; (4) Program Review and (5) Closing remarks.

Attendance is open to the interested public but limited to the space available. With the approval of the Administrator members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, Robert D. Kraft, Deputy General Counsel, 800 Independence Avenue, S.W., Washington, D.C. 20591, telephone 202/426-3574. Any member of the public may present a written statement to the Committee at any time.

D. W. OBERLIN,
Administrator.

[FR Doc.76-31534 Filed 10-27-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12913; File No. SR-OCC-76-8]

OPTIONS CLEARING CORP.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 8, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change clarifies OCC's stated policy on acceptance of Exchange transactions to indicate that OCC may elect to accept an opening purchase transaction, notwithstanding non-payment of the premium and the unavailability of sufficient funds of the defaulting Clearing Member to cover the premium, if an exercise notice has been assigned to the other party to the transaction under Rule 803(c). OCC would reserve a lien on any long positions resulting from the acceptance of such transactions. In addition, the proposed rule change would clarify certain provisions of OCC Rules 803(c) and 611.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed amendment to Rule 803(c) is to clarify the meaning of that provision, without effecting any change in substance.

The purpose of the proposed amendment to OCC's stated policy on acceptance of Exchange transactions is to clarify the application of that policy to cases where the premium for an opening purchase transaction is not paid, but an exercise notice has been assigned pursuant to Rule 803(c) to the other party to the transaction. Under ordinary circumstances, OCC's policy is to reject opening purchase transactions where the premium is not paid unless OCC's President determines that OCC controls sufficient liquid assets of the defaulting Clearing Member to cover the premium (after all of the Clearing Member's other obligations have been provided for). However, the rejection of an opening purchase transaction would lead to anomalous results if an exercise notice had been assigned to the other party to the transaction under Rule 803(c). The proposed rule change clarifies OCC's policy to indicate that in those circumstances, OCC may elect to accept the opening purchase transaction, notwithstanding the unavailability of sufficient liquid assets of the Clearing Member to cover the premium.

The proposed amendment to Article VI, Section 8 of the By-Laws makes it clear that if an opening purchase transaction is accepted under the circumstances described in the preceding sentence, OCC will retain a lien on the resulting long position. The proposed amendment to Rule 611 makes the language of that Rule consistent with Article VI, Section 8 of the By-Laws, as amended, and clarifies certain provisions of that Rule without effecting any change in substance.

The proposed rule change contributes to the prompt and accurate clearance and settlement of securities transactions by clarifying certain existing Rules and policies of OCC.

Comments were not and are not intended to be solicited with respect to the proposed rule change.

OCC does not believe that the proposed rule change imposes any burden on competition.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 21, 1976.

TEXT OF PROPOSED RULE CHANGE[1]

Rule 803. Exercise notices accepted by the Corporation shall be assigned in accordance with the Corporation's procedures of random selection to Clearing Members with open short positions in the series of options involved provided that the Corporation may:

(a) [No change.]

(b) [No change.]

(c) assign [a] *an exercise* notice to a Clearing Member in respect of an opening writing transaction made by such Clearing Member on the day [of such assignment] *on which the exercise notice was accepted by the Corporation.*

As used herein an exercise notice in respect of 25 or more option contracts of the same series shall be deemed to be of block size and that portion of an open short position that resulted from one Exchange transaction in respect of 25 or more option contracts of the same series shall be deemed to be of block size.

Subject to the provisions of the By-Laws, exercise notices accepted by the Corporation shall be assigned at or before 7:00 a.m. Chicago Time (8:00 a.m. Eastern Time) on the following business day. Assignments shall be dated and effective as of such following business day. A Clearing Member to which an exercise notice is assigned shall be notified thereof, and the Clearing Member submitting such exercise notice shall (subject to the provisions of Rule 913) be notified of the identity of the Assigned Clearing Member, through deposit of Delivery Advices in their respective locked boxes as soon as practicable after such notice is assigned by the Corporation.

PROPOSED AMENDMENT TO STATED POLICY ON ACCEPTANCE OF EXCHANGE TRANSACTIONS FOR WHICH PREMIUMS ARE NOT PAID

Be it resolved by the Board of Directors of [Chicago Board] *The* Options [Exchange] Clearing Corporation pursuant to Section 8 of Article VI of the By-Laws of the Clearing Corporation that, in the event the Clearing Corporation shall not have received payment from a Clearing Member prior to the commencement time *on any* [of a] business day of all premiums due to the Clearing Corporation on such business day from such Clearing Member in an account, then all unaccepted opening purchase transactions of such Clearing Member in such account shall be rejected and all unaccepted closing purchase transactions shall be accepted; provided, however, that the President may, on behalf of the Clearing Corporation, elect to reject one or more unaccepted closing purchase transactions in the event that the Clearing Corporation has not previously received in cash, or the equivalent thereof, sufficient margin with respect to short positions closed by such transactions, and, provided further, that the President may, on behalf of the Clearing Corporation, elect to accept [one or more] *any* unaccepted opening purchase transaction[s] in such account if (*i*) he should determine that the Clearing Fund deposit of such Clearing Member plus any other funds of such Clearing Member that may be in the possession or at the disposal of the Clearing Corporation are sufficient (taking into account the restrictions of said Section 8 of Article

[1] Brackets indicate deletions and italics indicate new material.

VI and all other matured and potential obligations of such Clearing Member) for the payment of the premiums on such transaction[s], *or (ii) the other party to such transaction was engaging in an opening writing transaction, and the Clearing Corporation has assigned an exercise notice in respect of such transaction pursuant to Rule 803(c).*

PROPOSE AMENDMENT TO ARTICLE VI, SECTION 8 OF BY-LAWS

Section 8. The acceptance of every Exchange transaction and the issuance of every option contract (other than an option contract [expiring in January 1976 or thereafter] for which the commencement time is the close of trading on the business day immediately prior to the expiration date) by the Corporation as provided in Sections 5 and 6 of this Article VI shall be subject to the condition that the Corporation shall have received payment prior to the commencement time of all premiums due to the Corporation from the Purchasing Clearing Member in the account in which the Exchange transaction is effected. In the event the Corporation fails to receive such payment by the commencement time, the Corporation may (either by a general rule or resolution adopted by the Board of Directors or by action of the officers of the Corporation with respect to specific transactions) reject all unaccepted opening and closing purchase transactions in such account; provided, however, that the Corporation shall have the right to apply any funds available in a Clearing Member's firm *lien or non-lien* account, or to liquidate the *unsegregated long* positions in such firm *lien or non-lien* account and apply the proceeds thereof, to the payment of the premiums due in any other account of such Clearing Member. In the event any transaction is rejected as herein provided, the Corporation shall promptly notify, either orally or in writing, the Purchasing Clearing Member and all Writing Clearing Members involved, and such Writing Clearing Members shall have the remedies provided in the Exchange Rules of the Exchange on which the Exchange transaction was effected. In the event the Corporation shall in its discretion accept any Exchange transaction in an account for which full payment of the permiums has not been made, the Corporation may apply any funds of the Clearing Member that are in the possession or at the disposal of the Corporation to the payment of such premiums; provided, however, that the Corporation shall not apply funds in a customers' account for the payment of premiums on transactions in any account other than the customers' account, and provided, further, that the Corporation shall not apply any funds in a Market-Maker's account or specialist's account (if the Market-Maker or specialist is a customer) or in a combined Market-Makers' or specialists' account for the payment of premiums on transactions in any account other than that Market-Maker's, specialist's or combined Market-Makers' or specialists' account. *If the Corporation accepts an opening purchase transaction in an account for which full payment of the premiums has not been made, and the funds of the Clearing Member (if any) applied by the Corporation to the payment thereof are insufficient to pay such premiums in full, the long position resulting from the acceptance of such transaction by the Corporation shall be deemed to be an unsegregated long position and the Corporation shall have the right to close out or to exercise such long position and to apply the proceeds in accordance with Chapter XI of the Rules.*

Rule 611. *Subject to the provisions of Article IV, Section 8 of the By-Laws,* [A]all long positions in customers' *accounts* and firm non-lien accounts shall be deemed to be segregated long positions unless the Corporation receives contrary instructions from a Clearing Member in accordance with the following provisions of this Rule 611. All segregated long positions shall be held by the Corporation free of any charge, lien or claim of any kind in favor of the Corporation or any person claiming through it, until such positions shall be closed or exercised in accordance with the By-Laws and Rules or until the Clearing Member shall file with the Corporation written instructions, in such form as the Corporation may from time to time prescribe, directing that such positions be released from segregation.

At or before 1:00 p.m. Central Time (2:00 p.m. Eastern Time) on each business day, a Clearing Member may file with the Corporation written instructions, in such form as the Corporation may from time to time prescribe, designating any segregated long position in such Clearing Member's customers' account or firm non-lien account which the Clearing Member desires the Corporation to release from segregation. The Clearing Member's Daily Position Report and Daily Margin Report for the following business day, and each business day thereafter while such instructions remain in effect, shall reflect such instructions. [and] The Corporation shall have a lien on *each* [all] unsegregated long position[s] *carried in a customer's account as security for the obligations of the Clearing Member to the Corporation in respect of all Exchange transactions effected through such account, short positions maintained in such account, and exercise notices assigned to such account, and on each unsegregated long position carried in a firm non-lien account as security for all of the Clearing Member's obligations to the Corporation. The Corporation's lien on each such long position shall continue* until (a) the Corporation receives written instructions, in such form as the Corporation may from time to time prescribe, directing that such long position[s] [again] be segregated and held free of lien, and (b) the Clearing Member duly pays to the Corporation, in accordance with these Rules, all amounts payable by such Clearing Member on the business day following the Corporation's receipt of such instructions.

No Clearing Member shall instruct the Corporation to release from segregation, or permit to remain unsegregated, any long position carried in a customers' account or firm non-lien account for any customer or non-customer unless the Clearing Member is simultaneously carrying in such account for such customer or non-customer a short position for an equal number of option contracts of the same class of options and the margin required to be deposited by such customer or non-customer in respect of such short position has been reduced as a result of the carrying of such long position. The filing by a Clearing Member of an instruction to release a long position from segregation shall constitute a representation by the Clearing Member to the Corporation that such instruction is authorized, is in accordance with the foregoing and is in compliance with all applicable laws and regulations. If an account includes segregated and unsegregated long positions in the same series of options, and the aggregate long position in such series is reduced by the filing of an exercise notice or the execution of a closing writing transaction in such account, such reduction shall be applied by the Corporation first against the unsegregated long position in such account, and only the excess, if any, of the number of option contracts exercised or closed out over the number of contracts included in such unsegregated long position shall be applied against the segregated long position in such account. If the Clearing Member desires that such reduction be applied in a different manner, the Clearing Member shall so instruct the Corporation by filing an appropriate release instruction with the Corporation not later than 1:00 P.M. Central Time (2:00 p.m. Eastern Time) on the business day on which such application is first reflected in a Daily Position Report.

[FR Doc.76-31456 Filed 10-27-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

DIVERSIFIED INDUSTRIES, INC.

Suspension of Trading

OCTOBER 15, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Diversified Industries, Inc., being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from October 18, 1976, through October 27, 1976.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-31526 Filed 10-27-76;8:45 am]

[File No. 812-4030]

FIRST INCOME SHARES, INC. AND FIRST INVESTORS FUND FOR INCOME, INC.

Filing of Application of Act for an Order Exempting Proposed Transactions From Provisions and Order Permitting Participation in Proposed Transactions

OCTOBER 21, 1976.

Notice is hereby give that First Income Shares, Inc. ("New Fund") and First Investors Fund for Income, Inc. ("Old Fund") (collectively, "Applicants"), 120 Wall Street, New York, New York 10005, both open-end, diversified, management investment companies registered under the Investment Company Act of 1940 ("Act"), filed an application on September 20, 1976, and an amendment thereto on October 1, 1976, for an order of the Commission pursuant to sections 6(c) and 17(b) of the Act, exempting the proposed transactions described below from the provisions of sections 17(a) and 22(d) of the Act and Rule 22c-1 thereunder, and, pursuant to section 17(d) of the Act and Rule 17d-1 thereunder, for an order permitting Applicants to participate in the proposed transactions. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Old Fund was incorporated in Maryland on August 20, 1970, and offers its shares continuously through First Investors Man-

agement Company, Inc. ("Management") and First Investors Corporation ("First Investors") as co-underwriters. More than 95 percent of Old Fund's shares are sold by salesmen employed by First Investors. Both First Investors and Management are wholly-owned subsidiaries of First Investors Consolidated Corporation, of which Messrs. Glenn O. Head and David D. Grayson, each of whom is a Vice President and Director of Old Fund and New Fund, each owns 35.5 percent of the voting stock. Management serves as investment adviser to Old Fund, and Management and First Investors also serve as co-underwriters, and Management serves as investment adviser, to First Investors Fund, Inc., First Investors Fund for Growth, Inc., First Investors Discovery Fund, Inc., and First Investors Trend Fund, Inc. The officers and directors of Old Fund, with one exception, are also officers and directors of these other funds.

Old Fund and New Fund have identical boards of directors, each consisting of nine members. In addition to Messrs. Head and Grayson, Applicants state that Joseph M. O'Brien, President and director of First Investors, and John T. Sullivan, director of First Investors, are "interested persons" of the Applicants as defined in section 2(a)(19) of the Act.

The Applicants state that Old Fund's primary investment objective is to earn a high level of current income, and that, on June 30, 1976, Old Fund's net assets were approximately $155,000,000.

According to Applicants, New Fund was incorporated in Maryland as Chestnut Monthly Income Fund, Inc. on January 19, 1976, was registered under the Act on February 20, 1976, but has not yet commenced operations. Applicants state that New Fund's investment objectives, policy, restrictions, officers, auditors, legal counsel and custodian are identical to those of Old Fund, and that all of the outstanding shares of New Fund presently are held by First Investors, which purchased 9,107 shares without sales charge at $10.98 per share for an aggregate of $100,000, in connection with New Fund's organization.

As more fully set forth in the application and summarized below, Applicants generally propose to effect an underwritten offering of Old Fund shares through a series of transactions involving an underwritten offering of New Fund shares, followed by the purchase by Old Fund of all the assets of New Fund in exchange for shares of Old Fund, and the distribution in liquidation of such Old Fund shares to shareholders of New Fund and the subsequent dissolution of New Fund.

According to the application, New Fund proposes to offer 2,500,000 shares of its common stock to the public at its net asset value of $10.98 per share plus an underwriting discount through underwriters for whom Drexel Burnham & Co., Inc. ("Drexel") will act as representative, and the underwriting discounts on shares sold pursuant to that offering will be equal, as a percentage of the net amount invested, to the sales charge applicable to Old Fund shares. For purchases of less than $10,000.00, such underwriting discount will be $1.02 per share.

Applicants state that persons purchasing New Fund shares pursuant to this underwritten offering will not be required to make payment for such shares until the closing date of the exchange of New Fund's assets for shares of Old Fund, as set forth below ("Closing Date"), and that such Closing Date will be approximately two weeks, but not more than four weeks, after the effective date of New Fund's Registration Statement under the Securities Act of 1933 ("Effective Date"). Applicants further state that there will be no continuous offering of New Fund shares following the Closing Date.

As a further step in the proposed transactions, Applicants propose to enter into a Stock Purchase Agreement ("Agreement") pursuant to which all of the assets of New Fund (consisting of the $100,000 in cash paid by First Investors for the shares it holds and the cash realized by New Fund in the underwriting) will be transferred to Old Fund on the Closing Date in exchange for shares of the stock of Old Fund having the same aggregate net asset value, calculated as described below. According to the application, the Agreement will be approved by First Investors, as sole shareholder of New Fund, prior to the Closing Date, but will not be submitted to Old Fund shareholders for approval.

Applicants states that, as of September 14, 1976, Old Fund had $13,154,498 ($.6487 per share) of unrealized capital gain, and realized capital gains of $10,319,379 ($.5089 per share). The Agreement provides that, on a date prior to the Closing Date (the "Record Date"), Old Fund will declare dividends sufficient to distribute all of its taxable net investment income and all of its realized capital gains accumulated to the Record Date, in each case to the stockholders of record of Old Fund as of the date immediately preceding the Closing Date. Applicants state that Old Fund shareholders who have elected to reinvest income dividends and capital gains distributions in additional shares of Old Fund (who presently hold about 60 percent of Old Fund's shares) will receive such shares at the net asset value (ex-dividend) in effect on the Record Date, without any sales charge.

Applicants state that the Fund's relative net asset values will be determined as of the close of business on the Closing Date, after giving effect to net investment income and net realized capital gains distributions of Old Fund, if any, and that no adjustment will be made for any tax implications relating to unrealized capital gains or losses.

According to Applicants, New Fund will distribute to its shareholders on a pro-rata basis the shares of Old Fund received pursuant to the Agreement, and will thereupon be dissolved.

Applicants state that Drexel, in the course of its customary market making activities, effects substantial securities transactions with and on behalf of Old Fund. According to the application, it is anticipated that Old Fund may continue to effect securities transactions with Drexel (acting either as broker or principal) to a substantial extent up to the Effective Date and subsequent to the Closing Date; but that Old Fund will not effect securities transactions with Drexel during the period from the Effective Date until the Closing Date. Furthermore, Applicants state that other members of the underwriting syndicate may continue their market making and dealer activities with Old Fund during the period between the Effective Date and the Closing Date, as well as before and after such periods, and that, after the Closing Date, Drexel as well as other members of the underwriting syndicate may distribute Old Fund shares as dealers, through First Investors and Management.

Applicants state that all expenses of the underwritten offering of New Fund shares and of the transactions pursuant to the Agreement, including the dissolution of New Fund, will be borne by Management, except that the underwriters will bear their own normal expenses, such as the costs of retaining their counsel and of underwriting the offering of New Fund shares.

Applicants contend that the proposed transactions have been structured in the manner described in order to effect an underwriting of Old Fund shares in an orderly manner to avoid disruption of the operations of Old Fund. Applicants state that there is no agreement in effect to suspend sales of Old Fund shares during the underwriting of New Fund shares, and that, therefore, First Investors salesmen, who may have dealings with a different group of customers than those to whom the underwriters have access, would be able to continue to offer Old Fund shares for sale during the pendency of the New Fund offering. In addition, Applicants state that the proposed transactions would permit the sale of New Fund shares at a definite price rather than at a price which would change daily as the Old Fund's net asset value changed. Finally, the Applicants state that the proposed transaction will be fully disclosed in the New Fund prospectus to be employed in connection with the underwriting, and that the Old Fund's prospectus will be stickered or amended to disclose the existence and terms of their proposal.

Section 2(a)(3) of the Act, in part, defines an "affiliated person" of another person as "* * * (A) any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person; (B) any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person; (C) any person directly or indirectly controlling, controlled by, or under common control with, such other person; * * * (E) if such other person is an investment

company, any investment adviser thereof or any member of an advisory board thereof * * *."

Applicants state that they might be deemed to be under common control and therefore "affiliated persons" of each other, since they have identical boards of directors.

Section 17(a) of the Act provides, in part, that it shall be unlawful for any affiliated person or promoter of, or principal underwriter for, a registered investment company, or any affiliated person of such a person, promoter, or principal underwriter, acting as principal:

(1) knowingly to sell any security or other property to such registered company * * * unless such sale involves solely (A) securities of which the buyer is the issuer, [or] (B) securities of which the seller is the issuer and which are part of a general offering to the holders of a class of its securities * * *;

(2) knowingly to purchase from such registered company * * * any security or other property (except securities of which the seller is the issuer) * * *.

Thus, the sale by Old Fund of its shares to New Fund at net asset value rather than at net asset value plus a sales charge might be deemed to be prohibited by section 17(a)(1).

Section 17(b) of the Act provides that the Commission, upon application, may exempt from the provisions of section 17(a) a proposed transaction if evidence establishes that the terms of such transaction, including the consideration to be paid or received, are fair and reasonable and do not involve any overreaching on the part of any party concerned, and that the transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Although Applicants do not concede that the provisions of section 17(a) of the Act apply to the proposed transaction, they assert that the proposed transaction has been structured to prevent overreaching on the part of any person concerned and to assure that its terms are fair and reasonable and consistent with the policies of Old Fund and of New Fund and with the general purposes of the Act, and state that the board of directors of each Applicant has considered such terms and determined that this assertion is correct. Furthermore, Applicants state that, on the Closing Date, New Fund will acquire Old Fund shares at their net asset value as of the close of business and that, since the underwriting discounts applicable to New Fund shares are identical, as a percentage of the net amount invested, to the sales load on Old Fund shares, investors in New Fund will acquire Old Fund shares on the Closing Date at the same price at which direct investors in Old Fund would acquire such shares on that date.

Section 17(d) of the Act provides, in part, that it shall be unlawful for any affiliated person of, or principal underwriter for, a registered investment company, or any affiliated person of such a person or principal underwriter, acting as principal, to effect any transaction in which such registered company is a joint or a joint and several participant with such person, principal underwriter, or affiliated person, in contravention of rules promulgated by the Commission pursuant to that Section.

Rule 17d–1 generally provides, in part, that a transaction within its scope may not be effected unless an order of the Commission permitting such transaction is issued prior to implementation, or submission to shareholders for approval, thereof, and that, in passing upon an application for such an order, the Commission will consider whether the participation of such registered company in such joint enterprise on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

It appears from the application that First Investors is principal underwriter for Old Fund, and controls (and is therefore an affiliate of) New Fund, that Management is adviser to (and therefore an affiliate of) Old Fund, and that, by reason of First Investors Consolidated Corporation's ownership of all of the voting stock of Mangement and First Investors, and First Investors' ownership of all of New Fund's outstanding shares, Management is under common control with (and is therefore an affiliate of) New Fund. Therefore, the proposed transactions may constitute a "joint enterprise", within the meaning of section 17(d) of the Act, in which First Investors and Mangement participate with two registered investment companies, Old Fund and New Fund.

While not conceding that the provisions of section 17(d) of the Act apply to the proposed transactions, Applicants assert that the terms of the proposed transaction and the operation of Applicants prior and subsequent thereto are not intended to result in any participation therein on a basis different from or less advantageous than that of any other participant, and that the board of directors of each of the Applicants has reviewed the transaction and each board has determined that no party will participate in the transactions described herein on a basis different from or less advantageous than that of any other participant. Applicants also submit that the participation of Old Fund and New Fund therein is consistent with the provisions, policies and purposes of the Act. Accordingly, to the extent that the interrelationships described herein might cause any of the proposed activities by any of Old Fund, New Fund, Management, or First Investors to come within the provisions of section 17(d) of the Act, Applicants request, pursuant to Rule 17d–1 under the Act, an order of the Commission permitting their participation in the proposed transactions.

Section 22(d) of the Act provides, in part, that no registered investment company shall sell redeemable securities of which it is the issuer except at a current public offering price described in the prospectus. Since purchasers of New Fund shares pursuant to the proposed offering will exchange those shares at the Closing Date for shares of Old Fund on the basis of the Funds' then relative net asset values, such sales of New Fund shares may involve indirectly, a purchase of Old Fund shares at other than Old Fund's current offering price. Applicants state that both the Old Fund and New Fund prospectuses will set forth fully the basis upon which shares are being sold, and that the underwriting discounts payable upon purchase of New Fund shares were designed to be identical to those payable upon direct investment in Old Fund shares in order to comply with the provisions of section 22(d).

Rule 22c–1 under the Act provides, in part, that no registered investment company shall sell, redeem, or repurchase any redeemable security of which it is the issuer except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Since sales of New Fund shares would be at a price unrelated to the then net asset value of the Old Fund, such sales might be deemed to violate Rule 22c–1.

Applicants request that, to the extent that the proposed transactions may not be in compliance with section 22(d) of the Act and with Rule 22c–1 thereunder, the Commission issue an order of exemption therefrom pursuant to section 6(c) of the Act to the extent necessary to permit the transactions described in the application to be consummated.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security or transaction from any provision or provisions of the Act or any rule thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and with the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 12, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address set forth above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a

hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-31490 Filed 10-27-76;8:45 am]

[Rel. 34-12914; File No. SR-NASD-76-10]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Self-Regulatory Organizations Proposed Rule Change

Pursuant to section 19(B)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, section 16 (June 4, 1975) notice is hereby given on September 28, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

A. STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The following is the full text of the proposed amendment to Section 4 of Schedule G under Article XVIII of the By-Laws of the National Association of Securities Dealers, Inc.:

SECTION 4—FEES AND CHARGES

(a) NASDAQ Level III Terminal: (1) Charges for regular NASDAQ Level III services are contained in Part IV of Schedule D under Article XVI of the By-Laws.

(2) The charge for modifying a NASDAQ Level III terminal for transaction reporting capability shall be $25.

(3) The charge for each transaction reported via a modified NASDAQ Level III terminal shall be $.20 per transaction for transactions reported prior to January 1, 1976, and $.10 per transaction for transactions reported subsequent to January 1, 1976.

(b) NASDAQ Transaction Reporting Terminal: (1) A NASDAQ Transaction Reporting terminal can be utilized for transactions reporting but does not have the capability of performing any of the NASDAQ bid/ask functions.

(2) The charge for the first Transaction Reporting terminal shall be $300 per month. The charge for each additional Transaction Reporting terminal shall be $250 per month.

(3) The charge for each transaction reported via a Transaction Reporting terminal shall be $.20 per transaction for the first 300 transactions per day and $.35 per transaction for each transaction in excess of 300 transactions per day for transactions reported prior to January 1, 1976. For transactions reported subsequent to January 1, 1976 the charge for each transaction reported shall be $.10 per transaction.

(4) Installation, removal and relocation charges for control units and Transaction Reporting terminals are the same as those for NASDAQ Level III service contained in Part IV of Schedule D under Article XVI of the By-Laws.

(c) The charge for any transaction reported through the NASDAQ supervisory office in New York City via Telex, TWX, or telephone or other accepted method of communication shall be $.20 per transaction for transactions reported prior to January 1, 1976 and $.10 per transaction for transactions reported subsequent to January 1, 1976.

(d) There shall be no charge for transactions reported in writing in conformance with the previous provisions of this Schedule.

B. STATEMENT OF BASIS AND PURPOSE

The amendments to Section 4 of Schedule G under Article XVIII of the By-Laws of the NASD provide that the charge for members reporting transactions in eligible securities through the NASDAQ System be reduced for $.20 per transaction to $.20 per transaction for transactions reported prior to January 1, 1976 and $.10 per transaction for transactions reported subsequent to January 1, 1976.

Under the provisions of Rule 17a-15 adopted by the Commission under Section 17 of the Securities Exchange Act of 1934 the NASD filed with the Securities and Exchange Commission a written plan meeting specified standards concerning the collection and dissemination by the NASD of information relating to over-the-counter transactions executed by its members in securities registered or admitted to unlisted trading privileges on an exchange. Article XVIII of the NASD By-Laws and Schedule G thereunder contain the rules and procedures necessary to carry out the NASD's responsibilities and duties under Rule 17a-15. Article XVIII also gives the Board of Governors authority to impose reasonable and equitable fees and charges in connection with the collection and dissemination of last sale information. Article XVIII and Sections 1, 2 and 3 of Schedule G were approved by the Commission on May 12, 1976.

Article XVIII of the By-Laws gives the Board of Governors the power to adopt, alter, amend, supplement or modify the provisions of Schedule G and provides that Schedule G as adopted, altered, amended, supplemented or modified shall become effective as the Board of Governors shall prescribe unless disapproved by the Commission. Comments of the membership were not solicited or received.

It is felt that there is no burden on competition imposed by the proposed rule change.

* * * * *

On or before December 2, 1976, or within such longer period (i) as the Commission may designate up to ninety (90) days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 29, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

OCTOBER 21, 1976.

[FR Doc.76-31527 Filed 10-27-76;8:45 am]

NATIONAL MARKET ADVISORY BOARD

Meeting

This is to give notice pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the National Market Advisory Board will conduct open meetings on November 15 and 16, 1976 in Room 776, 500 North Capitol Street, Washington, D.C. Initial notice of this meeting was published in the FEDERAL REGISTER on October 1, 1976.

The Board will also conduct open meetings on December 13 and 14, 1976 at the same location and on January 17 and 18, 1977 at a location to be determined later. The summarized agenda for these meetings will be published in the FEDERAL REGISTER at a later date.

The summarized agenda for the November meeting is as follows:

1. Discussion of the Board's report to the Securities and Exchange Commission regarding the establishment of a composite limit order book;
2. Discussion of the Board's report to the Congress pursuant to section 11A(d)(3)(B) of the Securities Exchange Act of 1934;
3. Discussion of off-board principal transactions in listed securities by exchange members;
4. Discussion of the submission of the Institutional Advisory Committee on Trading to the New York Stock Exchange; and
5. Discussion of such other matters as may properly be brought before the Board.

Further information may be obtained by writing Martin L. Budd, Executive Director, National Market Advisory

Board Staff, Securities and Exchange Commission, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 21, 1976.

[FR Doc.76-31489 Filed 10-27-76;8:45 am]

[812-4010]

STANDARD SHARES, INC.

Filing of Application of Act for an Order Exempting Certain Transactions From Provisions

OCTOBER 21, 1976.

Notice is hereby given that Standard Shares, Inc. ("Applicant"), 230 Park Avenue, New York, New York 10017, a closed-end, non-diversified management company, registered under the Investment Company Act of 1940 ("Act"), filed an application on August 16, 1976, pursuant to sections 6(c) and 17(b) of the Act for an order permitting Applicant to convert a note issued by Brand Insulations, Inc. ("Brand"), an affiliate of Applicant, into preferred stock of Brand. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant asserts that Brand, engaged primarily in the mechanical insulation contracting business, has approximately 800 common stockholders, including Applicant which holds approximately 75 percent of the outstanding Brand voting shares. If Applicant were to exercise certain conversion rights, it states it would hold approximately 90 percent of Brand's outstanding common shares and 91 percent of its outstanding voting shares. Three of Brand's directors (a majority) are designees of Applicant, and two such directors also are directors of Applicant. By reason of such ownership of Brand voting securities, Applicant states it may be deemed an affiliated person of Brand as defined in section 2(a)(3) of the Act to include as an affiliated person of another person any person owning 5 percent or more of the outstanding voting securities of such other person and any person controlling such other person.

Applicant states that it also holds several notes issued by Brand aggregating $5,270,000, including one note in the principal amount of $3,035,000 ("Note"), which is convertible into Brand's Series E Preferred Shares ("Series E Shares") at the rate of one Series E Share for each $100,000 of unpaid principal and interest. Applicant states that its total investment in Brand represents less than 2 percent of Applicant's assets. Applicant desires to convert up to $2,000,000 of the $3,035,000 face amount of the Note at any time and from time to time as it considers necessary to eliminate Brand's negative net worth. Applicant asserts that Brand has experienced difficulty in obtaining desirable new contracts because of the reluctance of prime contractors, builders and bonding companies to deal with a company having a negative net book value; conversion of the Note would give Brand a positive net book value, which Applicant expects would enable Brand to obtain business not otherwise available to it; and Applicant, together with all other shareholders of Brand, would participate in the profits, if any, which may accrue from any such new business.

Applicant alleges it would not be disadvantaged by relinquishing a portion of its secured debts in exchange for preferred shares, because all of Brand's debts to Applicant are secured by Brand's assets, which have an estimated liquidating value not in excess of $1,500,000; so that any excess over $1,500,000 in Brand notes held by Applicant may be viewed in effect, as unsecured indebtedness.

Applicant asserts that any such conversion may be deemed to constitute a sale of the Series E Shares by Brand to Applicant, in violation of section 17(a) of the Act, which, in pertinent part, prohibits an affiliated person of a registered investment company, acting as principal, from selling any security to such registered company. Consequently, Applicant seeks an exemption from section 17(a) pursuant to section 17(b) of the Act, which directs the Commission upon application to exempt a proposed transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

However, because Applicant wishes to be able to make the requested conversion from time to time in such amounts as it considers necessary to facilitate the stated purposes, it requests that the Commission's order be issued also under section 6(c) of the Act which provides, in pertinent part, that the Commission may exempt any class of transactions from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that the proposed conversion, from time to time to a maximum of $2,000,000, would be fair and reasonable to it and to the other shareholders of Brand and would be consistent with Applicant's policies with respect to securities investments and with the general purposes of the Act, that it would not involve overreaching on the part of any person concerned, and that it would be consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 15, 1976 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-31491 Filed 10-27-76;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on November 23, 1976 at 9:00 AM, the St. Petersburg Regional Office Station Committee on Educational Allowances shall at the Federal Building, 144 First Avenue, So., Room 610, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Southern College, Inc., Orlando, Florida, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: October 20, 1976.

WILLIAM R. BLACKWELL,
Director, VA Regional Office.

[FR Doc.76-31449 Filed 10-27-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 178]

ASSIGNMENT OF HEARINGS

OCTOBER 22, 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 136786 (Sub-No. 93), Robco Transportation, Inc., now assigned November 12, 1976, at Dallas, Tex. is canceled and application dismissed.

MC 11207 (Sub-No. 369), Deaton, Inc., now assigned November 15, 1976, at Birmingham, Ala., is canceled and application dismissed.

MC 123744 (Sub 22), Butler Trucking Co., now being assigned December 16, 1976 (2 days) at Buffalo, New York in a hearing room to be later designated.

MC 113666 (Sub No. 103), Freeport Transports, Inc. now being assigned December 16, 1976 (2 days) at Buffalo, New York in a hearing room to be later designated.

MC 130378, B.W.C. Transportation Agency, Inc. now being assigned December 13, 1976 (3 days) at Buffalo, New York in a hearing room to be later designated.

MC 128555 (Sub 10), Meat Dispatch, Inc. now being assigned December 8, 1976 (3 days) at Buffalo, New York in a hearing room to be later designated.

MC–F 12598, Cooper-Jarrett, Inc.—Purchase—Tri-City Express, Inc. and MC 35334 (Sub 78), Cooper-Jarrett, Inc. now being assigned November 15, 1976 (1 week) at Frankfort, Kentucky and will be held at Capitol Plaza, G–2, Ground Level.

MC–F–11327, National Freight, Inc.—Control—Cross Transportation, Inc., MC 2860 (Sub-No. 144), National Freight, Inc. and MC–F–12190, National Freight, Inc.—Purchase—Northeastern Trucking Company, now being assigned for Continued hearing on October 21, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 114533 (Sub 341) Bankers Dispatch Corporation now being assigned March 28, 1977 (10 days) at Kansas City, Missouri for continued prehearing conference in a hearing room to be later designated.

MC 140511 Sub 2, Autolog Corporation; now being assigned December 13, 1976 (1 Week), at New York, N.Y., in a hearing room to be later designated.

MC–F 12739, Wilson Freight Company—Purchase (Portion)—Red Star Express Lines of Auburn, Inc., dba Red Star Express Lines, MC 13123 (Sub Nos., 82 and 85) Wilson Freight Company now assigned December 6, 1976 at Cincinnati, Ohio and will be held in Room 3026, Federal Office Building, 550 Main Street.

MC 126899 (Sub 96), Usher Transport, Inc. now assigned November 30, 1976 at Louisville, Kentucky and will be held in Room 1052A, Federal Building, 600 Federal Place.

MC 118959 (Sub 134), Jerry Lipps, Inc. now assigned December 2, 1976 at Louisville, Kentucky and will be held in Room 1052A, Federal Building, 600 Federal Place.

MC 141832, K.I.T. Motor Express, Inc. now assigned December 1, 1976 at Louisville, Kentucky and will be held in Room 1052A, Federal Building, 600 Federal Place.

MC 43867 (Sub-No. 28), A. Leander McAlister Trucking Co., and MC 105984 (Sub-No. 16), John B. Barbour Trucking Company, now assigned November 2, 1976, at Dallas, Tex. will be held in the Tax Court, Room 330, U.S. Post Office and Courthouse, Bryan & Ervay Streets instead of Room 5A15–17, Federal Building, 1100 Commerce Street.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–31529 Filed 10–27–76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 22, 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 November 12, 1976.

FSA No. 43258—*Sand from Mill Creek, Oklahoma.* Filed by Southwestern Freight Bureau, Agent, (No. B–635), for interested rail carriers. Rates on sand, in carloads, as described in the application, from Mill Creek, Oklahoma, to Star City, West Virginia. Grounds for relief—Rate relationship. Tariff—Supplement 99 to Southwestern Freight Bureau, Agent, tariff 162–Y, I.C.C. No. 5103. Rates are published to become effective on December 1, 1976.

By the Commission

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–31531 Filed 10–27–76;8:45 am]

IRREGULAR-ROUTE COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

OCTOBER 22, 1976.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before November 8, 1976. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 40215 (Sub-No. E5) (Correction), filed May 17, 1974, published in the FEDERAL REGISTER of September 1, 1976, and partially republished, as corrected, this issue. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. 5th St., Salina, Kans. 67401. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Colorado to points in Michigan, Wisconsin, to those points in Texas on and east of a line beginning at the Texas-Oklahoma State line, and extending along U.S. Highway 36 to junction Texas Highway 16 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 281, thence along U.S. Highway 281 to the United States-Mexico Boundary line. The purpose of this filing is to eliminate the gateway of Concordia, and Liberal, Kans.

NOTE.—The purpose of this republication is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 41406 (Sub-No. E97) (Correction), filed November 13, 1975, published in the FEDERAL REGISTER issue of July 21, 1976, and republished, as corrected, this issue. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Portsmouth, Ohio, to points in Illinois except those east of a line beginning at Illinois Highway 37 to junction Illinois Highway 146, thence along Illinois Highway 146 to U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 141, thence along Illinois Highway 141 to the Ohio River. The purpose of this filing is to eliminate the gateway of Middletown, Ohio.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 61825 (Sub-No. E626), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts and furniture materials* (except household goods as defined at the Commission, commodities in bulk, and commodities requiring special equipment), from points in Texas on and south of a line beginning on the New Mexico-Texas State line and extending along U.S. Highway 180 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Interstate Highway 20, thence along Interstate Highway 20 to junc-

tion Texas Highway 36, thence along Texas Highway 36 to junction Texas Highway 22, thence along Texas Highway 22 to junction Texas Highway 219, thence along Texas Highway 219 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 164, thence along Texas Highway 164 to junction Interstate Highway 45, thence along Interstate Highway 45 to junction Texas Highway 7, thence along Texas Highway 7 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Texas-Louisiana State line, to points in Pennsylvania and New York on and east of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 119 to junction Pennsylvania Highway 31, thence along Pennsylvania Highway 31 to junction Pennsylvania Highway 982, thence along Pennsylvania Highway 982 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Pennsylvania Highway 255, thence along Pennsylvania Highway 255 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Pennsylvania Highway 155, thence along Pennsylvania Highway 155 to junction Pennsylvania Highway 607, thence along Pennsylvania Highway 607 to junction Pennsylvania Highway 872.

Thence along Pennsylvania Highway 872 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction Pennsylvania Highway 49, thence along Pennsylvania Highway 49 to junction Pennsylvania Highway 449, thence along Pennsylvania Highway 449 to the Pennsylvania-New York State line and extending along New York Highway 19 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 21, thence along New York Highway 21 to Lake Ontario, and west and north of a line beginning on the Maryland-Pennsylvania State line and extending along U.S. Highway 11 to junction Pennsylvania Highway 34, thence along Pennsylvania Highway 34 to junction Pennsylvania Highway 274, thence along Pennsylvania Highway 274 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Pennsylvania Highway 225, thence along Pennsylvania Highway 225 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction Pennsylvania Highway 118, thence along Pennsylvania Highway 118 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction Pennsylvania Highway 167, thence along Pennsylvania Highway 167 to the Pennsylvania-New York State line and extending along unnumbered highway to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 29, thence along New York Highway 29 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 9–L, thence along New York Highway 9–L to junction New York Highway 149, thence along New York Highway 149 to junction U.S. Highway 4, thence along U.S. Highway 4 to the New York-Vermont State line and extending along the New York-Vermont State line to the United States-Canadian International Boundary line. The purpose of this filing is to eliminate the gateway of Smyth County, Va., Lynchburg, Va., and Martinsville, Va.

No. MC 61825 (Sub-No. E627), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts and furniture materials* (except household goods as defined at the Commission, commodities in bulk, and commodities requiring special equipment), from points in Colorado on and west of a line beginning on the New Mexico-Colorado State line and extending along Interstate Highway 25 to junction Colorado Highway 69, thence along Colorado Highway 69 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 82, thence along Colorado Highway 82 to junction U.S. Highway 6(24), thence along U.S. Highway 6(24) to junction Colorado Highway 13(789), thence along Colorado Highway 13(789) to the Colorado-Wyoming State line, to points in Pennsylvania and New York on, east and south of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 11 to junction Pennsylvania Highway 34, thence along Pennsylvania Highway 34 to junction Pennsylvania Highway 274, thence along Pennsylvania Highway 274 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Pennsylvania Highway 225, thence along Pennsylvania Highway 225 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 92, thence along Pennsylvania Highway 92 to the Pennsylvania-New York State line and extending along New York Highway 79 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 10, thence along New York Highway 10 to junction New York Highway 23, thence along New York Highway 23 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 2, thence along New York Highway 2 to the New York-Massachusetts State line, and to points in Delaware and New Jersey. The purpose of this filing is to eliminate the gateway of Smyth County, Va., Lynchburg, Va., and Martinsville, Va.

No. MC 61825 (Sub-No. E628), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts and furniture materials* (except household goods, as defined at the Commission, commodities in bulk, and commodities requiring special equipment), from points in New Mexico, on, south and west of a line beginning on the Texas-New Mexico State line and extending along U.S. Highway 380 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction New Mexico Highway 14, thence along New Mexico Highway 14 to junction U.S. Highway 66, thence along U.S. Highway 66 to the New Mexico-Arizona State line, to points in Pennsylvania and New York on, east and south of a line beginning on the Maryland-Pennsylvania State line and extending along U.S. Highway 219 to junction Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 13, thence along New York Highway 13 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Saint Lawrence River and extending along the Saint Lawrence River to the United States-Canadian International Boundary line, and north and west of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 522 to junction Pennsylvania Highway 35, thence along Pennsylvania Highway 35 to junction U.S. Highway 11.

Thence along U.S. Highway 11 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction Pennsylvania Highway 167, thence along Pennsylvania Highway 167 to the Pennsylvania-New York State line and extending along unnumbered Highway to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 320, thence

along New York Highway 320 to junction New York Highway 80, thence along New York Highway 80 to junction New York Highway 20, thence along New York Highway 20 to junction New York Highway 10, thence along New York Highway 10 to junction New York Highway 8, thence along New York Highway 8 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 9–N, thence along New York Highway 9–N to the New York-Vermont State line and extending along the New York-Vermont State line to the United States-Canadian International Boundary line. The purpose of this filing is to eliminate the gateways of Smyth County, Va., Lynchburg, Va., and Martinsville, Va.

No. MC 61825 (Sub-No. E629), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts and furniture materials* (except household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in New Mexico to points in New York and Pennsylvania on, east and south of a line beginning on the Maryland-Pennsylvania State line and extending along U.S. Highway 522 to junction Pennsylvania Highway 35, thence along Pennsylvania Highway 35 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction Pennsylvania Highway 167, thence along Pennsylvania Highway 167 to the Pennsylvania-New York State line and extending along unnumbered highway to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 320, thence along New York Highway 320 to junction New York Highway 80, thence along New York Highway 80 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 10, thence along New York Highway 10 to junction New York Highway 8, thence along New York Highway 8 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 9N, thence along New York Highway 9N to the New York-Vermont State line; and to points in Delaware and New Jersey. The purpose of this filing is to eliminate the gateway of Smyth County, Va., Lynchburg, Va., and Martinsville, Va.

No. MC 61825 (Sub-No. E630), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts and furniture materials* (except household goods as defined at the Commission, commodities in bulk, and commodities requiring special equipment), from points in Arizona, to points in New Jersey and Delaware, and points in Pennsylvania and New York on the east of a line beginning on the Maryland-Pennsylvania State line and extending along U.S. Highway 219 to junction Pennsylvania Highway 403, thence along Pennsylvania Highway 403 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 646, thence along Pennsylvania Highway 646 to the Pennsylvania-New York State line and extending along the Pennsylvania-New York State line to junction New York Highway 19, thence along New York Highway 19 to junction New York Highway 417, thence along New York Highway 417 to junction New York Highway 21, thence along New York Highway 21 to the Lake Ontario. The purpose of this filing is to eliminate the gateway of Smyth County, Va., Lynchburg, Va., and Martinsville, Va.

No. MC 61825 (Sub-No. E631), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts and furniture materials* (except household goods as defined at the Commission, commodities in bulk, and commodities requiring special equipment), from points in Utah to points in Pennsylvania and New York on, east and south of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 11 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction U.S. Highway 209, thence along U.S. Highway 209 to the Pennsylvania-New York State line and extending along U.S. Highway 209 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 23, thence along New York Highway 23 to junction Taconic St. Parkway, thence along Taconic St. Parkway to junction Interstate Highway 90, thence along Interstate Highway 90 to the New York-Massachusetts State line, and to points in Delaware and New Jersey. The purpose of this filing is to eliminate the gateway of Smyth County, Va. and Lynchburg, Va. and Martinsville, Va.

No. MC 64808 (Sub-No. E50) (Partial Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of April 24, 1975, and republished, as corrected, this issue. Applicant: W. S. THOMASTRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (3) between points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-Maryland State line and extending over U.S. Highway 219 to the Pennsylvania-New York State line, thence along the New York-Pennsylvania State line to junction Pennsylvania Highway 89, thence over Pennsylvania Highway 89 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Interstate Highway 76, thence over Interstate Highway 76 to junction U.S. Highway 119, thence over U.S. Highway 119 to the Pennsylvania-West Virginia State line, and thence along the Pennsylvania-West Virginia and Pennsylvania-Maryland State lines to the point of beginning, on the one hand, and, on the other, points in that part of West Virginia on and south of a line beginning at the West Virginia-Ohio State line and extending over West Virginia Highway 20 to junction U.S. Highway 119, thence over U.S. Highway 119 to junction U.S. Highway 33, and thence over U.S. Highway 33 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Marion County, W. Va.

NOTE.—The purpose of this partial correction is to state the correct territorial description.

No. MC 95540 (Sub-No. E719), filed May 20, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *The commodities classified as* (a) *meats, meat products, and meat by-products* in the Appendix to the report in *Modification of Permits—Packing House Products*, 48 M.C.C. 628, from Detroit, Mich., to those points in Louisiana on and southeast of a line beginning at the Gulf of Mexico and extending along unnumbered Louisiana Highway to junction U.S. Highway 167 (excluding Abbeville) thence along U.S. Highway 167 to junction Louisiana Highway 94, thence along Louisiana Highway 94 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 61 (excluding Baton Rouge), thence along U.S. Highway 61 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Louisiana Highway 41, thence along Louisiana Highway 41 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Louisiana-Mississippi State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 95540 (Sub-No. E748), filed October 4, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from the plantsite and

storage facilities of Chef-Pierre, Inc., located at or near Traverse City, Mich., to points in Colorado on and south of a line beginning along U.S. Highway 50 to junction Colorado Highway 90, thence along Colorado Highway 90 to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateway of Dyersburg, Tenn.

No. MC 95540 (Sub-No. E863), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood), from points in West Virginia, to points in Florida. The purpose of this filing is to eliminate the gateway of points in North Carolina.

No. MC 95540 (Sub-No. E864), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Mesa, Arizona, to points in Connecticut. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 102616 (Sub-No. E126), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from the terminal/plantsite of Texas Eastern Transmission Corp. near Princeton, Ind., to points in Virginia on and north of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of points in Ohio on and north of U.S. Highway 40.

No. MC 102616 (Sub-No. E127), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from the terminal of LaGloria Oil & Gas Co. near Seymour, Ind., to points in Virginia on and north of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of points in Ohio on and north of U.S. Highway 40.

No. MC 102616 (Sub-No. E209), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Illinois, Kansas, Michigan, Kanawha County, W. Va., and points in Tennessee west of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of South Charleston, or Institute, W. Va.

No. MC 102616 (Sub-No. E210), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Iowa, Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of South Charleston, or Institute, W. Va. and Chicago, Ill.

No. MC 102616 (Sub-No. E212), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey, to points in California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and points in North Dakota, South Dakota and Wyoming which are west of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, W. Va. and Ludington, Mich.

No. MC 102616 (Sub-No. E213), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Virginia on and east of U.S. Highway 220 which are south of U.S. Highway 50 (except Alexandria and points within 20 miles thereof). The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E219), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Bayonne, N.J. and points within 15 miles thereof, to points in Illinois on and north of U.S. Highway 24 and points in Indiana (except points bounded by a line beginning at the Michigan-Indiana State line and extending along Indiana Highway 13 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 105, thence along Indiana Highway 105 to junction Indiana Highway 124, thence along Indiana Highway 124 to the Indiana-Ohio State line, to the Indiana-Michigan State line, to the point of beginning). The purpose of this filing is to eliminate the gateway of Baltimore, Md., Allegheny or Beaver counties, Pa. and Toledo, Ohio.

No. MC 102616 (Sub-No. E220), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Bayonne, N.J. and points within 15 miles thereof to points in Ohio on and east of Ohio Highway 13 which are on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Baltimore, Md. and Midland, Freedom, Delmont or Neville Island, Pa.

No. MC 102616 (Sub-No. E221), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Bayonne, N.J. and points within 15 miles thereof to points in Ohio on and east of Ohio Highway 13 which are on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Baltimore, Md. and Kobuta, Pa. or points within 5 miles thereof.

No. MC 102616 (Sub-No. E222), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Bayonne, N.J. and points within 15 miles thereof to points in Virginia on and south of U.S. Highway 50 which are within 20 miles of Alexandria, Va. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E224) filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petro-chemicals*, as defined by the Commission, in bulk, in tank vehicles, from points in New Jersey to points in Michigan. The purpose of this filing is to eliminate the gateway of points in the Philadelphia, Pa. commercial zone which are in Delaware, and the plantsites of Allied Chemical Co. near Moundsville, W. Va.

No. MC 102616 (Sub-No. E225), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as defined by the Commission, in

bulk, in tank vehicles, from points in New Jersey to points in Virginia east of the Chesapeake Bay. The purpose of this filing is to eliminate the gateway of Wilmington, Del. and Salisbury, Cambridge, or Easton, Md.

No. MC 102616 (Sub-No. E226), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's Representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from points in New Jersey, to Alexandria, Va. and points in Virginia on and south of U.S. Highway 50 which are within 20 miles of Alexandria. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E227), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from Bayonne, N.J. and points within 15 miles thereof, to points in Ohio on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E228), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from Bayonne, N.J. and points within 15 miles thereof, to points in Arkansas, Kansas, Louisiana, and points in Colorado on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Baltimore, Md., the plantsites of Allied Chemical Co. near Moundsville, W. Va. and Marshall, Ill. or points within 5 miles thereof.

No. MC 102616 (Sub-No. E233), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products* (except chemicals), in bulk, in tank vehicles, from points in New Jersey to points in North Carolina. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E238), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Bayonne, N.J. and points within 15 miles thereof, to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Akron, Ohio and Chicago, Ill.

No. MC 102616 (Sub-No. E240), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Bayonne, Tremley Point, Sewaren, Perth Amboy and Paulsboro, N.J. and points within 5 miles of each, to Nitro, W.Va. The purpose of this filing is to eliminate the gateway of Floreffe, Pa.

No. MC 102616 (Sub-No. E241), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd. Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Bayonne, N.J. and points within 15 miles thereof, to points in North Carolina. The purpose of this filing is to eliminate the gateway of Baltimore, Md. and points in York County, Va. on and north of U.S. Highway 60.

No. MC 102616 (Sub-No. E242), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Bayonne, N.J. and points within 15 miles thereof, to points in Alabama, Illinois, Indiana, Ohio, Tennessee and Wisconsin. The purpose of this filing is to eliminate the gateway of Baltimore, Md. and Congo, W. Va.

No. MC 102616 (Sub-No. E243), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Bayonne, N.J. and points within 15 miles thereof, to points in Arkansas, Iowa, Kansas, Louisiana, Nebraska, Oklahoma, Texas (except Harris County) and points in Colorado and New Mexico which are on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Baltimore, Md., Congo, W. Va. and Marshall, Ill. or points within 5 miles thereof.

No. MC 102616 (Sub-No. E244), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Bayonne, Tremley Point, Sewaren, Perth Amboy and Paulsboro, N.J. and points within 5 miles of each, to points in Alabama, Illinois, Indiana, Kentucky, Michigan, Ohio, Wisconsin, and points in Tennessee west of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of Congo, W. Va.

No. MC 102616 (Sub-No. E245), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Bayonne, Tremley Point, Sewaren, Perth Amboy and Paulsboro, N.J. and points within 5 miles of each to points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Texas (except Harris County), and points in Colorado, North Dakota, South Dakota, New Mexico and Wyoming which are on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Congo, W. Va., and Marshall, Ill. or points within 5 miles thereof.

No. MC 102616 (Sub-No. E246), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Bayonne, Tremley Point, Sewaren, Perth Amboy and Paulsboro, N.J. and points within 5 miles of each, to points in Boone, Fayette, Greenbriar, McDowell, Raleigh and Summers Counties, W. Va. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 102616 (Sub-No. E247), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Bayonne, Tremley Point, Sewaren, Perth Amboy and Paulsboro, N.J. and points within 5 miles of each, to points in Kanawha County, W. Va. The purpose of this filing is to eliminate the gateway of Freedom, Pa.

No. MC 102616 (Sub-No. E248), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's repre-

sentative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from points in New Jersey to points in North Carolina. The purpose of this filing is to eliminate the gateway of Baltimore, Md. and York County, Va.

No. MC 102817 (Sub-No. E14), filed May 12, 1974. Applicant: PERKINS FURNITURE TRANSPORT, INC., 5034 Lafayette Rd., Indianapolis, Ind. 46254. Applicant's representative: Robert W. Loser, II, 320 North Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated store and office fixtures*, as described in Appendix III to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in the Lower Peninsula of Michigan, to points in Kansas. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC 102817 (Sub-No. E23), filed May 12, 1974. Applicant: PERKINS FURNITURE TRANSPORT, INC., 5034 Lafayette Rd., Indianapolis, Ind. 46254. Applicant's representative: Robert W. Loser II, 320 North Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated store and office fixtures*, as described in the Appendix III to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Missouri, to points in New York, New Jersey, Delaware, Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC 102817 (Sub-No. E24), filed May 12, 1974. Applicant: PERKINS FURNITURE TRANSPORT, INC., 5034 Lafayette Rd., Indianapolis, Ind. 46254. Applicant's representative: Robert W. Loser II, 320 North Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated store and office fixtures*, as described in Appendix III to the report in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209, from points in Missouri on and north of U.S. Highway 66, to points in Virginia. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC 102817 (Sub-No. E30), filed May 12, 1974. Applicant: PERKINS FURNITURE TRANSPORT, INC., 5034 Lafayette Rd., Indianapolis, Ind. 46254. Applicant's representative: Robert W. Loser II, 320 North Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated store and office fixtures*, as described in Appendix III to the report in *Descriptions in Motor Carrier Certificates*, 61 M.M.C. 209, from points in West Virginia, points in Ohio on and south of Interstate Highway 70 and points in Pennsylvania on and south of U.S. Highway 22, to points in Iowa and Wisconsin. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC 102817 (Sub-No. E41), filed May 12, 1974. Applicant: PERKINS FURNITURE TRANSPORT, INC., 5034 Lafayette Rd., Indianapolis, Ind. 46254. Applicant's representative: Robert W. Loser II, 320 North Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated store and office fixtures*, as described in Appendix III to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Tennessee on and east of Tennessee Highway 13, to points in North Dakota, South Dakota, Minnesota, and Wisconsin. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC 102817 (Sub-No. E42), filed May 12, 1974. Applicant: PERKINS FURNITURE TRANSPORT, INC., 5034 Lafayette Rd., Indianapolis, Ind. 46254. Applicant's representative: Robert W. Loser II, 320 North Meridian St., Indianapolis, Ind. 46204 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated store and office fixtures*, as described in Appendix III to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Tennessee on and west of Interstate Highway 65, to points in New York and New Jersey. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-31533 Filed 10-27-76;8:45 am]

[Notice No. 142]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 22, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 36556 (Sub-No. 35TA), filed October 15, 1976. Applicant: BLACKMON TRUCKING, INC., P.O. Box 186, Somers, Wis. 53171. Applicant're representative: Fred Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds, ice melting compounds, vermiculite products other than crude* (except in bulk, in tank vehicles), from Union Grove, Wis., to points in Illinois. Applicant intends to interline at Chicago, Crystal Lake, or Terra Cotta, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Koos, Inc., 4500 13th Court, Kenosha, Wis. 53140. Send protests to: Gail Daughtery, Transportation Assistant, Interstate Commerce Commission Bureau of Operations, U.S. Federal Bldg., & Courthouse, 517 East Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 107295 (Sub-No. 832TA), filed October 15, 1976. Applicant: PRE-FAB TRANSIT CO., 100 S. Main St., Farmer City, Ill. 61842. Applicant's representative: Richard D. Vollmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from North Tonawanda, N.Y., to points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Frederick E. Jones, Sales Manager, Fred Jones Lumber Company, North Tonawanda, N.Y. 14120. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 107295 (Sub-No. 833TA), filed October 15, 1976. Applicant: PRE-FAB TRANSIT CO., 100 S. Main St., Farmer City, Ill. 61842. Applicant's representative: Richard D. Vollmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating cement* (except in bulk), from Kalamazoo, Mich., to points in the United States (except Alaska and

Hawaii), for 180 days. Supporting shipper: James A. Kenworthy, Traffic Manager, Keene Corp., Insulation Division, Route 1, Box 14, Vienna, W. Va. 26105. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 118142 (Sub-No. 138TA), filed October 14, 1976. Applicant: M. BRUNGER & CO., INC., 6250 N. Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fluro-chloro hydrocarbons and new containers*, between Wichita, Kans., on the one hand, and on the other, points in the Continental United States (except Alaska and Hawaii), restricted to such transportation services to be performed under a contract with Racon, Inc., for 180 days. Supporting shipper: Racon, Incorporated, 6040 S. Ridge Road, Box 198, Wichita, Kans. 67201. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 118263 (Sub-No. 64TA) (Correction), filed September 27, published in the FEDERAL REGISTER issue of October 12, 1976, and republished as corrected this issue. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, Ind. 47130. Applicant's representative: William P. Whitney, Jr., 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from the facilities of the Pillsbury Co., at or near Seelyville, Ind., to all states east of the Mississppi River and points in Minnesota, Iowa, Missouri, Arkansas and Louisiana, to the west of the Mississippi River; (2) *Materials and supplies* used in the manufacture, distribution and sale of the commodities named in (1) above (except commodities in bulk), from the destination points named in (1) above, to the plantsite of the Pillsbury Company, at or near Seelyville, Ind., for 180 days. Supporting shipper: The Pillsbury Company, 7350 Commerce Lane, Fridley, Minn. 55432. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg., and U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204. The purpose of this republication is to correct the territorial description in this proceeding.

No. MC 118831 (Sub-No. 141TA), filed October 14, 1976. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 7007, High Point, N.C. 27264. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules or pellets*, in bulk, from the plantsite of Celanese Plastics, at Greer, S.C., to Seymour, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Celanese Corporation, 1211 Ave. of the Americas, New York City, N.Y. 10036. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 118831 (Sub-No. 142TA), filed October 14, 1976. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 7007, High Point, N.C. 27264. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk from the plantsite of Jetco Chemicals, Inc., at or near Corsicana, Tex., to points in Arkansas, Florida, Georgia, New Jersey, New York, North Carolina, Pennsylvania and South Carolina, for 180 days. Supporting shipper: Chemax, Incorporated, P.O. Box 5912, Greenville, S.C. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 123048 (Sub-No. 346TA), filed October 14, 1976. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st St., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Carl S. Pope (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plantsite of Louisiana-Pacific Corporation, at or near Clayton, Ala., to points in Illinois, Indiana and Wisconsin, for 180 days. Supporting shipper: Louisiana-Pacific Corporation, 1300 S.W. 5th Ave., Portland, Oreg. 97201. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, U.S. Federal Bldg., & Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 123233 (Sub-No. 60TA), filed October 15, 1976. Applicant: PROVOST CARTAGE INC., 7887 Grenache St., Ville d'Anjou, Quebec, Canada H1J 1C4. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, hydrated or quick*, in bulk, in tank vehicles, from Adams, Mass., to Ports of Entry on the International Boundary Line between the United States and Canada located in New York, restricted to the transportation of traffic having an immediate subsequent movement in foreign commerce destined to points in the Province of Ontario, Canada, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pfizer Company Ltd., 17300 Transcanada Highway, Kirkland, Quebec, Canada H94 4V2. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 125420 (Sub-No. 24TA), filed October 13, 1976. Applicant: MERCURY TANKLINES LIMITED, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Applicant's representative: Ray F. Koby, P.O. Box 2567, Great Falls, Mont. 59403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, alcoholic beverages, liquors, and spirits*, in bulk, in tank vehicles, (1) from Ports of Entry on the Canada-United States boundary line at or near Detroit, Marine City and Port Huron, Mich., and Buffalo, N.Y., to Chicago, Ill., and Stanley, Ky., restricted to traffic originating at Berthierville, Quebec; (2) from Ports of Entry on the Canada-United States Boundary line at or near Alexandria Bay and Ogdensbury, N.Y., to Colonial Heights, Va., restricted to traffic originating at Berthierville, Quebec; and (3) from Owensboro, Ky., to ports of entry on the Canada-United States Boundary line at or near Detroit, Marine City and Port Huron, Mich., and Buffalo, N.Y., restricted to traffic destined to Berthierville, Quebec, under a continuing contract with Melchers Distilleries Limited, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pierre Lebrun, Vice-President Finance, Melchers Distilleries Limited, 56 Fundy Place, Bonaventure, Montreal, Quebec, Canada H5A 1E1. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 125634 (Sub-No. 5TA), filed October 13, 1976. Applicant: TOLEDO PIPE TRANSPORT, INC., 22237 Yates Ave., Sauk Village, Ill. 60411. Applicant's representative: Joseph P. Spencer (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe*, from the plantsite of Superior Products, at Taylor, Mich., to points in Oregon, and Ohio, under a continuing contract with Toledo Concrete Pipe Company, for 180 days. Supporting shipper: Toledo Concrete Pipe Company, L. J. Loughlin, Treasurer, P.O. Box 336, Sylvania, Ohio 43560. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 126276 (Sub-No. 159TA), filed October 13, 1976. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite of Metro Containers, an operation of Kraftco Corporation, located at Dolton, Ill., to Cleveland, Ohio, under a continuing contract with Metro Containers, Operation of Kraftco Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting ship-

pers: Metro Containers, Operation of Kraftco Corporation, Ken Kieffer, Chicago Traffic Manager, 1099 Wall St., West, Lyndhurst, N.J. 07071. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 126305 (Sub-No. 80TA), filed October 13, 1976. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rt. 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard, plywood and/or lumber*, in straight or mixed truckloads, from the plantsite of MacMillan Bloedel, Inc., at or near Pine Hill (Wilcox County), Ala., to points in Kansas, Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: MacMillan Bloedel, Inc., 1250 Brown-Marx Bldg., Birmingham, Ala. 24203. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 126473 (Sub-No. 26TA), filed October 14, 1976. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepackaged meats, frozen foods, fish, poultry, dairy products, soap powders, and exempt fruits and vegetables* when moving in the same vehicle with regulated or none-exempt commodities, *and freezers and freezer-refrigerators*, moving in mixed loads with the above commodities, from the plantsite and facilities used by Rich Plan Corporation, at Ottumwa, Iowa, to Decatur, Montgomery and Tuscaloosa, Ala.; Pensacola, Pompano Beach and Sanford, Fla.; Augusta and Macon, Ga.; Forest Park and Rockford, Ill.; Indianapolis and Marion, Ind.; Baton Rouge, De Ridder and New Orleans, La.; Fraser, Grandville, and Niles, Mich.; Vicksburg, Miss.; Concord and Pittsfield, N.H.; Pennsauken, N.J.; Perry, Poughkeepsie, Utica and Vestal, N.Y.; Charlotte, N.C.; Garfield Heights and Lakemore, Ohio; Columbia, S.C.; Nashville, Tenn.; Houston and Temple, Tex.; Richmond, Va.; and Green Bay, Merrill and Oshkosh, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rich Plan Corporation, S. Iowa Ave., Ottumwa, Iowa 52501. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 128122 (Sub-No. 8TA), filed October 14, 1976. Applicant: STATE TRANSPORT CO., P.O. Box 1022, Corvallis, Oreg. 97330. Applicant's representative: Nick I. Goyak, 1 S.W. Columbia, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from the plantsite of Rodgers Structural Steel, at Corvallis, Oreg., to points in Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rodgers Structural Steel, 580 N.E. Elliott Circle, Corvallis, Oreg. 97330. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S.W. Yamhill St., Portland, Oreg. 97204.

No. MC 134201 (Sub-No. 4TA), filed October 6, 1976. Applicant: JAMES V. PALMER, doing business as JIM PALMER TRUCKING, Highway 10 West, Route 2, Missoula, Mont. 59801. Applicant's representative: 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) *Roofing and roofing materials and supplies*, from the plantsite of Certainteed Products Corporation, at Shakopee, Minn.; and (2) *Roofing, roofing materials and supplies, and asbestos board*, from the plantsite of Johns-Manville Corp., at Waukegan, Ill., service in (1) and (2) above to be rendered to points in Montana (except those in Dawson, Wibaux, Prairie, Custer, Powder River, Carter and Fallon Counties), Mont., said service to be rendered under a continuing contract with Lumber Yard Supply Co., of Great Falls, Mont., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Virl Wright, General Manager, Lumber Yard Supply Co., 13th St., North and River Drive, Great Falls, Mont. 59401. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 134238 (Sub-No. 12TA), filed October 13, 1976. Applicant: GENE'S INC., 10115 Brookville Salem Road, Clayton, Ohio 45315. Applicant's representative: Paul F. Berry, 8 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream products, sherbet, frozen dietary products, water ices and water ice products*, in containers, in refrigerated vehicles, from the storage facilities of The Kroger Co., at or near Springdale, Ohio, to the storage and distribution facilities of Three Rivers Ice Cream Services, Inc., in Butler County, Pa., under a continuing contract with The Kroger Co., of Cincinnati, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Henry B. deHamel, Manager, Distribution Systems, The Kroger Co., 1014 Vine St., Cincinnati, Ohio 45201. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 136818 (Sub-No. 13TA), filed October 13, 1976. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 W. Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, Suite 312, 4040 E. McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel reinforcing bars*, sixty feet in length, from Carson, Calif., to Salt Lake County, Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Soule Steel Company, 6200 Wilmington Ave., Los Angeles, Calif. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 138345 (Sub-No. 4TA) filed October 13, 1976. Applicant: BASIL B. GORDON, doing business as VALLEY SPREADER COMPANY, 260 N. 9th St., P.O. Box 673, Brawley, Calif. 92227. Applicant's representative: Carl H. Fritze, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk, from Brea, San Diego and points in Imperial County, Calif., to points in Arizona, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Brawley Chemical, 4720 Highway 111, Brawley, Calif. 92227. Send protests to: Mary A. Francy, Interstate Commerce Commission, Bureau of Operations, Room 1321, Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 142331 (Sub-No. 1TA), filed October 14, 1976. Applicant: APOLLO TRANSPORTS, INC., P.O. Box 912, Austin, Tex. 78767. Applicant's representative: William D. Lynch, 1003 W. 6th St., Austin, Tex. 78703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips and sawdust*, in bulk, from points in Panola, Jasper, Hardin, Trinity, Walker, Newton, San Augustine, Nacogdoches, Angelina, Polk, Liberty, Jefferson, Orange Sabine, Montgomery, Tyler, Shelby and San Jacinto Counties, Tex., to storage facilities of Louisiana-Pacific Corp., West Lake, Calcasieu Parish, La., for 180 days. Supporting shipper: Louisiana-Pacific Trucking Company, P.O. Drawer AB, New Waverly, Tex. 77358. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B–400, Federal Bldg., 727 E. Durango, San Antonio, Tex. 78206.

No. MC 142358 (Sub-No. 2TA), filed October 8, 1976. Applicant: J. J. GILLAN TRUCKING COMPANY, INC., 1028 Sinnock Ave., P.O. Box 297, Moberly, Mo. 65270. Applicant's representative: Thomas P. Rose, Jefferson Bldg., P.O. Box 205, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from Howard County, Mo., to Coatesville, Des Moines, Iowa City, Keokuk and West Des Moines, Iowa, under a continuing contract with Universal Coal and Energy Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Universal Coal and Energy Company, Inc., 1102 E. Broadway, Columbia, Mo. 65201. Send protests to: Vernon V. Goble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 142471 (Sub-No. 1TA), filed October 6, 1976. Applicant: SNOOZIE SHAVINGS, INC., 1033 Chetco Ave., P.O. Box 643, Brookings, Oreg. 97415. Applicant's representative: Frank E. Larwood, 8050 S.E. 13th Ave., Portland, Oreg. 97202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, and shavings*, in bulk, between points in Coos, Curry, and Josephine Counties, Oreg., on the one hand, and, points in Humboldt and Del Norte Counties, Calif., on the other, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: U.S. Plywood Division, Champion International, P.O. Box 1155, Coos Bay, Oreg. 97420. Westbrook Wood Products, Inc., P.O. Drawer C, Smith River, Calif. 95567. Rough & Ready Lumber Co., P.O. Box 326, Cave Junction, Oreg. 97523. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S. W. Yamhill St., Portland, Oreg. 97204.

No. MC 141500 (Sub-No. 2TA), filed October 15, 1976. Applicant: SUPERIOR TRUCKING CO., INC., P.O. Box 35, Kewaskum, Wis. 53040. Applicant's representative: Richard Alexander, 710 N. Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump trailers, from Portage, Wis., to Winona, Minn., under a continuing contract with C. Reiss Coal Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: C. Reiss Coal Company, Sheboygan, Wis. 53081. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations U.S. Federal Bldg., and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 142547 (Sub-No. 1TA), filed October 14, 1976. Applicant: GORDON & LETA MAE FOWLER, doing business as G & L FOWLER, Rt. 1, Box 687, Willamina, Oreg. 97396. Applicant's representative: Gordon Fowler, (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Wood pellets*, in bulk (in hopper bottom trailers), from the plantsite of Woodex, Inc., near Brownsville, Oreg., to Tacoma and Seattle, Wash., under a continuing contract with Woodex, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Woodex, Inc., Route 1, Box 33, Brownsville, Oreg. 97327. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 555 S. W. Yamhill St., Portland, Oreg. 97204.

No. MC 142550TA, filed October 14, 1976. Applicant: BERT E. JESSUP TRANSPORTATION, INC., 3387 Wrightwood Drive, Studio City, Calif. 91604. Applicant's representative: Bert E. Jessup (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, (except in bulk), *and supplies* used in the packaging thereof, from Glendale, City of Commerce, and Anaheim, Calif., to Phoenix and Tucson, Ariz., under a continuing contract with Foremost-McKesson, Inc., for 180 days. Supporting shippers: Foremost-McKesson, Inc., One Post St., San Francisco, Calif. Send protests to: Mary A. Francy, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 142551TA, filed October 12, 1976. Applicant: JO/KEL, INC., 159 S. Seventh Ave., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by automotive parts, accessory, supply, and equipment businesses, between Carson and Compton, Calif., and points in their commercial zones, on the one hand, and, on the other, Akron, Ohio; Atlanta, Ga.; Bellmawr, N.J.; Bentonville, Ark.; Boston, Mass.; Chicago, Ill.; Cleveland, Ohio; Columbus, Ohio; Dallas, Tex.; Denver, Colo.; Detroit, Mich.; East Hanover, N.J.; Ft. Wayne, Ind.; Ft. Worth, Tex.; Framingham, Mass.; Houston, Tex.; Indianapolis, Ind.; Jackson, Miss.; Kansas City, Kans.; Landover, Md.; Lincoln, R.I.; Memphis, Tenn.; Miami, Okla.; Minneapolis, Minn.; New York, N.Y.; Oklahoma City, Okla.; Omaha, Nebr.; Philadelphia, Pa.; Pittsburgh, Pa.; Roanoke, Va.; St. Louis, Mo.; Secaucus, N.J.; Tulsa, Okla., and Worcester, Mass., and points in their respective commercial zones. Restriction: The operations authorized are to be restricted against the transportation of commodities in bulk or those which by reason of size or weight require the use of special equipment, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hollywood Accessories division of Orion Industries, Inc., 19914 S. Via Baron St., Compton, Calif. 90220. Send protests to: Mary A. Francy, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

PASSENGER APPLICATIONS

No. MC 141743 (Sub-No. 2TA), filed October 13, 1976. Applicant: MARK IV CHARTER LINES, INC., 24500 S. Vermont Ave., P.O. Box 697, Harbor City, Calif. 90710. Applicant's representative: James H. Lyons, 523 W. Sixth St., Suite 1216, Los Angeles, Calif. 90014. 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 charter operations, originating at points in the Cities of Carson, Compton, Long Beach, Los Angeles, and Seal Beach, Calif., to points in Clark County, Nev., for 180 days. Supporting shippers: There are approximately 13 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Mary A. Francy, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 142552TA, filed October 15, 1976. Applicant: EAST BAY BUS SERVICES, INC., 1325 Amherst St., P.O. Box 395, Brunswick, Ga. 31520. Applicant's representative: Ronald W. Young, P.O. Box 901, Brunswick, Ga. 31520. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Georgia and Jacksonville International Airport, Jacksonville, Duval County, Fla., under a continuing contract with Federal Law Enforcement Training Center, for 180 days. Supporting shipper: Federal Law Enforcement Training Center, Bldg. 94, Glynco, Ga. 31520. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-31532 Filed 10-27-76;8:45 am]

[No. MC-C-9298]

PETITION FOR DECLARATORY ORDER REGARDING INTERPRETATION OF AUTHORITY

(Notice of filing of petition for a Commission determination whether a grant of radial authority authorizes the transportation into the base point of freight in a trailer shipment, delivery of this ship-

ment to shipper or its agent at the base point for break down and reconsolidation, and subsequent transportation of reconsolidated shipments from the base point to a different destination point in the radial territory.)

Petitioner: Signal Delivery Service, Inc., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Petitioner's representatives: John Andrew Kundtz, Thompson, Hine and Flory, National City Bank Buliding, Cleveland, Ohio 44114. Wayne S. Bishop, Edward F. Schiff, Maryanne S. Kane, Akin, Gump, Strauss, Hauer & Feld, 1100 Madison Office Building, 1155 Fifteenth Street, NW., Washington, D.C. 20005.

By petition filed September 20, 1976, petitioner requests that the Commission determine if motor contract carrier authority held by petitioner authorizes the transportation of consolidated shipments from the base point to the radial territory when the said shipments include a lot or lots of freight having a prior movement from the radial territory to the base point in a separate trailer shipment.

Petitioner holds permit No. MC 108393 (Sub-No. 33) which authorizes the transportation of such merchandise as is dealt in by retail department stores and mail order houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, between Philadelphia, and King of Prussia, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, under a continuing contract or contracts with Sears, Roebuck and Co. Pursuant to the above authority petitioner asserts that the movements in question are not through movements and therefore, do not constitute unlawful cross-hauls. It states that the trailer shipments are separate and distinct shipments, moving under separate bills of lading, and that the movement into the base point is delivered to shipper or its agent and petitioner's movement of that shipment is completed there.

Sears, Roebuck and Co. states that the transportation movements being performed by petitioner were originally performed in private carriage operations. It states that it is a large shipper of small orders and in order to have an economical and efficient marketing distribution pattern it is necessary to use the services of a central terminal where shipments are received from suppliers, reconsolidated into new shipments, and subsequently transported to its retail establishments in the radial territory and to other areas. Four basic patterns are employed whereby merchandise moves from a supply source to the ultimate consumer. These are: (1) source to retail store, (2) source to distribution center, then to retail store, catalog Sales Office, or catalog Sales Merchant, (3) source to Terminal Freight Cooperative Association, then to retail store, and (4) source to Terminal Freight Cooperative Association, then to Retail Distribution Centers, and then to retail store. The Terminal Freight Cooperative Association (TFCA) is a nonprofit shippers association of which Sears, Roebuck and Co. is a member. Terminal Freight Handling Company (TFHC), a wholly owned subsidiary of Sears, Roebuck and Co., is a management company retained by TFCA to perform certain functions including receiving and reconsolidation of merchandise for subsequent movements.

Petitioner has been notified by the Commission's Bureau of Enforcement of the Bureau's intention to file civil forfeiture claims based on 18 alleged unlawful cross-haul movements.

Petitioner asserts that the present case is distinguished from those previously decided by the Commission which define unlawful cross-hauls (*Akers Motor Lines, Inc.* v. *Malone Freight Lines, Inc.*, 53 M.C.C. 353 (1951); *Gay's Express, Inc.* v. *Haigis and Nichols*, 43 M.C.C. 277 (1944); and *Jack Cole Co., Inc., Common Carrier Application*, 32 M.C.C. 199 (1942)) as it does not move shipments through its base point facility. Instead, it delivers the shipments to its shipper at its shipper's facilities at the base point, completely relinquishing control thereof. After break down, and reconsolidation the outgoing shipments assertedly take on the identity of entirely separate and distinct, newly formed shipments. Additionally, its charges embrace movements of shipments, not movements of lots of freight, and such billing movements always begin or end at the base point.

Petitioner relies primarily on *Holmes Contract Carrier Application*, 8 M.C.C. 391 (1938), to show that an agency relationship, separate from the contract of carriage, can constitute intervention and dispel a notion of through movement; and *Barton-Robinson Convoy Co., Inc., Extension, Moffett, Okla.*, 19 M.C.C. 629 (1939), to show that the application of shipper intervention applies in this proceeding. It also states it is not interchanging and distinguishes *G. & M. Motor Transfer Co., Inc., Common Carrier Application*, 43 M.C.C. 497 (1944), stating that the shipments herein either begin or end at one of the authorized base points.

Petitioner urges that the Commission issue a declaratory order finding (1) that petitioner does not effect a through movement of shipments between points in its radial territory through a base point, (2) that the above-described movements are of separate and distinct shipments, and (3) the operations are and have been within the rights evidenced by Permit No. MC 108393 (Sub-No. 33).

Petitioner and other interested persons are requested to submit detailed responses to the below posed questions.

a. What is its definition of "shipment" and how does that definition conform to the previously defined Commission interpretation?

b. Who is the consignee of the shipment transported to the TFCA terminal at Philadelphia?

c. Who controls the traffic moving out of the TFCA terminal?

d. If the Commission were to issue a declaratory order finding the above-described movement to be beyond the scope of the present grant of authority, what suggestions does petitioner have as to the authority it would require to perform the operations deemed necessary by Sears, Roebuck and Co.?

No oral hearing is contemplated at this time. Any interested party (including petitioner) desiring to participate in this proceeding may file an original and 7 copies of its written representations, views, or arguments in support, or against, the relief sought in the petition on or before December 13, 1976. A copy of each such representation should be served on petitioner's representatives. Written materials or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-31530 Filed 10-27-76;8:45 am]

federal register

THURSDAY, OCTOBER 28, 1976



PART II:

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

AIRCRAFT NOISE MEASUREMENT AND EVALUATION SPECIFICATIONS

Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 36]

[Docket No. 16221; Notice No. 76-21]

AIRCRAFT NOISE MEASUREMENT AND EVALUATION SPECIFICATIONS

Proposed Rule Making

The Federal Aviation Administration is considering amending Part 36 of the Federal Aviation Regulations (14 CFR Part 36) to amend the procedures and standards for conducting noise type certification and acoustical change tests contained in Appendices A and B, to revise the form by which certain standards and procedures are incorporated by reference in Part 36, to redesignate certain provisions, and to provide a table of sections in each Part 36 appendix.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before December 30, 1976, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Any person may obtain a copy of this Notice of Proposed Rule Making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Background

Public Laws 90-411 and 92-574 were enacted to provide both present and future relief and protection to the public health and welfare from noise and sonic boom from civil aircraft. Under these Acts, the Administrator of the Federal Aviation Administration (FAA), after consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency (EPA), is responsible for the adoption and amendment of rules which prescribe the necessary standards and regulations.

On November 3, 1969, the Federal Aviation Administration (FAA) adopted Part 36 of the Federal Aviation Regulations (FARs) entitled "Noise Standards: Aircraft Type Certification" (34 FR 18355; November 18, 1969). FAR Part 36 contains several appendices in which the technical specifications for demonstrating compliance with Part 36 are prescribed. Appendices A and B of FAR Part 36 contain the specifications for conducting noise type certification tests and for evaluating the noise data in terms of Effective Perceived Noise Level (EPNL). These appendices have been modified slightly since their adoption in 1969. Appendix C of Part 36 prescribes noise level limits for new designs of subsonic transport category and turbojet powered aircraft for which an application for type certificate was made on or after January 1, 1967. As adopted, Part 36 also contained provisions for preventing the escalation of noise levels regarding growth or follow-on versions of those types of aircraft in production and for which application for a type certificate was made prior to January 1, 1967. Subsequent amendments added Appendix F prescribing noise standards for propeller-driven small airplanes and amended provisions regarding limited new production of old, nonconforming aircraft types. The FAA currently has under consideration several other proposals including standards for other types of aircraft (SSTs, helicopters, STOLs, etc.) and for various aircraft operations and airport noise standards. Some of these proposals were submitted to the FAA by the EPA under the Noise Control Act of 1972.

This notice of proposed rule making (NPRM) proposed to adopt specific substantive and clarifying amendments in the test and analysis instrumentation specification, calibration procedures, meteorological test conditions, and data correction procedures. Procedural changes in the calculation of EPNL are also proposed. The FAA proposes to make these amendments applicable to FAR Part 36 noise certification tests made after March 31, 1977, or 30 days after publication of the final amendment, whichever occurs later.

Proposed Provisions

The proposed amendment to Appendix A involves a rather extensive revision which would be accomplished within the general framework of the current appendix. The FAA believes that some orgnizational revision is necessary to better accommodate the logical sequence of the expanded specifications. However, only relatively minor amendments are proposed for Appendix B. The FAA proposes editorial changes to redesignate certain provisions in Appendices A and B to conform with the format generally used throughout the FARs. To provide greater ease in identifying and citing the provisions in the appendices to Part 36, the FAA proposes to provide a "table of sections" at the beginning of the respective appendices and to designate the respective undesignated provisions of certain paragraphs and sections of Appendix B. Finally, the FAA proposes to amend Subpart A of Part 36 to add a new § 36.9 to prescribe the incorporations by reference contained in Part 36 under 5 U.S.C. 552(a) and 1 CFR Part 51 and to provide the required statements of identification and availability of incorporated published material. If this proposal is adopted, the present separate provisions in Appendices A, B, and F, which contain the required statements regarding incorporation by reference, would be revised.

The following discussion highlights portions of the proposed amendment to FAR Part 36:

A. Proposed Revised Appendix A

1. *Noise certification test and measurement conditions (proposed § A36.1).*— This section prescribes the conditions under which noise certification tests would be conducted and the measurement procedures that would be used to measure the noise made by the aircraft. These provisions would apply to tests conducted after March 31, 1977, or 30 days after publication of the final amendment, whichever occurs later.

The FAA proposes to prescribe in a single section all the requirements for an approved test site. While most of the provisions of this proposed section are already contained in Appendix A, it is felt that they should be grouped together. Additional requirements are proposed regarding an independent measurement of sideline noise if test site conditions make simultaneous takeoff and sideline measurements impractical.

A modification of the meteorological specification also is proposed. The temperature and relative humidity conditions under which testing is allowed would be amended to conform with proposed ICAO limits or to adopt a minor variation of the proposed ICAO limits. Basically, those ICAO limits would not allow testing when the sound attenuation rate in the one-third octave band centered at 8 kHz is greater than 10 dB/100 meters. However, the FAA is also considering adoption of a 12 dB/100 meters sound attenuation rate limit at the same frequency. This proposed alternative to the ICAO limit would be less restrictive than the ICAO proposal. Comments are specifically invited concerning the alternative proposals and the reasons why one sound attenuation rate would be preferable in the test meteorological specification. The ICAO proposed limits would also expand, under certain conditions, the permissible temperature range from the present 41-86 degrees F to 36-95 degrees F and the permissible relative humidity range from the present 30-90 percent to 20-95 percent. The FAA believes that amendments should be adopted that reflect current knowledge and state-of-the-art regarding calculation of atmospheric attenuation of sound energy. Based on its certification experience, the FAA believes that the current weather "window" is too restrictive of some combinations of temperatures and relative humidities while allowing some unsubstantiated corrections in other combinations. The FAA also proposes a new weather specification to require that the temperature and relative humidity to be within the "window" from the sur-

face measuring station to the altitude of the aircraft. More specific restrictions would be placed upon anomalous relative humidity and wind conditions. Each of these proposals grew out of FAA certification experiences and a need to provide regulatory guidance for use by the FAA regional authorities.

The FAA believes that to ensure the accuracy of noise level corrections under proposed § A36.11, the requirements for aircraft test weights should be amended to require the takeoff weight to be within five percent of the certification weight and the approach weight to exceed 90 percent of the maximum landing weight.

2. *Measurement of aircraft noise received on the ground (proposed § A33.6).*—The measurements prescribed in proposed § A36.3, like those in current § A36.2, provide the data for determining the one-third octave band noise produced by aircraft at specific observation stations, as a function of time. However, the instrumentation performance specifications have been significantly revised. These changes incorporate experience with actual certifications by both the FAA and ICAO over the past six years.

Three general guidelines were followed in the preparation of these proposals. First, the FAA intended to specify both systems and components that would give results with maximum accuracy and repeatability from test-to-test and site-to-site. Second, the proposals were prepared to avoid requiring instruments of any single brand name or manufacturer. Third, the specifications provide performance requirements that are generally measureable and verifiable in the field, rather than design parameters requiring sophisticated laboratory equipment or technical mathematical analyses. The FAA believes that these specifications would enhance compliance by taking greater advantage of readily obtainable FAA approved data and manufacturer's specifications.

In addition, this proposal provides more detailed specifications for microphones (and their accessories), tape recorders, analysis equipment, and calibrators. These revisions are primarily based upon experience with actual certifications and reports of some difficulty in understanding the current, more general language. While the proposals do not substantially change the application of procedures, the proposals would prescribe improved procedures and practices which should result in more uniform data. One of the new features of this proposal is the introduction of a new paragraph on calibration (proposed § A36.3(e)). This paragraph would require standardization of both calibration procedures and implementation schedules to provide more uniform and repeatable data by minimizing unaccounted for equipment variability and operator error.

3. *Reporting and correcting measured data (proposed § A36.5).*—Under the proposed rule, data representing physical measurements, or corrections to measured data (including corrections to measurements for equipment response deviations) must be recorded in permanent form and appended to the record. All corrections would be reported and subject to approval. The proposal permits certain estimates of the individual errors inherent in each of the operations employed in obtaining the final data.

The proposal clarifies the established procedure by expressly providing for a correction of any difference between the test engine rating and the reference engine rating. Additional standards are also provided for determining the validity of test results when more than one test site is used to demonstrate compliance.

4. *Symbols and unit (proposed § A36.7).*—Under the proposal, current section A36.4 would be redesignated but would remain substantively unchanged in content.

5. *Atmospheric attenuation of sound (proposed § A36.9).*—Under the current provisions of Appendix A (§ A36.5), the measured one-third octave band spectra are corrected to the reference-day conditions. Under the proposal (proposed § A36.9), this correction would be amended to better account for the differences in the atmospheric attenuation of sound between the test-day conditions and the reference-day conditions along the entire sound propagation path between the aircraft and the microphone.

FAA experience has shown that the measurement of, and correction for, non-reference meteorological conditions are exceedingly critical to obtaining consistent and repeatable test results. The FAA believes that more detailed meteorological data are needed and should be required. Specifically, current (test-time) meteorological observations of the temperature and relative humidity are needed over the whole sound propagation path from the aircraft to the surface. To avoid localized anomalous conditions that often occur near the ground, the surface meteorological measurements would continue to be made 10 meters above the surface.

Under the proposed § A36.9, if the atmospheric absorption coefficients vary over the sound propagation path by more than ±0.3 dB/1,000 feet in the 3150 Hz one-third octave band from the attenuation rate defined by the surface meteorological measurements, applicants would be required to base atmospheric attenuation corrections upon the mean attenuation rate for each one-third octave over the entire length of the sound propagation path. However, the absence of inversions in both temperature and relative humidity during compliance testing would no longer be a limiting factor in the test sequence.

The FAA believes the proposed amendments would provide technologically adequate means for correcting noise data that are obtained under some atmospheric conditions under which testing is prohibited under the current Appendix A. Taken together, the revisions of §§ A36.1 and A36.9 would provide improved data repeatability and increase the number of days during which tests may be conducted.

6. *Detailed correction procedures (Proposed § 36.11).*—If the noise certification test conditions do not conform to the noise certification reference conditions, appropriate positive correction must be made by the EPNL calculated from the measured data. Under the proposed § A36.11, the provisions of current § A36.6 would not be a significantly modified; however, the proposed rule would prescribe a procedure which allows corrections to be made for testing at a non-standard location.

For some aircraft which exhibit exceptionally low noise levels during takeoff, the FAA believes that it may be necessary to bring the 3.5 nautical-mile measuring station to a point closer to the start of roll to assure recording the complete flyover noise history. The fly-over-noise/time history would include the 10 dB-down points from PNLTM both before and after the time of PNLTM, as required under current § B36.5 (proposed § B36.13). The EPNL value computed from these measurements must then be corrected to the value that would have occurred at the 3.5 nautical mile reference measuring point. Two procedures for making these corrections would be prescribed under the proposed amendment.

B. Proposed Amendment of Appendix B

1. *Table B1 (in proposed § B36.3).*—Perceived noisiness is expressed units of "noys" and is based upon the mathematical formulation given in § B36.13. Table B1 was included in current Appendix B to provide a ready reference for these applicants who elect not to calculate noy values from the formula. While the original table contains values down to 1.00 noy, lower values are sometimes required in the calculation of EPNL for low noise aircraft. Thus, the FAA believes Table B1 should be revised to provide those lower values. Such a revised table was prepared by the Society of Automotive Engineers and published in ARP 865. The International Standards Organization concurred with the revision (ISO/IC 43/SC1, revised March 3, 1975). ICAO currently has under consideration a similar revision. The FAA believes that Table B2 should also be amended to conform to the expanded Table B1.

2. *Revision of pseudotone elimination procedures (Tables B2 and B3 in proposed §§ B36.3 and B36.5).*—The FAA proposes to amend Table B2 to account for tone level differences less than 3.0 decibels in amplitude, since the current table provides no tone correction for these level difference values. Table B2 was originally constructed to avoid the possibility that false tones, "pseudotones," would be mistakenly identified during the data processing. These pseudotones result from interference patterns in the sound field near the earth's surface during an aircraft flyover. However, FAA noise certification experience with the pseudotone problem indicates that such precautions are no longer necessary. Since similar action has been

taken by ICAO, the FAA proposes to remove the 3.0 decibel lower limit on the level difference used to determine the tone correction. If the proposed amendmend to Table B2 is adopted, the example contained in Table B3 would also require minor changes. Thus, this proposal also contemplates such amendments to Table B3.

A revised and expanded discussion on the methods for identifying and eliminating pseudotones is provided in proposed § B36.5 (m) and (n). The FAA believes these provisions are needed to clarify the prescribed methodology in the noise certification procedure.

3. *Correction for spectral irregularities (Proposed § B36.5).*—The FAA proposes to add two new paragraphs after the current last undesignated paragraph of current § B36.3 (proposed § B36.5). The first new paragraph would prescribe the exclusion of certain tones (resulting from ground-plane reflection) from calculations of corrections for spectral irregularities. The second paragraph would prescribe the evaluation of the five one-half second noise level samples around the initially calculated PNLTM. The FAA believes that occasionally the current ten-step procedure for calculating corrections for spectral irregularities yields incorrect values. The procedure, contained in current § B36.3, tends to undercompensate for tones occurring in frequencies near the crossover point between adjacent one-third octave filters. The FAA, ICAO, SAE and others have considered several proposed methods for overcoming this deficiency. After consideration of the side effects of the other methods, the FAA believes that the procedure proposed in this paragraph is the most appropriate and consistent.

C. Effective Date

The FAA proposes to make the proposals contained in this NPRM, applicable to each noise certification test conducted after March 31, 1977, or 30 days after publication of the final amendment, whichever occurs later.

In considering the date to propose for compliance with the amended specifications and procedures, the FAA believes it necessary to take into account that, if adopted, these new provisions could, in some cases, require additional instrumentation or revisions to existing data processing and analysis computer programs. Although the proposed revisions generally follow already established practices, the FAA is aware that some potential applicants may have had little or no recent noise certification experience. For these persons, the proposed changes may impose some burden. To ensure a reasonable period for these changes to be made, the FAA proposes that compliance with the revised Appendices A and B be required for tests conducted after March 31, 1977, or 30 days after publication of the final amendment, whichever occurs later.

D. Incorporations by Reference

While published materials which are incorporated by reference in Part 36 under 5 U.S.C. 552(a) and 1 CFR Part 51 are currently prescribed in the substantive provisions of the respective appendices, the FAA proposes to add a new § 36.9 to Subpart A which would contain the required statements of identification and availability of these materials. By so doing, the FAA believes that the readability of the effected rules would be improved and the need for repetitive material would be kept to a minimum. The new § 36.9 would also serve as a technical bibliography and reference source for information regarding the incorporated materials. Under the proposal, the incorporating provision would contain only a reference identifying the material which is adopted as part of that rule. The FAA proposes to adopt the material incorporated by reference according to the date of the material specified in the reference and proposed § 36.9(c). Notice and public procedure will precede the adoption of any subsequent editions of incorporated materials.

E. Evaluation of Impacts of the Proposed Rule

The proposed rule primarily concerns test procedure amendments which would govern the specifics of conducting and reporting noise certification tests. It would neither raise nor lower the prescribed noise levels and would not require additional tests to be performed during the certification process. As a result, there would be little or no change in the noise levels of aircraft certificated to the proposed rule and there would be no anticipated change (either increasing or decreasing) in the amount of fuel used to conduct the tests or the amount of engine emissions produced during the tests. Since the proposed rule would require no additional limitations on their in-service operations or performance, no increase in fuel usage or emissions is anticipated to result from aircraft certificated to the proposed standard.

The proposed rule would be more stringent than the current rule in the requirement for noise certification test equipment, in the specification of the weather conditions, and in correction of test data to standard conditions. The increased stringency could, in some cases, increase the applicant's costs of noise type certification. However, the FAA believes that those costs could be offset by savings that would accrue from increased repeatability of the data. Current industry practice is to design and build aircraft using a tolerance below the actual noise level goals. The requirement for this tolerance arises from uncertainties in the repeatability of the data from tests under the current Part 36 procedures. Therefore, the FAA believes that by increasing the repeatability of the data, the proposed rule would contribute to reduced costs by eliminating unnecessary design features or performance limitations which would be introduced solely to meet the tolerance requirements.

The rule proposed in this notice has been reviewed in accordance with Executive Order 11821, entitled "Inflationary Impact Statements" (39 FR 41501; November 29, 1974) and it has been determined that the preparation of an inflationary impact statement is not necessary.

F. Authority

This notice of proposed rule making is issued under authority of Secs. 313(a), 601, 603, and 611 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354 (a), 1421, 1423, and 1431); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and Executive Order 11514, March 5, 1970.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 36 of the Federal Aviation Regulations (14 CFR Part 36) as follows:

Subpart A—General

1. Subpart A of Part 36 would be amended to add a new § 36.9 reading as follows:

§ 36.9 Incorporations by reference.

(a) *General.* This part prescribes certain standards and procedures which are not set forth in full text in the rule. Those standards and procedures are contained in published material which is reasonably available to the class of persons affected and has been approved for incorporation by reference by the Director of the Federal Register under 5 U.S.C. § 552 (a) and 1 CFR Part 51.

(b) *Incorporated matter.* (1) Each publication, or part of a publication, which is referenced but not set forth in full-text in this part and which is identified in paragraph (c) of this section is hereby incorporated by reference and made a part of Part 36 of this chapter with the approval of the Director of the Federal Register.

(2) Incorporated matter which is subject to subsequent change is incorporated by reference according to the specific reference and to the identification statement. Adoption of each subsequent change in incorporated matter will be made under Part 11 of this chapter and 1 CFR Part 51.

(c) *Identification statement.* The complete title or description which identifies each published matter incorporated by reference in this part is as follows:

(1) *International Electrotechnical Commission (IEC) Publications.* (i) Publication No. 179, entitled "Precision Sound Level Meters," dated 1973.

(ii) Publication No. 225, entitled "Octave, Half-Octave, Third Octave Band Filters Intended for the Analysis of Sounds and Vibations," dated 1966.

(2) *Society of Automotive Engineers (SAE) Publications.* (i) (SAE) ARP 866A, entitled "Standard Values of Atmospheric Absorption as a Function of Temperature and Humidity for Use in Evaluating Aircraft Flyover Noise," dated March 15, 1975.

(ii) [Reserved]

(d) *Availability for purchase.* Published material incorporated by refer-

ence in this part may be purchased at the price established by the publisher or distributor at the following mailing addresses:

(1) *IEC publications.* (i) The Bureau Central de la Commission Electrotechnique Internationale, 1, rue de Varembe, Geneva, Switzerland.

(ii) American National Standard Institute, 1430 Broadway, New York City, New York 10018.

(2) *SAE publications.* Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrentown, Pennsylvania 15096.

(c) *Availability for inspection.* A copy of each publication incorporated by reference in this part is available for public inspection at the following locations:

(1) FAA Office of Environmental Quality, Room 939B Headquarters, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C.

(2) Department of Transportation, Branch Library, Room 930, Headquarters, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C.

(3) The respective Regional Offices of the Federal Aviation Administration as follows:

(i) New England Regional Office, 12 New England Executive Park, Burlington, Massachusetts.

(ii) Eastern Regional Office, Federal Building, JFK International Airport, Jamaica, New York.

(iii) Southern Regional Office, 3400 Whipple Street, East Point, Georgia.

(iv) Great Lakes Regional Office, 2300 East Devon, Des Plaines, Illinois.

(v) Central Regional Office, 601 East Twelfth Street, Kansas City, Missouri.

(vi) Southwest Regional Office, 4400 Blue Mound Road, Forth Worth, Texas.

(vii) Rocky Mountain Regional Office, 10255 East 25th Avenue, Aurora, Colorado.

(viii) Northwest Regional Office, FAA Building, 9010 East Marginal Way South, King County International Airport (Boeing Field), Seattle, Washington.

(ix) Western Regional Office, 15000 Aviation Boulevard, Hawthorne, California.

(x) Alaskan Regional Office, 632 Sixth Avenue, Anchorage, Alaska.

(xi) Pacific-Asia Regional Office, 1833 Kolakoua Avenue, Honolulu, Hawaii.

(xii) European Regional Office, Tour Madou Building, 1, Place Madou, 1020 Brussels, Belgium.

(4) The Office of the Federal Register, Room 8401, 1100 "L" Street, NW., Washington, D.C.

APPENDIX A

2. The heading to Appendix A would be amended to add a table of sections and Appendix A would be revised to read as follows:

APPENDIX A—AIRCRAFT NOISE MEASUREMENT UNDER § 36.101

Sec.

A36.1 *Noise certification test and measurement conditions.*
A36.3 *Measurement of aircraft noise received on the ground.*
A36.5 *Reporting and correcting measured data.*
A36.7 *Symbols and units.*
A36.9 *Atmospheric attenuation of sound.*
A36.11 *Detailed correction procedures.*

§ A36.1 *Noise certification test and measurement conditions.*

(a) *General.* This section prescribes the conditions under which aircraft noise certification tests must be conducted and the measurement procedures that must be used to measure aircraft noise during each test conducted after March 31, 1977 (or the date 30 days after publication of the final amendment, whichever occurs later).

(b) *Test site requirements.* (1) Tests to show compliance with established aircraft noise certification levels must consist of a series of takeoffs and approaches during which measurements must be taken at noise measuring stations located at the measuring points prescribed in § C36.3 of Appendix C of this part.

(2) On each test takeoff, simultaneous measurements should be made at the sideline noise measuring stations on each side of the runaway and also at the takeoff noise measuring station. However, if test site conditions make it impractical to simultaneously measure takeoff and sideline noise, and if each of the other sideline measurement requirements is met, independent measurements may be made of the sideline noise under simulated flight path techniques. If the reference flight path includes a power cutback before the maximum possible sideline noise level is developed, the reduced sideline noise level which is the maximum value developed by the simulated flight path technique must be the certificated sideline noise value.

(3) If the height of the ground at a noise measuring station differs from that of the nearest point on the runway by more than 20 feet, corrections must be made as prescribed in § A36.5(d) of this appendix.

(4) The location of each noise measuring station must be surrounded by relatively flat terrain having no excessive sound absorption characteristics, such as might be caused by thick, matted, or tall grass, shrubs, or wooded areas.

(5) An airport tower, or other facility, used to obtain required measurements of meteorological conditions at the test site must be approved in accordance with § A36.9(b)(1) of this appendix.

(6) During the period when the flyover noise/time record indicates the noise measurement is within 10 dB of PNLTM, no obstruction that significantly influences the sound field from the aircraft may exist:

(i) For a takeoff, approach, or sideline measurement station, within a conical space above the measuring position (the point on the ground vertically below the microphone), the cone being defined by an axis normal to the ground and by a half-angle 80 degrees from this axis; and

(ii) For a sideline noise measurement station, above the line of sight between the microphone and the aircraft.

(7) A minimum of four sideline noise measurement stations must be used to define the maximum sideline noise with respect to location and level as required by § C36.3 of Appendix C of this part. One of the microphones must be placed symmetrically with respect to one of the other microphones so that the maximum noise on either side of the aircraft can be determined analytically.

(c) *Weather restrictions.* The tests must be conducted under the following atmospheric conditions:

(1) No rain or other precipitation.

(2) Ambient air temperature between 36 degrees F and 95 degrees F (2.2 degrees C and 35 degrees C), inclusively, over that portion of the sound propagation path between the airplane and a point 10 meters above the ground at the noise measuring station.

(3) Relative humidity and ambient temperature over that portion of the sound propagation path between the airplane and a point 10 meters above the ground at the noise measuring station is such that the sound attenuation in the one-third octave band centered at 8 kHz is not greater than 10 dB/100 meters [alternative proposal: "12 dB/100 meters"] and the relative humidity is between 20 percent and 95 percent, inclusively.

(4) Airport reported wind velocity 10 meters above ground does not exceed 10 knots and the crosswind component does not exceed 5 knots.

(5) No anomalous wind conditions (including turbulence) which will significantly affect the noise level of the aircraft when the noise is recorded at each noise measuring station.

(d) *Aircraft testing procedures.*—(1) The aircraft testing procedures and noise measurements must be conducted and processed in an approved manner which yields the noise evaluation measure designated as Effective Perceived Noise Level (EPNL) in units of EPNdB, as prescribed in Appendix B of this part.

(2) The aircraft height and lateral position relative to the extended centerline of the runway must be determined by an FAA approved method which is independent of normal flight instrumentation, such as radar tracking, theodolite triangulation, laser trajectography, or photographic scaling techniques.

(3) The aircraft position along the flight path must be related to the noise recorded at the noise measuring stations by means of synchronizing signals at an approved sampling rate. The position of the aircraft must be automatically recorded relative to the runway during the entire time period in which the recorded signal is within 10 dB of PNLTM. Measuring and sampling equipment must be approved by the FAA.

(4) Each takeoff test must meet the conditions of § C36.7 of Appendix C of this part.

(5) If a takeoff test series is conducted at weights other than the maximum takeoff weight for which noise certification is requested, the following additional requirements apply:

(i) At least one takeoff test must be conducted at a weight at, or above, the maximum certification weight.

(ii) Each test weight must be within ±5 percent of the maximum certification weight.

(iii) The weight correction required under § A36.11 of this appendix may not exceed 2.0 EPNdB. (Approved data must be used to determine the variation of EPNL with weight for takeoff test conditions.)

(6) Each approach test must be conducted with the aircraft stabilized and following a 3.0 degree ±0.5 degree approach angle and must meet the requirements of § C36.9 of Appendix C of this part.

(7) If approach test series is conducted at weights other than the maximum landing weight for which certification is requested, the following additional requirements apply:

(i) At least one approach test must be conducted at a weight at, or above, the maximum landing weight.

(ii) Each test weight must exceed 90 percent of the maximum landing weight.

(iii) The weight correction required under § 36.11 of this appendix may not exceed 1.0 EPNdB. (Approved data must be used to determine the variation of EPNL with weight for approach test conditions).

(8) Aircraft performance data sufficient to make the correction required under § A36.5 of this appendix must be automatically recorded at an approved sampling rate using FAA approved equipment.

§ A36.3 *Measurement of aircraft noise received on the ground.* (a) *General.*—(1) The measurements prescribed in this section provide the data for determining the one-third octave band noise produced by aircraft during testing procedures, at specific noise measuring stations, as a function of time.

(2) Sound pressure level data for aircraft noise certification purposes must be obtained with approved acoustical equipment and measurement practices.

(3) Paragraphs (b), (c), and (d) of this section prescribe the required equipment specifications. Paragraphs (e) and (f) pre-

scribe the calibration and measurement procedures required for each certification test series.

(b) *Measurement system.*—The acoustical measurement system must consist of approved equipment equivalent to the following:

(1) A microphone system with frequency response and directivity which are compatible with the measurement and analysis system accuracy prescribed in paragraph (c) of this section.

(2) Tripods or similar microphone mountings that minimize interference with the sound energy being measured.

(3) Recording and reproducing equipment whose characteristics, frequency response, and dynamic range are compatible with the response and accuracy requirements of paragraph (c) of this section.

(4) Calibrators using sine wave, or pink noise, of known levels. When pink noise (defined in paragraph (e)(1) of this section) is used, the signal must be described in terms of its root-mean-square (rms) value.

(5) Analysis equipment with the response and accuracy whichs meets or exceeds the requirements of paragraph (d) of this section.

(6) Attenuators used for range changing in sensing, recording, reproducing, or analyzing aircraft sound must be capable of being operated in equal integral decibel steps with no error between any two settings which exceeds 0.1 dB.

(c) *Sensing, recording, and reproducing equipment.* (1) The sound produced by the aircraft must be recorded in such a way that the complete information, including time history, is retained. A magnetic tape recorder is acceptable.

(2) The microphone must be a pressure-sensitive capacitive type, or its approved equivalent, such as a free-field type with incidence corrector.

(i) The variation of microphone and preamplifier system sensitivity within an angle of ± 20 degree of grazing (70–110) degrees from the normal to the diaphragm) must not exceed ± 2.0 dB for any frequency within the range of 44 Hz to 11,200 Hz. The variation of microphone sensitivity in the plane of the diaphragm must not exceed ± 0.5 dB over the same frequency range.

(ii) The overall free-field frequency response at 90 degrees (grazing incidence) of the combined microphone (including incidence corrector, if applicable) preamplifier, windscreen, and microphone support must be determined by using pure tones at each preferred one-third octave frequency from 50 Hz to 10,000 Hz. The frequency response of the system must be flat within the following tolerances:

44–3549 Hz	dB ±	0.25
3550–7099 Hz	dB ±	0.5
7100–11,200 Hz	dB ±	1.0

(iii) Specifications concerning sensitivity to environmental factors such as temperature, relative humidity, and vibration must be in conformity with the recommendations of International Electrotechnical Commission (IEC) Publication No. 179, dated 1973. IEC Publication No. 179, dated 1973 and entitled "Precision Sound Level Meters" is incorporated by reference in this part under § 36.9 of this part.

(iv) If the wind speed exceed 6 knots, a windscreen must be employed with the microphone during each measurement of aircraft noise. Correction for any insertion loss produced by the windscreen, as a function of frequency, must be applied to the measured data and any correction applied must be reported.

(3) If a magnetic tape recorder is used to store data for subsequent analysis, the record/replay system (including tape) must conform to the following:

(i) The electric background noise produced by the system in each one-third octave must be at least 35 dB below the standard recording level, which is defined as that level which is either 10 dB below the 3 percent harmonic distortion level for direct recording or ± 40 percent deviation for frequency modulation (FM) recording.

(ii) At the standard recording level, the frequency response in each selected one-third octave band between 44 Hz and 180 Hz must be flat within ±0.75 dB, and in each band between 180 Hz and 11,200 Hz must be flat within ±0.25 dB.

(iii) If the overall system satisfies the requirements of paragraph (c)(2)(ii) of this section, and if the limitations of the dynamic range of the equipment make it necessary, high frequency pre-emphasis may be added to the recording channel with the converse de-emphasis on playback. If pre-emphasis is added, the instantaneously recorded sound-pressure level between 800 Hz and 11,200 Hz of the maximum measured noise signal must not vary more than 20 dB between the levels of the maximum and minimum one-third octave bands.

(d) *Analysis equipment.*—(1) A frequency analysis of the acoustic signal must be performed using one-third octave filters which conform to the recommendations of International Electrotechnical Commission (IEC) Publication No. 225, dated 1966, IEC Publication No. 225, dated 1966, and entitled "Octave, Half-Octave, and Third-Octave Band Filters Intended for Analysis of Sounds and Vibrations" is incorporated by reference in this part under § 36.9 of this part.

(2) A set of 24 consecutive one-third octave filters must be used. The first filter of the set must be centered at a geometric mean frequency of 50 Hz and the last filter at 10,000 Hz. The output of each filter must contain less than 0.5 dB ripple.

(3) The analyzer indicating device must be analog, digital, or a combination of both. The preferred sequence of signal processing is:

(i) Squaring the one-third octave filter outputs;

(ii) Averaging or integrating; and

(iii) Converting linear formulation to logarithmic.

(4) Each detector must operate over a minimum dynamic range of 60 dB and perform as a true-mean-square device for sinusoidal tone bursts having crest factors of at least 3 over the following dynamic range:

(i) Up to 30 dB below full-scale reading must be accurate within ±0.5 dB;

(ii) Between 30 dB and 40dB below full-scale reading must be accurate within ±1.0 dB; and

(iii) In excess of 40dB below full-scale reading must be accurate within ±2.5 dB.

(5) The dynamic response of the analyzer to input signals in both full-scale, and 20 dB less than full-scale, amplitude must conform to the following requirements:

(i) When a sinusoidal pulse of 500 millisecond duration at the geometrical mean frequency of each one-third octave band is applied to the input, the maximum output value must read 4.0 dB (within +0.5 or −1.0 dB) less than the value obtained for a steady state sinusoidal signal of the same frequency and amplitude.

(ii) When a steady state sinusoidal signal at the geometrical mean frequency of each one-third octave band is suddenly applied to the analyzer input and held constant, the maximum output value must exceed the final steady state value by 0.5±0.5 dB.

(iii) When a steady state signal is interrupted, an output value of 2.5±1.0 dB below the initial steady-state response must be achieved within 500 milliseconds after the interruption.

(6) A single value of the root-mean-square (rms) level must be provided every 500±5 milliseconds for each of the 24 one-third octave bands. The levels for all of the 24 one-third octave bands must be obtained within a 50 millisecond period. No more than 5 milliseconds of data from any 500 millisecond period may be excluded from the measurement.

(7) The amplitude resolution of the analyzer must be at least 0.25 dB.

(8) After all systematic errors have been eliminated, each output level from the analyzer must be accurate within ±1.0 dB of the level of the input signal. The total systematic errors for each of the output levels must not exceed ±3.0 dB. For contiguous filter systems, the systematic correction between adjacent one-third octave channels must not exceed 4.0 dB.

(9) The dynamic range capability of the analyzer for display of a single aircraft noise event (in terms of the difference between full-scale output level and the maximum noise level of the analyzer equipment) must be at least 60 dB.

(e) *Calibrations.*—(1) Within the five days before the beginning of each test series, the complete electronic system (including cables) must be electronically calibrated for frequency and amplitude by the use of a pink noise signal of known amplitudes covering the range of signal levels furnished by the microphone. For purposes of this section, a "pink noise" is defined as a noise whose noise-power/unit-frequency is inversely proportional to frequency at frequencies within the range of 44 Hz to 11,200 Hz. The signal used must be described in terms of its average root-mean-square (rms) values for a nonoverload signal level. This system calibration must be repeated within five days of the end of each test series.

(2) Immediately before and after each day's testing, a recorded acoustic calibration of the system must be made in the field with an acoustic calibrator to check the system sensitivity and provide an acoustic reference level for the analysis of the sound level data. The performance of equipment in the system will be considered satisfactory if, during each day's testing, the variation does not exceed 0.5 dB.

(3) For the purpose of minimizing equipment or operator error, immediately before and immediately after recording aircraft noise data, field calibrations must be supplemented with the use of an insert voltage device to place a known signal at the input of the microphone.

(4) A normal incidence pressure calibration of the combined microphone/preamplifier must be performed with pure tones at each preferred one-third octave frequency from 50 Hz to 10,000 Hz. This calibration must be completed within the 30 days before the beginning of each test series.

(5) Each reel of magnetic tape must:

(i) Be pistonphone calibrated; and

(ii) At its beginning and end, carry a calibration signal consisting of a 30 second burst of pink noise, as defined in paragraph (e)(1) of this section.

(6) Data obtained from tape recorded signals is not considered reliable if the difference between the pink noise signal levels, before and after the tests in each one-third octave band, exceeds 0.5 dB.

(7) The one-third octave filters must have been demonstrated to be in conformity with the recommendations of IEC Publication 225, dated 1966, during the six calendar months

preceding the beginning of each test series. The correction for effective bandwidth relative to the center frequency response must be determined for each filter—

(i) By measuring the filter response to sinusoidal signals at a minimum of twenty frequencies equally spaced between the two adjacent preferred one-third octave frequencies; or

(ii) By using an approved sweep generator technique.

(8) A performance calibration analysis of each piece of calibration equipment, including pistonphones, reference microphones, and voltage insert devices, must have been made during the 12 calendar months preceding the beginning of each day's test series. Each calibration must be traceable to the National Bureau of Standards.

(f) *Noise measurement procedures.* (1) Each microphone must be oriented so that the diaphragm is substantially in the plane defined by the flight path of the aircraft and the measuring station. The microphone located at each noise measuring station must be placed so that its sensing element is approximately 4 feet above ground.

(2) Immediately before and immediately after each series of test runs and each day's testing, a recorded acoustic calibration of the system prescribed in A36.3(e)(2) of this appendix must be made in the field to check the acoustic reference level for the analysis of the sound level data. The ambient noise, including both the acoustical background and the electrical background of the measurement systems, must be recorded during the period beginning at least 20 seconds before and ending at least 20 seconds after each recorded measurement. During that period, each component of the system must be set at the gain-levels used for aircraft noise measurement.

(3) The mean background noise spectrum must contain the sound pressure levels, which, in each preferred third octave band in the range of 50 Hz to 10,000 Hz, are the averages of the energy during at least 20 seconds of the sound pressure levels in every preferred third octave. When analyzed in PNL, the resulting mean background noise level must be at least 20 PNdB below the maximum PNL of the aircraft.

(4) Corrections for recorded levels of occasional background noise are allowed, within the limits prescribed in § A36.5(d)(3) of this appendix.

A36.5. *Reporting and correcting measured data.*

(a) *General.* Data representing physical measurements, or corrections to measured data, including corrections to measurements for equipment response deviations, must be recorded in permanent form and appended to the record. Each correction must be reported and is subject to FAA approval. An estimate must be made of each individual error inherent in each of the operations employed in obtaining the final data.

(b) *Data reporting.* (1) Measured and corrected sound pressure levels must be presented in one-third octave band levels obtained with equipment conforming to the standards prescribed in § A36.3 of this appendix.

(2) The type of equipment used for measurement and analysis of all acoustic, aircraft performance, and meteorological data must be reported.

(3) The atmospheric environmental data required to demonstrate compliance with § A36.1(c) of this appendix, measured throughout the test period under § A36.9(b)(3) of this appendix, must be reported.

(4) Conditions of local topography, ground cover, or events which may interfere with sound recording must be reported.

(5) The following aircraft information must be reported:

(i) Type, model, and serial numbers (if any) of aircraft engines.

(ii) Gross dimensions of aircraft and location of engines.

(iii) Aircraft gross weight for each test run.

(iv) Aircraft configuration, including flap and landing gear positions.

(v) Airspeed in knots.

(vi) Engine performance in pounds of net thrust, engine pressure ratios, exhaust temperatures, and fan or compressor shaft rotational speeds, as determined from airplane instruments and manufacturer's data.

(vii) Aircraft flight path (above ground level in feet) determined by an FAA approved method which is independent of normal flight instrumentation, such as radar tracking, theodolite triangulation, laser trajectography, or photographic scaling techniques.

(6) Aircraft speed and position, and engine performance parameters must be recorded at an approved sampling rate sufficient to correct to the noise certification reference conditions prescribed in pararaph (c) of this section. Lateral position relative to the extended centerline of the runway, configuration, and gross weight must be reported.

(c) *Noise certification reference conditions*—(1) *Meteorological conditions.* Aircraft position and performance data and the noise measurements must be corrected to the following noise certification reference atmospheric conditions:

(i) Sea level pressure of 2116 psf (76 cm mercury).

(ii) Ambient temperature of 77 degrees F (25 degrees C).

(iii) Relative humidity of 70 percent.

(iv) Zero wind.

(2) *Aircraft conditions.* The reference condition for takeoff is the maximum weight except as provided in § 36.1581(b) of this part. The reference conditions for approach tests consist of—

(i) Design landing weight, except as provided in § 36.1581(b) of this part;

(ii) Approach angle of 3 degrees; and

(iii) Aircraft height of 370 feet above noise measuring station.

(d) *Data corrections.* (1) Aircraft position and performance data and the noise measurement must be corrected to the noise certification reference conditions as prescribed in paragraph (c) of this section. The measured atmospheric conditions must be those obtained in accordance with § A36.1(c) of this appendix and paragraph (b)(3) of sound corrections must be made under § A36.9 of this appendix.

(2) The measured flight path must be corrected by an amount equal to the difference between the applicants predicted flight path for the certification reference conditions and the measured flight path at the test conditions. Necessary corrections relating to aircraft flight path or performance may be derived from approved data other than certification test data. The source noise must be corrected from approved data for the difference between measured and corrected engine conditions, together with appropriate allowances for sound attenuation with distance. The Effective Perceived Noise Level (EPNL) correction must be less than 2.0 EPNdB for any combination of the following:

(i) The aircraft's not passing vertically above the measuring station.

(ii) Any difference between 370 feet and the actual minimum distance of the aircraft's ILS antenna from the approach measuring station.

(iii) Any difference between the actual approach angle and the noise certification reference approach flight path.

(iv) Any correction of the measured noise levels which accounts for any difference between the test engine rating and the reference engine rating.

Detailed correction requirements are prescribed in § A36.11 of this appendix.

(3) If aircraft sound pressure levels do not exceed the mean background sound pressure levels determined under § A36.3(f)(3) by at least 5 dB in each one-third octave band within the 10 dB-down points described in § B36.9 of Appendix B of this part, that frequency band may not be included in the computation of the overall noise level of the aircraft. An EPNL may not be computed or reported from data from which more than four one-third octave bands in any spectrum within the 10 dB-down points have been excluded under this paragraph.

(e) *Validity of results.* (1) The test results must produce three average EPNL values within the 90 percent confidence limits, each value consisting of the arithmetic average of the corrected noise measurements for all valid test runs at the takeoff, approach, and sideline measuring stations, respectively. If more than one noise measurement system is used at any single measuring station, the resulting data for each test run (after correction) must be averaged as a single measurement. If more than one test site or noise measuring station location is used, each valid test run must be included in the computation of the average EPNL values and their confidence limits.

(2) The minimum sample size acceptable for each of the three certification measurements (takeoff, approaches, and sideline) is six. The number of samples must be large enough to establish statistically for each of the three average noise certification levels a 90 percent confidence limit which does not exceed ±1.0 EPNdB. No test result may be omitted from the averaging process, unless otherwise specified by the FAA.

(3) The average EPNL values and their 90 percent confidence limits obtained by the procedure described in this paragraph must be those by which the noise emission of the aircraft is assessed against the noise certification criteria, and must be reported.

§ A36.7 *Symbols and units.*

(a) *General.* The symbols used in Appendixes A and B of this Part have the following meanings.

Symbol	Unit	Meaning
ant	—	*Antilogarithm to the Base 10*
C(k)	dB	*Tone Correction.* The factor to be added to PNL(k) to account for the presence of spectral irregularities such as tones at the k-th increment of time.
d	sec	*Duration Time.* The length of the significant noise time history being the time interval between the limits of t(1) and t(2) to the nearest second.
D	dB	*Duration Correction.* The factor to be added to PNLM to account for the duration of the noise.
EPNL	EPNdB	*Effective Perceived Noise Level.* The value of PNL adjusted for both the presence of discrete frequencies and the time history. (The unit EPNdB is used instead of the unit dB.)
f(i) or fi	Hz	*Frequency.* The geometrical mean frequency for the i-th one-third octave band.
F(i,k)	dB	*Delta-dB.* The difference between the original and background sound pressure levels in the i-th one-third octave band at the k-th interval of time.

Symbol	Unit	Meaning
h	dB	*dB-Down.* The level to be subtracted from PNLTM that defines the duration of the noise.
H	%	*Relative Humidity.* The ambient atmospheric relative humidity.
(i) or i	—	*Frequency Band Index.* The numerical indicator that denotes any one of the 24 one-third octave bands with geometrical mean frequencies from 50 to 10,000 Hz.
(k)	—	*Time Increment Index.* The numerical indicator that denotes the number of equal time increments that have elapsed from a reference zero.
log	—	*Logarithm to the Base 10.*
log n(a)	—	*Noy Discontinuity Coordinate.* The log n value of the intersection point of the straight lines representing the variation of SPL with log n.
M(b), M(c)	—	*Noy Inverse Slope.* The reciprocals of the slopes of the straight lines representing the variation of SPL with log n.
n	noy	*Perceived Noisiness.* The perceived noisiness at any instant of time that occurs in a specified frequency range.
n(i, k)	noy	*Perceived Noisiness.* The perceived noisiness at the k-th instant of time that occurs in the i-th one-third octave band.
n(k)	noy	*Maximum Perceived Noisiness.* The maximum value of all of the 24 values of n(i) that occurs at the k-th instant of time.
N(k)	noy	*Total Perceived Noisiness.* The total perceived noisiness at the k-th instant of time calculated from the 24-instantaneous values of n(i, k).
p(b), p(c)	—	*Noy Slope.* The slopes of the straight lines representing the variation of SPL with log n.
PNL	PNdB	*Perceived Noise Level.* The perceived noise level at any instant of time (the unit PNdB is used instead of the unit dB).
PNL(k)	PNdB	*Perceived Noise Level.* The perceived noise level calculated from the 24 values of SPL(i, k) at the k-th increment of time. (The unit PNdB is used instead of the unit dB.)
PNLM	PNdB	*Maximum Perceived Noise Level.* The maximum value of PNL(k) that occurs during the aircraft flyover. (The unit PNdB is used instead of the unit dB.)
PNLT	PNdB	*Tone Corrected Perceived Noise Level.* The value of PNL adjusted for the presence of spectral irregularities (discrete frequencies) at any instant of time. (The unit PNdB is used instead of the unit dB.)
PNLT(k)	PNdB	*Tone Corrected Perceived Noise Level.* The value of PNL(k) adjusted for the presence of discrete frequencies that occurs at the k-th increment of time. (The unit PNdB is used instead of the unit dB.)
PNLTM	PNdB	*Maximum Tone Corrected Perceived Noise Level.* The maximum value of PNLT(k) that occurs during the aircraft flyover. (The unit PNdB is used instead of the unit dB.)
s(i, k)	dB	*Slope of Sound Pressure Level.* The change in level between adjacent one-third octave band sound pressure levels at the i-th band for the k-th instant of time.
Δs(i, k)	dB	*Change in Slope of Sound Pressure Level.*
s'(i, k)	dB	*Adjusted Slope of Sound Pressure Level.* The change in level between adjacent adjusted one-third octave band sound pressure levels at the i-th band for the k-th instant of time.
s(i, k)	dB	*Average Slope of Sound Pressure Level.*
SPL	dB re 0.0002 microbar.	*Sound Pressure Level.* The sound pressure level at any instant of time that occurs in a specified frequency range.
SPL(a)	dB re 0.0002 microbar.	*Noy Discontinuity Coordinate.* The SPL value of the intersection point of the straight lines representing the variation of SPL with log n.
SPL(b), SPL(c)	dB re 0.0002 microbar.	*Noy Intercept.* The intercepts on the SPL-axis of the straight lines representing the variation of SPL with log n.
SPL(i, k)	dB re 0.0002 microbar.	*Sound Pressure Level.* The sound pressure level at the k-th instant of time that occurs in the i-th one-third octave band.
SPL'(i, k)	dB re 0.0002 microbar.	*Adjusted Sound Pressure Level.* The first approximation to background level in the i-th one-third octave band for the k-th instant of time.
SPL*(i, k)	dB re 0.0002 microbar.	*Background Sound Pressure Level:* The final approximation to background level in the i-th one-third octave band for the k-th instant of time.
SPLi	dB re 0.0002 microbar.	*Maximum Sound Pressure Level.* The sound pressure level that occurs in the i-th one-third octave band of the spectrum for PNL-TM.
SPLic	dB re 0.0002 microbar.	*Corrected Maximum Sound Pressure Level.* The sound pressure level that occurs in the i-th one-third octave band of the spectrum for PNLTM corrected for atmospheric sound absorption.
t	sec	*Elapsed Time.* The length of time measured from a reference zero.
t(1), t(2)	sec	*Time Limit.* The beginning and end of the significant noise time history defined by h.
Δt	sec	*Time Increment.* The equal increments of time for which PNL(k) and PNLT (k) are calculated.
T	sec	*Normalizing Time Constant.* The length of time used as a reference in the integration method for computing duration corrections.
T	°F	*Temperature.* The ambient atmospheric temperature.
α	dB/ft	*Test Atmospheric Absorption.* The atmospheric attenuation of sound that occurs in the i-th one-third octave band for the measured atmospheric temperature and relative humidity.
α'	dB/1000 ft.	
α_o	dB/ft	*Reference Atmospheric Absorption.* The atmospheric attenuation of sound that occurs in the i-th one-third octave band for the reference atmospheric temperature and relative humidity.
α_o'	dB/1000 ft.	
β	degrees	*First Constant Climb Angle.*
γ	degrees	*Second Constant Climb Angle.*
δ	degrees	*Thrust Cutback Angles.* The angles defining the points on the takeoff flight path at which thrust reduction is started and ended respectively.
ϵ	degrees	
η	degrees	*Approach Angle.*
θ	degrees	*Takeoff Noise Angle.* The angle between the flight path and noise path for takeoff operation. It is identical for both measured and corrected flight paths.
λ	degrees	*Approach Noise Angle.* The angle between the flight path and the noise path for approach operation. It is identical for both measured and corrected flight paths.
Δ1	EPNdB	*PNLT Correction.* The correction to be added to the EPNL calculated from measured data to account for noise level changes due to differences in atmospheric absorption and noise path length between reference and test conditions.
Δ2	EPNdB	*Noise Path Duration Correction.* The correction to be added to the EPNL calculated from measured data to account for noise level changes due to the noise duration because of differences in flyover altitude between reference and test condition.
Δ3	EPNdB	*Weight Correction.* The correction to be added to the EPNL calculated from measured data to account for noise level changes due to differences between maximum and test aircraft weights.
Δ4	EPNdB	*Approach Angle Correction.* The correction to be added to the EPNL calculated from measured data to account for noise level changes due to differences between 3° and the test approach angle.
ΔAB	feet	*Takeoff Profile Changes.* The changes in the basic parameters defining the takeoff profile due to differences between reference and test conditions.
$\Delta\beta$	degrees	
$\Delta\gamma$	degrees	
$\Delta\delta$	degrees	
$\Delta\epsilon$	degrees	

FLIGHT PROFILE IDENTIFICATION POSITIONS

Position	Description
A	Start of takeoff roll.
B	Liftoff.
C	Start of first constant climb.
D	Start of thrust reduction.
E	Start of second constant climb.
Ec	Start of second constant climb on corrected flight path.
F	End of noise certification takeoff flight path.
Fc	End of second constant climb on corrected flight path.
G	Start of noise certification approach flight path.
Gr	Start of noise certification approach on reference flight path.
H	Position on approach path directly above noise measuring station.
I	Start of level off.
Ir	Start of level off on reference approach flight path.
J	Touchdown.
K	Takeoff noise measuring station.
L	Sideline noise measuring station (not on flight track).
M	End of noise type certification takeoff flight track.
N	Approach noise measuring station.
O	Threshold of approach end of runway.
P	Start of noise type certification approach flight track.
Q	Position on measured takeoff flight path corresponding to PNLTM at station K.
Qc	Position on corrected takeoff flight path corresponding to PNLTM at station K.
R	Position on measured takeoff flight path nearest to station K.
Rc	Position on corrected takeoff flight path nearest to station K.
S	Position on measured approach flight path corresponding to PNLTM at station N.
Sr	Position on reference approach flight path corresponding to PNLTM at station N.
T	Position on measured approach flight path nearest to station N.
Tr	Position on reference approach flight path nearest to station N.
X	Position on measured takeoff flight path corresponding to PNLTM at station L.

FLIGHT PROFILE DISTANCES

Distance	Unit	Meaning
AB	feet	*Length of Takeoff Roll.* The distance along the runway between the start of takeoff roll and lift off.
AK	feet	*Takeoff Measurement Distance.* The distance from the start of roll to the takeoff noise measurement station along the extended centerline of the runway.
AM	feet	*Takeoff Flight Track Distance.* The distance from the start of roll to the takeoff flight track position along the extended centerline of the runway for which the position of the aircraft need no longer be recorded.

Distance	Unit	Meaning
KQ	feet	*Measured Takeoff Noise Path.* The distance from station K to the measured aircraft position Q.
KQc	feet	*Corrected Takeoff Noise Path.* The distance from station K to the corrected aircraft position Qc.
KR	feet	*Measured Takeoff Minimum Distance.* The distance from station K to point R on the measured flight path.
KRc	feet	*Corrected Takeoff Minimum Distance.* The distance from station K to point Rc on the corrected flight path.
LX	feet	*Measured Sideline Noise Path.* The distance from station L to the measured aircraft position X.
NH	feet	*Aircraft Approach Height.* The vertical distance between the aircraft and the approach measuring station.
NS	feet	*Measured Approach Noise Path.* The distance from station N to the measured aircraft position S.
NSr	feet	*Reference Approach Noise Path.* The distance from station N to the reference aircraft position Sr.
NT	feet	*Measured Approach Minimum Distance.* The distance from station N to point T on the measured flight path.
NTr	feet	*Reference Approach Minimum Distance.* The distance from station N to point Tr on the corrected flight path; it equals 369 feet.
ON	feet	*Approach Measurement Distance.* The distance from the runway threshold to the approach measurement station along the extended centerline of the runway.
OP	feet	*Approach Flight Track Distance.* The distance from the runway threshold to the approach flight track position along the extended centerline of the runway for which the position of the aircraft need no longer be recorded.

§ A36.9 *Atmospheric attenuation of sound.*

(a) *General.* The measured values of the one-third octave band spectra must conform, or be corrected, to the reference-day conditions listed in § A36.5(c) of this appendix. Each correction must account for any differences in the atmospheric attenuation of sound between the test-day conditions and the reference-day conditions along the sound propagation path between the aircraft and the microphone. Unless the meteorological conditions conform to these prescribed in § A36.1(c) of this appendix, the test data are not acceptable.

(b) *Meteorological measurements.* (1) The location of an airport, or other facility, used for meteorological measurements must be approved for use as representative of those atmospheric conditions existing near the surface over the geographical area in which aircraft noise measurements are made. However, for the purpose of making corrections under this section, the wind velocity, temperature, and relative humidity must be measured in the vicinity of the microphones at the takeoff, approach, and sideline measuring stations.

(2) The temperature and relative humidity must be measured from a point 10 meters above the surface at the measuring stations to the altitude of the aircraft, using previously approved equipment and methods.

(3) Time intervals between meteorological measurements may not exceed 45 minutes during any test period. Meteorological data must be interpolated to actual times of each noise measurement.

(c) *Attenuation rates.* The atmospheric attenuation rates of sound with distance for each one-third octave band from 50 Hz to 10,000 Hz must be determined inaccordance with the formulations and tabulations of SAE ARP 866A, dated March 15, 1975. SAE ARP 866A, dated March 15, 1975, and entitled "Standard Values of Atmospheric Absorption as a Function of Temperatures and Humidity for Use in Evaluating Aircraft Flyover Noise" is incorporated by reference in to part under § 36.9 of this part.

(d) *Correction for atmospheric attentuation.* (1) EPNL values calculated for measured data must be corrected by the methods prescribed in § A36.11(d) of this appendix whenever—

(i) The ambient atmospheric conditions of temperature and relative humidity do not conform to the reference conditions (77 degrees F and 70 percent, respectively), or

(ii) The measured takeoff and approach flight paths do not conform to the corrected and reference flight paths.

(2) If the atmospheric absorption coefficients do not vary over the sound propogation path by more than ±0.3 dB/1000 feet in the 3150 Hz one-third octave band from the attenuation rate derived from the meteorological measurement under paragraph (b) of this section, the measurements prescribed in paragraph (b)(2) of this section may be used to determine the atmospheric attenuation rates for each one-third octave band.

The resulting atmospheric attenuation rate may be used to compute the PNLT correction under § A36.11(d) of this appendix.

(3) If the conditions do not conform to those prescribed in paragraph (d)(2) of this section, the corrections for atmospheric attenuation must be determined by the following layered-atmosphere procedure:

(i) The sound propagation path must be divided into increments no greater than 100 feet in altitude, and the average temperature and relative humidity that exists within each increment at the time of the test must be calculated from the meteorological data required by paragraph (b) of this section.

(ii) Atmospheric attenuation rates must be determined under paragraph (c) of this section for each one-third octave band in each altitude increment.

(iii) The mean attenuation rate over the complete sound propagation path from aircarft to microphone must be computed for each one-third octave band from 50 Hz to 10,000 Hz. These rates must be used in computing the corrections required in § A36.11(d) of this appendix.

§ A36.11 *Detailed correction procedures.*

(a) *General.* If the test conditions do not conform to those prescribed as noise certification reference conditions under § A36.5 of this appendix, the following correction procedure and requirements apply:

(1) If a positive value results from any difference between reference and test conditions, an appropriate positive correction must be made to the EPNL calculated from the measured data. Conditions which can result in a positive value include:

(i) Atmospheric absorption of sound under test conditions which is greater than the reference;

(ii) Test flight path at an altitude which is higher than the reference; or

(iii) Test weight which is less than maximum certification weight.

(2) If a negative value results from any difference between reference and test conditions, no correction may be made to the EPNL calculated from the measured data, unless the difference results from:

(i) An atmospheric absorption of sound under test conditions which is less than the reference; or

(ii) A test flight path at an altitude which is lower than the reference.

(3) The following correction procedures may produce one or more possible correction values which must be added algebraically to the EPNL calculated as if the tests were conducted completely under the noise certification reference conditions:

(i) The flight profiles must be determined for both takeoff and approach, and for both reference and test conditions. The procedures require noise and flight path recording with a syncronized time signal from which the test profile can be delineated, including the aircraft position for which PNLTM is observed at the noise measuring station. For takeoff, the flight profile corrected to reference conditions may be derived from manufacturer's data; however, for approach, the reference profile must be determined.

(ii) The sound propagation paths to the microphone from the aircraft position corresponding to PNLTM are determined for both the test and reference profiles. The SPL values in the spectrum of PNLTM must then be corrected for the effects of:

(A) Change in atmospheric sound absorption;

(B) Atmospheric sound absorption on the change in sound propagation path length; and

(C) Inverse square law on the change in sound propagation path length. The corrected values of SPL are then converted to PNLT from which must be subtracted PNLTM. The resulting difference represents the correction which must be added algebraically to the EPNL calculated from the measured data.

(iii) The minimum distances from both the test and reference profiles to the noise measuring station must be calculated and used to determine a noise duration correction due to any change in the altitude of aircraft flyover. The duration correction must be added algebraically to the EPNL calculated from the measured data.

(iv) From approved data in the form of curves or tables giving the variation of EPNL with engine thrust or test speed, corrections are determined and must be added to the EPNL (which is calculated from the measured data) to account for noise level changes due to differences between test conditions and reference conditions.

(v) From approved data in the form of curves or tables giving the variation of EPNL with approach angle, corrections are determined and must be added algebraically to the EPNL (which is calculated from measured data) to account for noise level changes due to differences between 3 degrees and the test approach angle.

(b) *Takeoff profiles.* (1) Figure A1 illustrates a typical takeoff profile.

(i) The aircraft begins the takeoff roll at point A, lifts off at point B, and initiates the first constant climb at point C at an angle β. The noise abatement thrust cutback is started at point D and completed at point E where the second constant climb is defined by the angle γ (usually expressed in terms of the gradient in percent). The end of the noise certification takeoff flight path is represented by aircraft position F whose vertical projection on the flight track (extended centerline of the runway) is point M. The position of the aircraft must be recorded for the entire interval during which the measured aircraft noise level is within 10 dB of PNLTM. Position K is the takeoff noise measuring station whose distance AK is specified as 3.5 nautical miles. However, if it is necessary to reduce AK to less than 3.5 nautical miles, the procedures prescribed in paragraph (f) of this section must be followed. Position L is the sideline noise measuring station located on a line parallel to, and the prescribed distance from, the runway centerline where the noise level during takeoff is greatest.

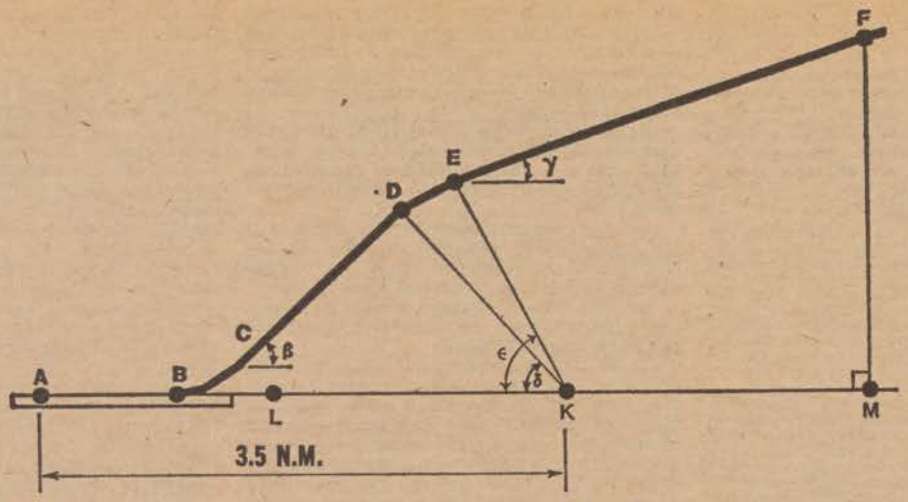


Figure A1. MEASURED TAKEOFF PROFILE

(ii) The takeoff profile is defined by five parameters—(A) AB, the length of takeoff roll; (B) B, the first constant climb angle; (C) γ, the second constant climb angle; and (D) δ, and ϵ, the thrust cutback angles. These five parameters are functions of the aircraft performance and weight, and the atmospheric conditions of temperature, pressure, and wind velocity and direction.

(2) If the test condition do not conform to those prescribed as reference conditions under § A36.5 of this appendix, the corresponding test and reference profile parameters will be different, as shown in Figure A2. The profile parameter changes, identified as $\triangle$AB,$\triangle$B,$\triangle\gamma$,$\triangle\delta$, and $\triangle\epsilon$ may be derived from the manufacturer's data (if approved by the FAA) and may be used to define the flight profile corrected to the reference conditions. The relationships between the measured and corrected takeoff flight profiles may then be used to determine the corrections, which, if positive, must be applied to the EPNL calculated from the measured data.

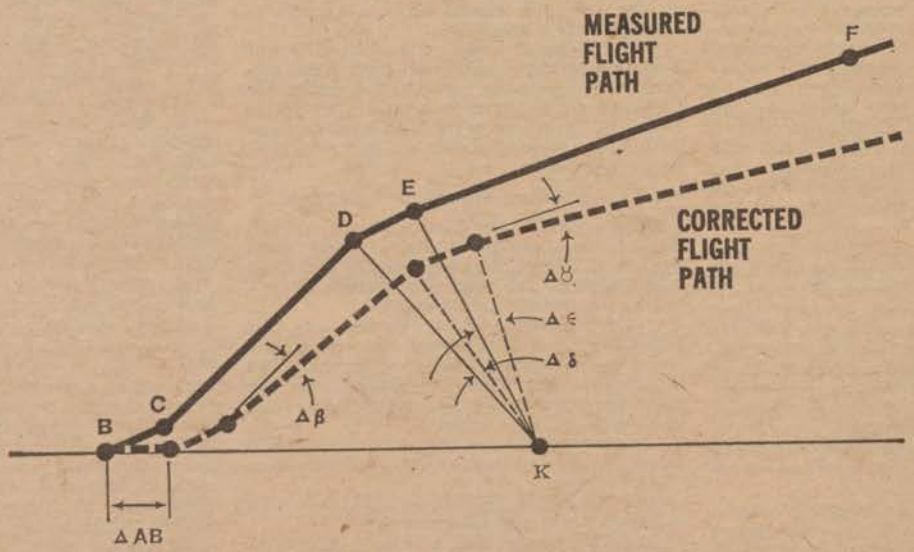


Figure A2. COMPARISON OF MEASURED AND CORRECTED TAKEOFF PROFILES

NOTE: Under reference atmospheric conditions and with maximum takeoff weight, the gradient of the second constant climb angle (γ) may not be less than 4 percent. However, the actual gradient will depend upon the test atmospheric conditions, assuming maximum takeoff weight and the parameters characterizing engine performance are constant (rpm, epr, or any other parameter used by the pilot).

(3) Figure A3 illustrates portions of the measured and corrected takeoff flight paths including the significant geometrical relationships influencing sound propagation. EF represents the measured second constant flight path with climb angle γ, and EcFc rep-

resents the corrected second constant flight path at reduced climb angle $\gamma - \triangle\gamma$. Position Q represents the aircraft location on the measured takeoff flight path for which PNLTM is observed at the noise measuring station K, and Qc is the corresponding position on the corrected flight path. The measured and corrected sound propagation paths are KQ and KQc, respectively, which form the same angle θ with their flight paths. Position R represents the point on the measured takeoff flight path nearest the noise measuring station K, and Rc is the corresponding position on the corrected flight path. The minimum distance to the measured and corrected flight paths are indicated by the lines KR and KRc, respectively, which are normal to their flight paths.

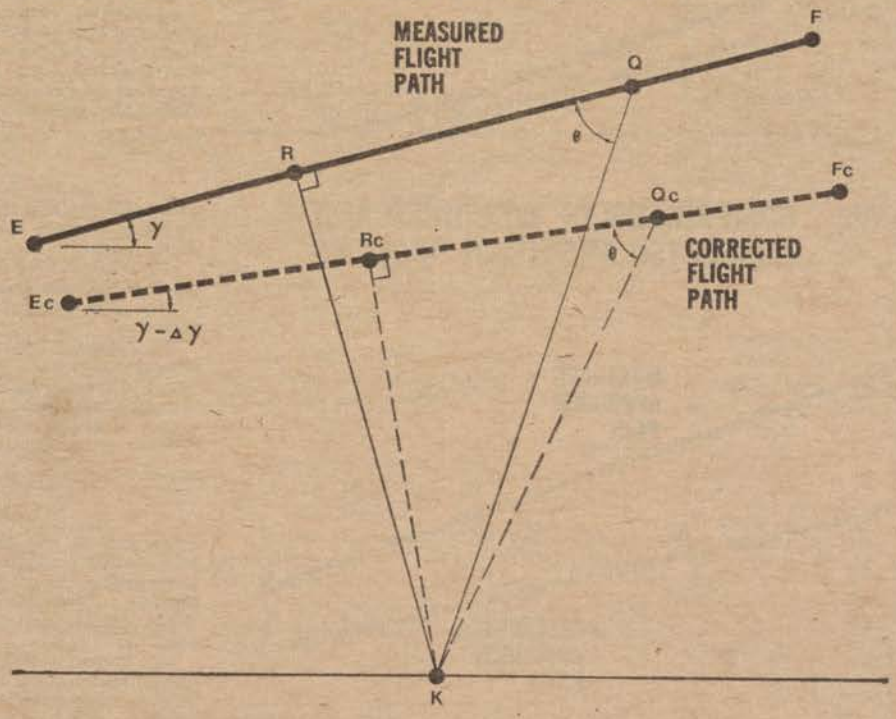


Figure A3. TAKEOFF PROFILE CHARACTERISTICS INFLUENCING SOUND PROPAGATION

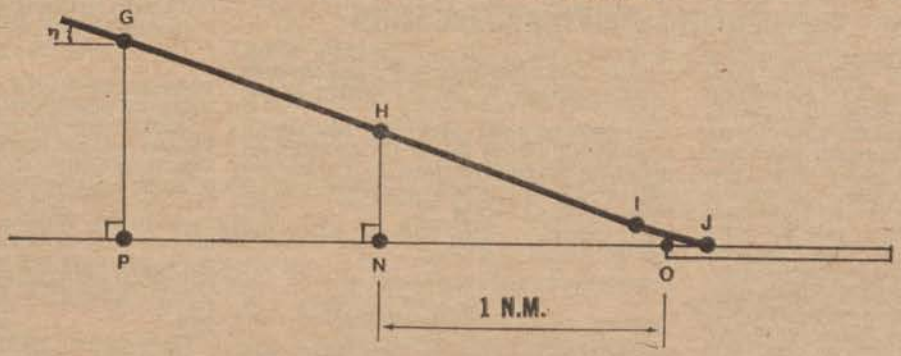


Figure A4. MEASURED APPROACH PROFILE

(c) *Approach profiles.* (1) Figure A4 illustrates a typical approach profile.

(i) The beginning of the noise certification approach profile is represented by aircraft position G whose vertical projected on the flight track (extended centerline of the runway) is point P. The position of the aircraft should be recorded for a distance OP from the runway threshold O to ensure recording of the entire interval during which the measured aircraft noise is within 10 dB of PNLTM.

(ii) The aircraft approaches at an angle η, passes vertically over the noise measuring station N at a height of NH, begins the level off at position I, and touches down at position J. The distance ON is prescribed as 1.0 nautical mile.

(iii) The approach profile is defined by the approach angle η and the height NH which are functions of the aircraft operating conditions controlled by the pilot. If the measured approach profile parameters do not conform to the corresponding reference approach parameters (3 degrees and 370 feet, respectively, as shown in Figure A5), corrections, if positive, must be applied to the EPNL calculated from the measured data.

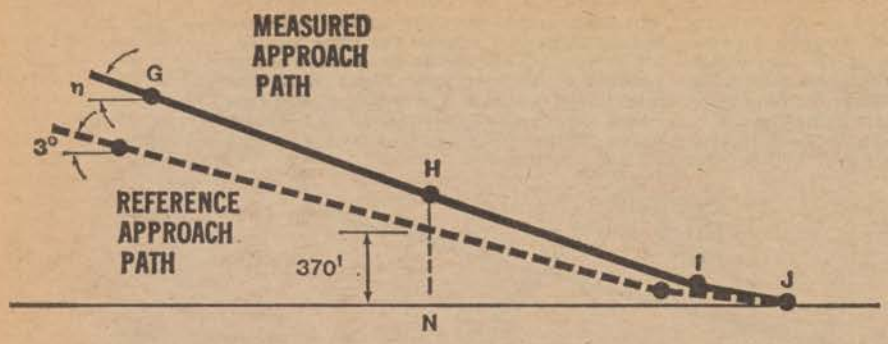


Figure A5. COMPARISON OF MEASURED AND CORRECTED APPROACH PROFILES

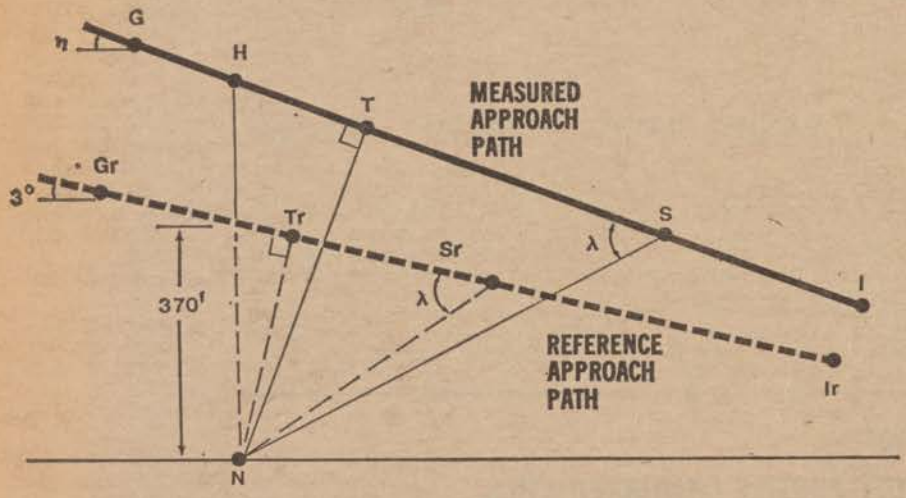


Figure A6. APPROACH PROFILE CHARACTERISTICS INFLUENCING SOUND PROPAGATION

(2) Figure A6 illustrates portions of the measured and reference approach flight paths, including the significant geometrical relationships influencing sound propagation. GI represents the measured approach path with approach angle η, and GrIr represents the reference approach flight path at lower altitude and approach angle of 3 degrees. Position S represents the aircraft location on the measured approach flight path for which PNLTM is observed at the noise measuring station N, and Sr is the corresponding position on the reference approach flight path. The measured and corrected sound propagation paths are NS and NSr, respectively, which form the same angle λ with their flight paths. Position T represents the point on the measured approach flight path nearest the noise measuring station N, and Tr is the corresponding point on the reference approach flight path. The minimum distances to the measured and reference flight paths are indicated by the lines NT and NTr, respectively, which are normal to their flight paths. NOTE: The reference approach flight path is defined by $\eta=3$ degrees and NH=370 feet. Consequently NTr can also be defined; NTr=369 feet to the nearest foot and is, therefore, considered to be one of the reference parameters.

(d) *PNLT corrections.* If the ambient atmospheric conditions of temperature and relative humidity are not those prescribed as reference conditions under § A36.5(c) of this appendix (77 degrees F and 70 percent, respectively), corrections to the EPNL values must be calculated from the measured data under paragraph (a) of this section as follows:

(1) *Takeoff flight path.* For the takeoff flight path shown in Figure A3, the spectrum of PNLTM observed at station K for the aircraft at position Q is decomposed into its individual SPLi values.

(i) *Step 1.* A set of corrected values are then computed as follows:

$$\begin{aligned}SPLic=SPLi \quad &+(oci-ocio)\ KQ\\ &+ocio\ (KQ-KQc)\\ &+20\log(KQ/KQc)\end{aligned}$$

where SPLi and SPLic are the measured and corrected sound pressure levels, respectively, in the i-th one-third octave band. The first correction term accounts for the effects of change in atmospheric sound absorption where oci and ocio are the sound absorption coefficients for the test (determined under § A36.9(d)) and reference atmospheric conditions, respectively, for the i-th one-third octave band and KQ is the measured takeoff sound propagation path. The second correction term accounts for the effects of atmospheric sound absorption on the change in the sound propagation path length where KQc is the corrected takeoff sound propagation path. The third correction term accounts for the effects of the inverse square law on the change in the sound propagation path length.

(ii) *Step 2.* The corrected values of SPLic are then converted to PNLT and a correction term calculated as follows:

$$\Delta 1=PNLT-PNLTM$$

which represents the correction to be added algebraically to the EPNL calculated from the measured data.

(2) *Approach flight path.*

(i) The procedure prescribed in paragraph (d)(1) of this section for takeoff flight paths is also used for the approach flight path, except that the value for SPLic relate to the approach sound propagation paths shown in Figure A6 as follows:

$$\begin{aligned}SPLic=SPLi \quad &+(oci-ocio)\ NS\\ &+ocio\ (NS-NSr)\\ &+20\log(NS/NSr)\end{aligned}$$

where NS and NSr are the measured and reference approach sound propagation paths, respectively.

(ii) The remainder of the procedure is the same as that prescribed in paragraph (d)(1)(ii) of this section, regarding takeoff flight path.

(3) *Sideline flight path.* The procedure prescribed in paragraph (d)(1) of this section for takeoff flight paths is also used for the sideline flight path, except that the values of SPLic relate only to the measured sideline sound propagation path as follows:

$$\begin{aligned}SPLic=SPLi \quad &+(oci-ocio)\ LX\\ &+oci\ (LXc)\\ &+20\log(LX/LXc)\end{aligned}$$

where LX is the measured sideline sound propagation path from station L (Figure A1) to position X of the aircraft for which PNLTM is observed at station L and LXc is the corrected sideline sound propagation path.

(e) *Duration corrections.* If the measured takeoff and approach flight paths do not conform to those prescribed as the corrected and reference flight paths, respectively, it will be necessary, or desirable, to apply duration corrections to the EPNL values calculated from the measured data. Such corrections must be calculated as follows:

(1) *Takeoff flight path.* For the takeoff flight path shown in Figure A3, a correction term is calculated as follows:

$$\Delta 2=-10\log(KR/KRc)$$

which represents the correction which must be added algebraically to the EPNL calculated from the measured data. The lengths KR and KRc are the measured and corrected takeoff minimum distances from the noise measuring station K to the measured and the corrected flight paths, respectively. A negative sign indicates that, for the particular case of a duration correction, the EPNL calculated from the measured data must be reduced if the measured flight path is at a greater altitude than the corrected flight path.

(2) *Approach flight path.* The procedure prescribed in paragraph (e)(1) of this section, regarding takeoff flight path duration correction, is also used for the approach flight path duration correction, except that the correction relates to the approach minimum distances (shown in Figure A6) as follows:

$$\Delta 2=-10\log(NT/369)$$

where NT is the measured approach minimum distance from the noise measuring station N to the measured flight path and 369 feet is the minimum distance from station N to the reference flight path.

(3) *Sideline flight path.* The duration correction is computed for the sideline flight path as follows:

$$\Delta 2 = -10 \log (LX/LXc)$$

(f) *Nonstandard Takeoff location correction.* All takeoff noise measurements must conducted at the takeoff noise measurement point prescribed in § (36.1 of Appendix C, except where it is necessary to bring the measuring station to a point closer to the start of takeoff roll to ensure recording the complete flyover noise history required by § B36.9 of Appendix B of this part (i.e., a flyover noise/time record which includes the required period before and after the 10 dB-down points from PNLTM). The EPNL value computed from these measurements must be corrected to the value that would have occurred at the 3.5 nautical mile reference measuring point under one of the following procedures:

(1) *Simplified procedure.* Unless the correction factor exceeds 1.0 dB, or the correction results in a final EPNL value which is within 1.5 dB of the noise levels prescribed in Appendix C of this part, the correction procedure prescribed in paragraphs (d) and (e) of this section may be used. Since this procedure accounts for extrapolation of the PNLTM from the close-in-measurement station to the 3.5 nautical miles reference point, corrections for differences between test and reference thrust and velocity must be made after the EPNL has been corrected to the 3.5 nautical mile reference point.

(2) *Integrated procedure.* If the correction factor exceeds 7.0 dB, or the correction results in final a EPNL value which is within 1.5 dB of the noise levels prescribed in Appendix C of this part, the following correction procedure must be used:

(i) Each ½ second spectra measured during a flyover at a noise measuring station which is closer to the flight path than the prescribed reference distance must be adjusted under a procedure similar to that prescribed under paragraph (d) (1) of this section, regarding PNLT corrections. However, the distances which must be used are those values of KQ and KQc for the sound propagation path (and hence value of θ) for PNLTM which represents the actual, measured sound propagation path (and path angle), and the corresponding sound propagation path (and path angle) as if the measurements had been made at the 3.5 nautical mile measuring point under reference acoustic-day conditions.

(ii) After the measured ½-second spectra have been corrected to the 3.5 nautical mile reference point, the remaining noise evaluation must be conducted under the procedures prescribed in Appendix B of this part, including the appropriate reference thrust and velocity corrections.

APPENDIX B

3. The heading to Appendix B would be amended to add a table of sections reading as follows:

APPENDIX B—AIRCRAFT NOISE EVALUATION UNDER § 36.103

Sec.

B36.1 *General.*
B36.3 *Perceived noise level.*
B36.5 *Correction for spectral irregularities.*
B36.7 *Maximum tone corrected perceived noise level.*
B36.9 *Duration correction.*
B36.11 *Effective perceived noise level.*
B36.13 *Mathematical formulation of noy tables.*

4. § B36.2 would be amended as follows:

a. Redesignate § B36.2 as "§ B36.3".

b. Designate steps 1, 2, and 3 as paragraphs "(a) *Step 1.*," (b) *Step 2.*," and "(c) *Step 3.*," respectively.

c. At the end of Step 1. of the prescribed procedure, substitute the reference "§ B36.13 of this appendix" for "§ B36.7 of this Appendix."

5. § B36.3 would be amended as follows:

a. Redesignate § B36.3 as "§ B36.5."

b. Designate Steps 1 through 10 of the prescribed procedure as paragraphs "(a) *Step 1.*" through "(j) *Step 10.*", consecutively.

c. In Step 3 of the prescribed procedure, redesignate paragraphs (a), (b), and (c) as paragraphs "(1)," "(2)," and "(3)," respectively.

d. In Step 4 of the prescribed procedure, redesignate paragraphs (a), (b), and (c) as paragraphs "(1)," "(2)," and "(3)," respectively.

e. Designate the last two undesignated paragraphs of the section as paragraphs "(k)," and "(l)," consecutively.

f. At the end of the current text of the section add two new paragraphs, designated "(m)," and "(n)," to read as follows:

(m) Tones resulting from ground-plane reflections in the 800 Hz and lower one-third octave bands may be excluded from the calculation of corrections for spectral irregularities. To qualify for this exclusion, the pseudotones must be clearly identified as not being related to the engine noise. This identification may be made either by comparing measured data with data from a flush-mounted microphone, or by observing the Dopper shift characteristics of the tone during the flyover-noise/time history. Since pseudotones are related to gound reflections, a microphone mounted flush to the ground will yield a spectral shape which can be distinguished from that produced by the 4-foot high microphone at those frequencies which can be related to ground reflection's geometrical relationships. Identification through Doppler shifting (the symmetric variation of frequency with time) can be made because the Doppler frequency variation yields a frequency increase for an approaching signal and a frequency decrease for a receding signal. Pseudotones at frequencies above 800 Hz generally should not yield significant tone corrections. However, for consistency, each tone correction value must be included in the computation for spectral irregularities. While the tone corrections below 800 Hz may be ignored for the spectral irregularity correction, the SPL values must be included in the noy calculation prescribed in § B36.13 of this appendix.

(n) After the value of PNLTM for each flyover-noise/time history, is identified, the level difference, F for PNLTM, the time of its occurrence (k), and the frequency for the largest tone correction factor (C(k)) must be identified and displayed for the two preceding, and the two succeeding, 500-millisecond time intervals. The display must be evaluated by comparison of successive values of the tone correction parameters to identify possible tone suppression at PNLTM as a result of band sharing of the tone. If band sharing is identified, the value of F for PNLTM must be established by a faired curve through the five successive time intervals, which do not include the specific interval (or intervals) which has been identified as associated with the tone band.

6. § B36.4 would be amended as follows:

a. Redesignate § B36.4 as "§ B36.7."

b. Designate the two undesignated paragraphs as paragraphs "(a)" and "(b)," consecutively.

c. In the sixth line of the first undesignated paragraph, and in the second and third lines of the second undesignated paragraph, in each case substitute the reference "B36.5 of this appendix" for "B36.3 of this appendix."

7. § B36.5 would be amended as follows:

a. Redesignate § B36.5 as "§ B36.9."

b. Designate the six undesignated paragraphs as paragraphs "(a)" through "(f)," consecutively.

8. § B36.6 would be amended as follows:

a. Redesignate § B36.6 as "§ B36.11."

b. Designate the two undesignated paragraphs as paragraphs "(a)" and "(b)," consecutively.

c. In the last line of the first undesignated paragraph, substitute the reference "B36.7 and B36.9 of this appendix" for "B36.4 and B36.5 of this appendix."

d. In the second and third line of the second undesignated paragraph, substitute the reference "B36.9 of this appendix" for "B36.5 of this appendix."

9. § B36.7 would be amended as follows:

a. Redesignate § B36.7 as "§ B36.13."

b. Designate the 3 undesignated paragraphs as paragraphs "(a)," "(b)," and "(c)," consecutively.

10. Three tables contained in Appendix B would be amended by substituting the following tables for Table B1, Table B2, and Table B3, respectively.

TABLE B1 - PERCEIVED NOISINESS. (NOYs) AS A FUNCTION OF SOUND PRESSURE LEVEL

	⅓ OCTAVE BAND CENTER FREQUENCIES IN Hz (c/s)																						
SPL	50	63	80	100	125	160	200	250	315	400	500	630	800	1000	1250	1600	2000	2500	3150	4000	5000	6300	8000	10000
4																			0.10					
5																		0.10	0.11	0.10				
6																		0.11	0.12	0.11	0.10			
7																		0.12	0.14	0.13	0.11			
8																		0.14	0.16	0.14	0.13			
9																	0.10	0.16	0.17	0.16	0.14			
10																	0.11	0.17	0.19	0.18	0.16	0.10		
11																	0.13	0.19	0.22	0.21	0.18	0.12		
12																0.10	0.14	0.22	0.24	0.24	0.21	0.14		
13																0.11	0.16	0.24	0.27	0.27	0.24	0.16		
14																0.13	0.18	0.27	0.30	0.30	0.27	0.19		
15															0.10	0.14	0.21	0.30	0.33	0.33	0.30	0.22		
16										0.10	0.10	0.10	0.10	0.10	0.11	0.16	0.24	0.33	0.35	0.35	0.33	0.26		
17										0.11	0.11	0.11	0.11	0.11	0.13	0.18	0.27	0.35	0.38	0.38	0.35	0.30	0.10	
18									0.10	0.13	0.13	0.13	0.13	0.13	0.15	0.21	0.30	0.38	0.41	0.41	0.38	0.33	0 12	
19									0.11	0.14	0.14	0.14	0.14	0.14	0.17	0.24	0.33	0.41	0.45	0.45	0.41	0.36	0.14	
20									0.13	0.16	0.16	0.16	0.16	0.16	0.20	0.27	0.36	0.45	0.49	0.49	0.45	0.39	0.17	
21								0.10	0.14	0.18	0.18	0.18	0.18	0.18	0.23	0.30	0.39	0.49	0.53	0.53	0.49	0.42	0.21	0.10
22								0.11	0.16	0.21	0.21	0.21	0.21	0.21	0.26	0.33	0.42	0.53	0.57	0.57	0.53	0.46	0.25	0.11
23								0.13	0.18	0.24	0.24	0.24	0.24	0.24	0.30	0.36	0.46	0.57	0.62	0.62	0.57	0.50	0.30	0.13
24							0.10	0.14	0.21	0.27	0.27	0.27	0.27	0.27	0.33	0.40	0.50	0.62	0.67	0.67	0.62	0.55	0.33	0.15
25							0.11	0.16	0.24	0.30	0.30	0.30	0.30	0.30	0.35	0.43	0.55	0.67	0.73	0.73	0.67	0.60	0.36	0.17
26							0.13	0.18	0.27	0.33	0.33	0.33	0.33	0.33	0.38	0.48	0.60	0.73	0.79	0.79	0.73	0.65	0.39	0.20
27						0.10	0.14	0.21	0.30	0.35	0.35	0.35	0.35	0.35	0.41	0.52	0.65	0.79	0.85	0.85	0.79	0.71	0.42	0.23
28						0.11	0.16	0.24	0.33	0.38	0.38	0.38	0.38	0.38	0.45	0.57	0.71	0.85	0.92	0.92	0.85	0.77	0.46	0.26
29						0.13	0.18	0.27	0.35	0.41	0.41	0.41	0.41	0.41	0.49	0.63	0.77	0.92	1.00	1.00	0.92	0.84	0.50	0.30
30					0.10	0.14	0.21	0.30	0.38	0.45	0.45	0.45	0.45	0.45	0.53	0.69	0.84	1.00	1.07	1.07	1.00	0.92	0.55	0.33
31					0.11	0.16	0.24	0.33	0.41	0.49	0.49	0.49	0.49	0.49	0.57	0.76	0.92	1.07	1.15	1.15	1.07	1.00	0.60	0.37
32					0.13	0.18	0.27	0.36	0.45	0.53	0.53	0.53	0.53	0.53	0.62	0.83	1.00	1.15	1.23	1.23	1.15	1.07	0.65	0.41
33					0.14	0.21	0.30	0.39	0.49	0.57	0.57	0.57	0.57	0.57	0.67	0.91	1.07	1.23	1.32	1.32	1.23	1.15	0.71	0.46
34				0.10	0.16	0.24	0.33	0.42	0.53	0.62	0.62	0.62	0.62	0.62	0.73	1.00	1.15	1.32	1.41	1.41	1.32	1.23	0.77	0.50
35				0.11	0.18	0.27	0.36	0.46	0.57	0.67	0.67	0.67	0.67	0.67	0.79	1.07	1.23	1.41	1.51	1.51	1.41	1.32	0.84	0.55
36				0.13	0.21	0.30	0.40	0.50	0.62	0.73	0.73	0.73	0.73	0.73	0.85	1.15	1.32	1.51	1.62	1.62	1.51	1.41	0.92	0.61
37				0.15	0.24	0.33	0.43	0.55	0.67	0.79	0.79	0.79	0.79	0.79	0.92	1.23	1.41	1.62	1.74	1.74	1.62	1.51	1.00	0.67
38				0.17	0.27	0.37	0.48	0.60	0.73	0.85	0.85	0.85	0.85	0.85	1.00	1.32	1.51	1.74	1.86	1.86	1.74	1.62	1.10	0.74
39			0.10	0.20	0.30	0.41	0.52	0.65	0.79	0.92	0.92	0.92	0.92	0.92	1.07	1.41	1.62	1.86	1.99	1.99	1.86	1.74	1.21	0.82
40			0.12	0.23	0.33	0.45	0.57	0.71	0.85	1.00	1.00	1.00	1.00	1.00	1.15	1.51	1.74	1.99	2.14	2.14	1.99	1.86	1.34	0.90
41			0.14	0.26	0.37	0.50	0.63	0.77	0.92	1.07	1.07	1.07	1.07	1.07	1.23	1.62	1.86	2.14	2.29	2.29	2.14	1.99	1.48	1.00
42			0.16	0.30	0.41	0.55	0.69	0.84	1.00	1.15	1.15	1.15	1.15	1.15	1.32	1.74	1.99	2.29	2.45	2.45	2.29	2.14	1.63	1.10
43			0.19	0.33	0.45	0.61	0.76	0.92	1.07	1.23	1.23	1.23	1.23	1.23	1.41	1.86	2.14	2.45	2.63	2.63	2.45	2.29	1.79	1.21
44		0.10	0.22	0.37	0.50	0.67	0.83	1.00	1.15	1.32	1.32	1.32	1.32	1.32	1.52	1.99	2.29	2.63	2.81	2.81	2.63	2.45	1.99	1.34
45		0.12	0.26	0.42	0.55	0.74	0.91	1.08	1.24	1.41	1.41	1.41	1.41	1.41	1.62	2.14	2.45	2.81	3.02	3.02	2.81	2.63	2.14	1.48
46		0.14	0.30	0.46	0.61	0.82	1.00	1.16	1.33	1.52	1.52	1.52	1.52	1.52	1.74	2.29	2.63	3.02	3.23	3.23	3.02	2.81	2.29	1.63
47		0.16	0.34	0.52	0.67	0.90	1.08	1.25	1.42	1.62	1.62	1.62	1.62	1.62	1.87	2.45	2.81	3.23	3.46	3.46	3.23	3.02	2.45	1.79
48		0.19	0.38	0.58	0.74	1.00	1.17	1.34	1.53	1.74	1.74	1.74	1.74	1.74	2.00	2.63	3.02	3.46	3.71	3.71	3.46	3.23	2.63	1.98
49	0.10	0.22	0.43	0.65	0.82	1.08	1.26	1.45	1.64	1.87	1.87	1.87	1.87	1.87	2.14	2.81	3.23	3.71	3.97	3.97	3.71	3.46	2.81	2.18

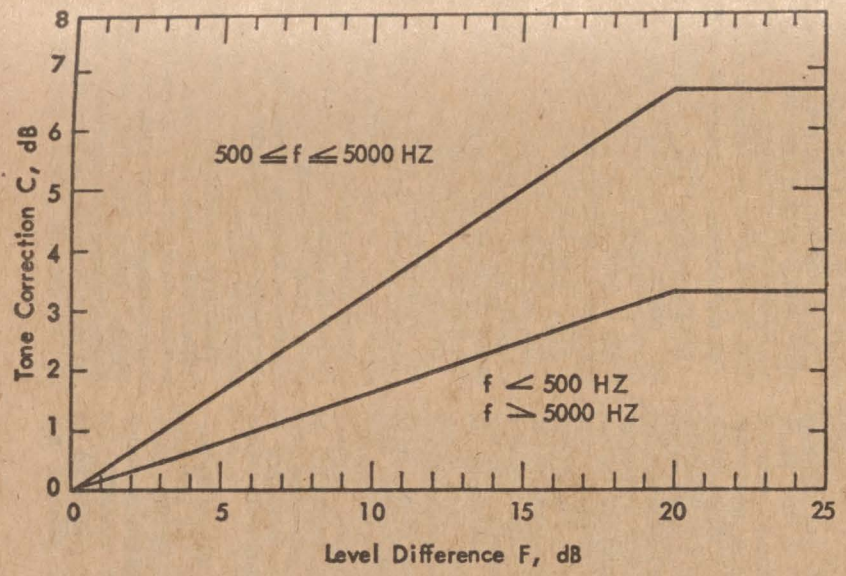
TABLE B1 CONTINUED

	1/3 OCTAVE BAND CENTER FREQUENCIES IN Hz (c/s)																						
SPL	50	63	80	100	125	160	200	250	315	400	500	630	800	1000	1250	1600	2000	2500	3150	4000	5000	6300	8000	10000
50	.12	.26	.49	.72	.90	1.17	1.36	1.56	1.76	2.00	2.00	2.00	2.00	2.00	2.30	3.02	3.46	3.97	4.26	4.26	3.97	3.71	3.02	2.40
51	.14	.30	.55	.80	1.00	1.26	1.47	1.68	1.89	2.14	2.14	2.14	2.14	2.14	2.46	3.23	3.71	4.26	4.56	4.56	4.26	3.97	3.23	2.63
52	.17	.34	.62	.90	1.09	1.36	1.59	1.80	2.03	2.30	2.30	2.30	2.30	2.30	2.64	3.46	3.97	4.56	4.89	4.89	4.56	4.26	3.46	2.81
53	.21	.39	.70	1.00	1.18	1.47	1.71	1.94	2.17	2.46	2.46	2.46	2.46	2.46	2.83	3.71	4.26	4.89	5.24	5.24	4.89	4.56	3.71	3.02
54	.25	.45	.79	1.09	1.28	1.58	1.85	2.09	2.33	2.64	2.64	2.64	2.64	2.64	3.03	3.97	4.56	5.24	5.61	5.61	5.24	4.89	3.97	3.23
55	.30	.51	.89	1.18	1.38	1.71	2.00	2.25	2.50	2.83	2.83	2.83	2.83	2.83	3.25	4.26	4.89	5.61	6.01	6.01	5.61	5.24	4.26	3.46
56	.34	.59	1.00	1.29	1.50	1.85	2.15	2.42	2.69	3.03	3.03	3.03	3.03	3.03	3.48	4.56	5.24	6.01	6.44	6.44	6.01	5.61	4.56	3.71
57	.39	.67	1.09	1.40	1.63	2.00	2.33	2.61	2.88	3.25	3.25	3.25	3.25	3.25	3.73	4.89	5.61	6.44	6.90	6.90	6.44	6.01	4.89	3.97
58	.45	.77	1.18	1.53	1.77	2.15	2.51	2.81	3.10	3.48	3.48	3.48	3.48	3.48	4.00	5.24	6.01	6.90	7.39	7.39	6.90	6.44	5.24	4.26
59	.51	.87	1.29	1.66	1.92	2.33	2.71	3.03	3.32	3.73	3.73	3.73	3.73	3.73	4.29	5.61	6.44	7.39	7.92	7.92	7.39	6.90	5.61	4.56
60	.59	1.00	1.40	1.81	2.08	2.51	2.93	3.26	3.57	4.00	4.00	4.00	4.00	4.00	4.59	6.01	6.90	7.92	8.49	8.49	7.92	7.39	6.01	4.89
61	.67	1.10	1.53	1.97	2.26	2.71	3.16	3.51	3.83	4.29	4.29	4.29	4.29	4.29	4.92	6.44	7.39	8.49	9.09	9.09	8.49	7.92	6.44	5.24
62	.77	1.21	1.66	2.15	2.45	2.93	3.41	3.75	4.11	4.59	4.59	4.59	4.59	4.59	5.28	6.90	7.92	9.09	9.74	9.74	9.09	8.49	6.90	5.61
63	.87	1.32	1.81	2.34	2.65	3.16	3.69	4.06	4.41	4.92	4.92	4.92	4.92	4.92	5.66	7.39	8.49	9.74	10.4	10.4	9.74	9.09	7.39	6.01
64	1.00	1.45	1.97	2.54	2.88	3.41	3.98	4.35	4.73	5.28	5.28	5.28	5.28	5.28	6.06	7.92	9.09	10.4	11.2	11.2	10.4	9.74	7.92	6.44
65	1.11	1.60	2.15	2.77	3.12	3.69	4.30	4.71	5.08	5.66	5.66	5.66	5.66	5.66	6.50	8.49	9.74	11.2	12.0	12.0	11.2	10.4	8.49	6.90
66	1.22	1.75	2.34	3.01	3.39	3.98	4.64	5.07	5.45	6.06	6.06	6.06	6.06	6.06	6.96	9.09	10.4	12.0	12.8	12.8	12.0	11.2	9.09	7.39
67	1.35	1.92	2.54	3.28	3.68	4.30	5.01	5.46	5.85	6.50	6.50	6.50	6.50	6.50	7.46	9.74	11.2	12.8	13.8	13.8	12.8	12.0	9.74	7.92
68	1.49	2.11	2.77	3.57	3.99	4.64	5.41	5.88	6.27	6.96	6.96	6.96	6.96	6.96	8.00	10.4	12.0	13.8	14.7	14.7	13.8	12.8	10.4	8.49
69	1.65	2.32	3.01	3.88	4.33	5.01	5.84	6.33	6.73	7.46	7.46	7.46	7.46	7.46	8.57	11.2	12.8	14.7	15.8	15.8	14.7	13.8	11.2	9.09
70	1.82	2.55	3.28	4.23	4.69	5.41	6.31	6.81	7.23	8.00	8.00	8.00	8.00	8.00	9.19	12.0	13.8	15.8	16.9	16.9	15.8	14.7	12.0	9.74
71	2.02	2.79	3.57	4.60	5.09	5.84	6.81	7.33	7.75	8.57	8.57	8.57	8.57	8.57	9.85	12.8	14.7	16.9	18.1	18.1	16.9	15.8	12.8	10.4
72	2.23	3.07	3.88	5.01	5.52	6.31	7.36	7.90	8.32	9.19	9.19	9.19	9.19	9.19	10.6	13.8	15.8	18.1	19.4	19.4	18.1	16.9	13.8	11.2
73	2.46	3.37	4.23	5.45	5.99	6.81	7.94	8.50	8.93	9.85	9.85	9.85	9.85	9.85	11.3	14.7	16.9	19.4	20.8	20.8	19.4	18.1	14.7	12.0
74	2.72	3.70	4.60	5.94	6.50	7.36	8.57	9.15	9.59	10.6	10.6	10.6	10.6	10.6	12.1	15.8	18.1	20.8	22.3	22.3	20.8	19.4	15.8	12.8
75	3.01	4.06	5.01	6.46	7.05	7.94	9.19	9.85	10.3	11.3	11.3	11.3	11.3	11.3	13.0	16.9	19.4	22.3	23.9	23.9	22.3	20.8	16.9	13.8
76	3.32	4.46	5.45	7.03	7.65	8.57	9.85	10.6	11.0	12.1	12.1	12.1	12.1	12.1	13.9	18.1	20.8	23.9	25.6	25.6	23.9	22.3	18.1	14.7
77	3.67	4.89	5.94	7.66	8.29	9.19	10.6	11.3	11.8	13.0	13.0	13.0	13.0	13.0	14.9	19.4	22.3	25.6	27.4	27.4	25.6	23.9	19.4	15.8
78	4.06	5.37	6.46	8.33	9.00	9.85	11.3	12.1	12.7	13.9	13.9	13.9	13.9	13.9	16.0	20.8	23.9	27.4	29.4	29.4	27.4	25.6	20.8	16.9
79	4.49	5.90	7.03	9.07	9.76	10.8	12.1	13.0	13.6	14.9	14.9	14.9	14.9	14.9	17.1	22.3	25.6	29.4	31.5	31.5	29.4	27.4	22.3	18.1
80	4.96	6.48	7.66	9.85	10.6	11.3	13.0	13.9	14.6	16.0	16.0	16.0	16.0	16.0	18.4	23.9	27.4	31.5	33.7	33.7	31.5	29.4	23.9	19.4
81	5.48	7.11	8.33	10.6	11.3	12.1	13.9	14.9	15.7	17.1	17.1	17.1	17.1	17.1	19.7	25.6	29.4	33.7	36.1	36.1	33.7	31.5	25.6	20.8
82	6.06	7.81	9.07	11.3	12.1	13.0	14.9	16.0	16.9	18.4	18.4	18.4	18.4	18.4	21.1	27.4	31.5	36.1	38.7	38.7	36.1	33.7	27.4	22.3
83	6.70	8.57	9.87	12.1	13.0	13.9	16.0	17.1	18.1	19.7	19.7	19.7	19.7	19.7	22.6	29.4	33.7	38.7	41.5	41.5	38.7	36.1	29.4	23.9
84	7.41	9.41	10.7	13.0	13.9	14.9	17.1	18.4	19.4	21.1	21.1	21.1	21.1	21.1	24.3	31.5	36.1	41.5	44.4	44.4	41.5	38.7	31.5	25.6
85	8.19	10.3	11.7	13.9	14.9	16.0	18.4	19.7	20.8	22.6	22.6	22.6	22.6	22.6	26.0	33.7	38.7	44.4	47.6	47.6	44.4	41.5	33.7	27.4
86	9.05	11.3	12.7	14.9	16.0	17.1	19.7	21.1	22.4	24.3	24.3	24.3	24.3	24.3	27.9	36.1	41.5	47.6	51.0	51.0	47.6	44.4	36.1	29.4
87	10.0	12.1	13.9	16.0	17.1	18.4	21.1	22.6	24.0	26.0	26.0	26.0	26.0	26.0	29.9	38.7	44.4	51.0	54.7	54.7	51.0	47.6	38.7	31.5
88	11.1	13.0	14.9	17.1	18.4	19.7	22.6	24.3	25.8	27.9	27.9	27.9	27.9	27.9	32.0	41.5	47.6	54.7	58.6	58.6	54.7	51.0	41.5	33.7
89	12.2	13.9	16.0	18.4	19.7	21.1	24.3	26.0	27.7	29.9	29.9	29.9	29.9	29.9	34.3	44.4	51.0	58.6	62.7	62.7	58.6	54.7	44.4	36.1
90	13.5	14.9	17.1	19.7	21.1	22.6	26.0	27.9	29.7	32.0	32.0	32.0	32.0	32.0	36.8	47.6	54.7	62.7	67.2	67.2	62.7	58.6	47.6	38.7
91	14.9	16.0	18.4	21.1	22.6	24.3	27.9	29.9	31.8	34.3	34.3	34.3	34.3	34.3	39.4	51.0	58.6	67.2	72.0	72.0	67.2	62.7	51.0	41.5
92	16.0	17.1	19.7	22.6	24.3	26.0	29.9	32.0	34.2	36.8	36.8	36.8	36.8	36.8	42.2	54.7	62.7	72.0	77.2	77.2	72.0	67.2	54.7	44.4
93	17.1	18.4	21.1	24.3	26.0	27.9	32.0	34.3	36.7	39.4	39.4	39.4	39.4	39.4	45.3	58.6	67.2	77.2	82.7	82.7	77.2	72.0	58.6	47.5
94	18.4	19.7	22.6	26.0	27.9	29.9	34.3	36.8	39.4	42.2	42.2	42.2	42.2	42.2	48.5	62.7	72.0	82.7	88.6	88.6	82.7	77.2	62.7	51.0
95	19.7	21.1	24.3	27.9	29.9	32.0	36.8	39.4	42.2	45.3	45.3	45.3	45.3	45.3	52.0	67.2	77.2	88.6	94.9	94.9	88.6	82.7	67.2	54.7
96	21.1	22.6	26.0	29.9	32.0	34.3	39.4	42.2	45.3	48.5	48.5	48.5	48.5	48.5	55.7	72.0	82.7	94.9	102	102	94.9	88.6	72.0	58.6
97	22.6	24.3	27.9	32.0	34.3	36.8	42.2	45.3	48.5	52.0	52.0	52.0	52.0	52.0	59.7	77.2	88.6	102	109	109	102	94.9	77.2	62.7
98	24.3	26.0	29.9	34.3	36.8	39.4	45.3	48.5	52.0	55.7	55.7	55.7	55.7	55.7	64.0	82.7	94.9	109	117	117	109	102	82.7	67.2
99	26.0	27.9	32.0	36.8	39.4	42.2	48.5	52.0	55.7	59.7	59.7	59.7	59.7	59.7	68.6	88.6	102	117	125	125	117	109	88.6	72.0

TABLE B1 CONTINUED

SPL	1/3 OCTAVE BAND CENTER FREQUENCIES IN Hz (c/s)																					
	50	63	80	100	125	160	200	250	315	400	500	630	800	1000	1250	1600	2000	2500	3150	4000	5000	6300	8000	10000
100	27.9	29.9	34.3	39.4	42.2	45.3	52.0	55.7	59.7	64.0	64.0	64.0	64.0	64.0	73.5	94.9	109	125	134	134	125	117	94.9	77.2
101	29.9	32.0	36.8	42.2	45.3	48.5	55.7	59.7	64.0	68.6	68.6	68.6	68.6	68.6	78.8	102	117	134	144	144	134	125	102	82.7
102	32.0	34.3	39.4	45.3	48.5	52.0	59.7	64.0	68.6	73.5	73.5	73.5	73.5	73.5	84.4	109	125	144	154	154	144	134	109	88.6
103	34.3	36.8	42.2	48.5	52.0	55.7	64.0	68.6	73.5	78.8	78.8	78.8	78.8	78.8	90.5	117	134	154	165	165	154	144	117	94.9
104	36.8	39.4	45.3	52.0	55.7	59.7	68.6	73.5	78.8	84.4	84.4	84.4	84.4	84.4	97.0	125	144	165	177	177	165	154	125	102
105	39.4	42.2	48.5	55.7	59.7	64.0	73.5	78.8	84.4	90.5	90.5	90.5	90.5	90.5	104	134	154	177	189	189	177	165	134	109
106	42.2	45.3	52.0	59.7	64.0	68.6	78.8	84.4	90.5	97.0	97.0	97.0	97.0	97.0	111	144	165	189	203	203	189	177	144	117
107	45.3	48.5	55.7	64.0	68.6	73.5	84.4	90.5	97.0	104	104	104	104	104	119	154	177	203	217	217	203	189	154	125
108	48.5	52.0	59.7	68.6	73.5	78.8	90.5	97.0	104	111	111	111	111	111	128	165	189	217	233	233	217	203	165	134
109	52.0	55.7	64.0	73.5	78.8	84.4	97.0	104	111	119	119	119	119	119	137	177	203	233	249	249	233	217	177	144
110	55.7	59.7	68.6	78.8	84.4	90.5	104	111	119	128	128	128	128	128	147	189	217	249	267	267	249	233	189	154
111	59.7	64.0	73.5	84.4	90.5	97.0	111	119	128	137	137	137	137	137	158	203	233	267	286	286	267	249	203	165
112	64.0	68.6	78.8	90.5	97.0	104	119	128	137	147	147	147	147	147	169	217	249	286	307	307	286	267	217	177
113	68.6	73.5	84.4	97.0	104	111	128	137	147	158	158	158	158	158	181	233	267	307	329	329	307	286	233	189
114	73.5	78.8	90.5	104	111	119	137	147	158	169	169	169	169	169	194	249	286	329	352	352	329	307	249	203
115	78.8	84.4	97.0	111	119	128	147	158	169	181	181	181	181	181	208	267	307	352	377	377	352	329	267	217
116	84.4	90.5	104	119	128	137	158	169	181	194	194	194	194	194	223	286	329	377	404	404	377	352	286	233
117	90.5	97.0	111	128	137	147	169	181	194	208	208	208	208	208	239	307	352	404	433	433	404	377	307	249
118	97.0	104	119	137	147	158	181	194	208	223	223	223	223	223	256	329	377	433	464	464	433	404	329	267
119	104	111	128	147	158	169	194	208	223	239	239	239	239	239	274	352	404	464	497	497	464	433	352	286
120	111	119	137	158	169	181	208	223	239	256	256	256	256	256	294	377	433	497	533	533	497	464	377	307
121	119	128	147	169	181	194	223	239	256	274	274	274	274	274	315	404	464	533	571	571	533	497	404	329
122	128	137	158	181	194	208	239	256	274	294	294	294	294	294	338	433	497	571	611	611	571	533	433	352
123	137	147	169	194	208	223	256	274	294	315	315	315	315	315	362	464	533	611	655	655	611	571	464	377
124	147	158	181	208	223	239	274	294	315	338	338	338	338	338	388	497	571	655	702	702	655	611	497	404
125	158	169	194	223	239	256	294	315	338	362	362	362	362	362	416	533	611	702	752	752	702	655	533	433
126	169	181	208	239	256	274	315	338	362	388	388	388	388	388	446	571	655	752	806	806	752	702	571	464
127	181	194	223	256	274	294	338	362	388	416	416	416	416	416	479	611	702	806	863	863	806	752	611	497
128	194	208	239	274	294	315	362	388	416	446	446	446	446	446	512	655	752	863	925	925	863	806	655	533
129	208	223	256	294	315	338	388	416	446	478	478	478	478	478	549	702	806	925	991	991	925	863	702	571
130	223	239	274	315	338	362	416	446	478	512	512	512	512	512	588	752	863	991	1062	1062	991	925	752	611
131	239	256	294	338	362	388	446	478	512	549	549	549	549	549	630	806	925	1062	1137	1137	1062	991	806	655
132	256	274	315	362	388	416	478	512	549	588	588	588	588	588	676	863	991	1137	1219	1219	1137	1062	863	702
133	274	294	338	388	416	446	512	549	588	630	630	630	630	630	724	925	1062	1219	1306	1306	1219	1137	925	752
134	294	315	362	416	446	478	549	588	630	676	676	676	676	676	776	991	1137	1306	1399	1399	1306	1219	991	806
135	315	338	388	446	478	512	588	630	676	724	724	724	724	724	832	1062	1219	1399	1499	1499	1306	1306	1062	863
136	338	362	416	478	512	549	630	676	724	776	776	776	776	776	891	1137	1306	1499	1606	1606	1399	1399	1137	925
137	362	388	446	512	549	588	676	724	776	832	832	832	832	832	955	1219	1399	1606	1721	1721	1499	1499	1219	991
138	388	416	478	549	588	630	724	776	832	891	891	891	891	891	1024	1306	1499	1606	1844	1844	1606	1606	1306	1062
139	416	446	512	588	630	676	776	832	891	955	955	955	955	955	1098	1399	1606	1844	1975	1975	1721	1721	1399	1137
140	446	478	549	630	676	724	832	891	955	1024	1024	1024	1024	1024	1176	1499	1721	1975			1844	1844	1499	1219
141	478	512	588	676	724	776	891	955	1024	1098	1098	1098	1098	1098	1261	1606	1844				1975	1975	1606	1306
142	512	549	630	724	776	832	955	1024	1098	1176	1176	1176	1176	1176	1351	1721	1975						1721	1399
143	549	588	676	776	832	891	1024	1098	1176	1261	1261	1261	1261	1261	1448	1844							1844	1499
144	588	630	724	832	891	955	1098	1176	1261	1351	1351	1351	1351	1351	1552	1975							1975	1606
145	630	676	776	891	955	1024	1176	1261	1351	1448	1448	1448	1448	1448	1664									1721
146	676	724	832	955	1024	1098	1261	1351	1448	1552	1552	1552	1552	1552	1783									1844
147	724	776	891	1024	1098	1176	1351	1448	1552	1664	1664	1664	1664	1664	1911									1975
148	776	832	955	1098	1176	1261	1448	1552	1664	1783	1783	1783	1783	1783	2048									
149	832	891	1024	1176	1261	1351	1552	1664	1783	1911	1911	1911	1911	1911										
150	891	955	1098	1261	1351	1448	1664	1783	1911	2048	2048	2048	2048	2048										

TABLE B2. Tone correction factors.



Frequency f, HZ	Level Difference F, dB	Tone Correction C, dB
50 ≤ f < 500	0 ≤ F < 20 20 ≤ F	F/6 3 1/3
500 ≤ f ≤ 5000	0 ≤ F < 20 20 ≤ F	F/3 6 2/3
5000 < f ≤ 10000	0 ≤ F < 20 20 ≤ F	F/6 3 1/3

TABLE B3. Example of tone correction calculation for a turbofan engine.

① Band (i)	② f HZ	③ SPL dB	④ S dB Step 1	⑤ |ΔS| dB Step 2	⑥ SPL' dB Step 4	⑦ S' dB Step 5	⑧ $\bar{S}$ dB Step 6	⑨ SPL" dB Step 7	⑩ F dB Step 8	⑪ C dB Step 9
1	50	-	-	-	-	-	-	-	-	-
2	63	-	-	-	-	-	-	-	-	-
3	80	70	-	-	70	-8	-2 1/3	70	-	
4	100	62	- 8	-	62	-8	+3 1/3	67 2/3	-	
5	125	(70)	+(8)	16	71	+9	+6 2/3	71	-	
6	160	80	+10	2	80	+9	+2 2/3	77 2/3	2 1/3	1/3
7	200	82	+(2)	8	82	+2	-1 1/3	80 1/3	1 2/3	1/3
8	250	(83)	+ 1	1	79	-3	-1 1/3	79	4	2/3
9	315	76	-(7)	8	76	-3	+ 1/3	77 2/3	-	
10	400	(80)	+(4)	11	78	+2	+1	78	2	1/3
11	500	80	0	4	80	+2	0	79	1	1/3
12	630	79	- 1	1	79	-1	0	79	-	
13	800	78	- 1	0	78	-1	- 1/3	79	-	
14	1000	80	+ 2	3	80	+2	- 2/3	78 2/3	1 1/3	1/3
15	1250	78	- 2	4	78	-2	- 1/3	78	-	
16	1600	76	- 2	0	76	-2	+ 1/3	77 2/3	-	
17	2000	79	+ 3	5	79	+3	+1	78	1	1/3
18	2500	(85)	+ 6	3	79	0	- 1/3	79	6	[2]
19	3150	79	-(6)	12	79	0	-2 2/3	78 2/3	1/3	0
20	4000	78	- 1	5	78	-1	-6 1/3	76	2	2/3
21	5000	71	-(7)	6	71	-7	-8	69 2/3	1 1/3	1/3
22	6300	60	-11	4	60	-11	-8 2/3	61 2/3	-	
23	8000	54	- 6	5	54	-6	-8	53	1	0
24	10000	45	- 9	3	45	-9	-	45	-	
						-9				

Step 1	③(i) - ③(i-1)
Step 2	|④(i) - ④(i-1)|
Step 3	see instructions
Step 4	see instructions
Step 5	⑥(i) - ⑥(i-1)

Step 6	[⑦(i) + ⑦(i+1) + ⑦(i+2)] ÷ 3
Step 7	⑨(i-1) + ⑧(i-1)
Step 8	③(i) - ⑨(i)
Step 9	see Table B2

APPENDIX C

11. The heading to Appendix C would be amended to add a table of sections reading as follows:

APPENDIX C—NOISE LEVELS FOR SUBSONIC TRANSPORT CATEGORY AND TURBOJET POWERED AIRPLANES UNDER SECTION 36.201

Sec.
C36.1 Noise measurement and evaluation.
C36.3 Noise measuring points.
C36.5 Noise levels.
C36.7 Takeoff test conditions.
C36.9 Approach test conditions.

APPENDIX F

11. The heading to Appendix F would be amended to add a table of units and sections reading as follows:

APPENDIX F—NOISE REQUIREMENTS FOR PROPELLER-DRIVEN SMALL AIRPLANES

PART A—GENERAL

Sec.
F36.1 Scope.

PART B—NOISE MEASUREMENT

Sec.
F36.101 General test conditions.
F36.103 Acoustical measurement system.
F36.105 Sensing, recording, and reproducing equipment.
F36.107 Noise measurement procedures.
F36.109 Data recording, reporting, and approval.
F36.111 Flight procedures.

PART C—DATA CORRECTION

Sec.
F36.201 Correction of data.
F36.203 Validity of results.

PART D—NOISE LIMITS

Sec.
F36.301 Aircraft noise limits.

13. Paragraph (b) of § F36.105 would be revised to read as follows:

§ F36.105 *Sensing, recording, and reproducing equipment.*

* * * * *

(b) The characteristics of the system must comply with the recommendations in International Electrochemical Commission (IEC) Publication No. 179, dated 1973. IEC Publication No. 179, dated 1973 and entitled "Precision Sound Level Meters" is incorporated by reference in Part 36 under § 36.9 of this part.

Issued in Washington, D.C., on October 19, 1976.

CHARLES R. FOSTER,
Director of Environmental Quality.

[FR Doc.76-31205 Filed 10-27-76;8:45 am]

[14 CFR Part 36]

[Docket No. 16231; Notice No. 76-22]

NOISE STANDARDS: AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION

Proposed Regulations Submitted to the FAA by the Environmental Protection Agency; Noise Levels for Turbojet Engine Powered Airplanes and for Transport Category Large Airplanes

This notice of proposed rule making contains recommended regulations submitted by the Environmental Protection Agency (EPA) to the Federal Aviation Administration (FAA), pursuant to § 611 (c)(1) of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972 (Pub. L. 92-574). Section 611 (c)(1) of the Federal Aviation Act of 1958 provides that EPA shall submit to the FAA recommended regulations to provide such control and abatement of aircraft noise and sonic boom as EPA determines is necessary to protect the public health and welfare. That section also provides that the FAA "shall consider such proposed regulations submitted by EPA under this paragraph and shall, within thirty days of its submission to the FAA, publish the proposed regulations in a notice of proposed rulemaking." This notice is published pursuant to that provision of law.

The EPA recommended regulation contained in this notice of proposed rule making (NPRM) proposes to amend Part 36 of the Federal Aviation Regulations (14 CFR Part 36) to prescribe reduced noise level limits that would be applicable to airplanes for which application is made—(1) for certain acoustical change approvals, after November 5, 1975; (2) for new type certificates, after December 31, 1979; and (3) for new type certificates after December 31, 1984. The EPA proposal contains more restrictive standards for acoustical changes to airplanes which, prior to the acoustical change, comply with the current Appendix C noise limits, and provides express authority for an "approved equivalent procedure" to show compliance with test procedures prescribed in Appendix C, including substitute measuring points for airplanes which have low noise level emissions. The EPA recommended regulation also proposes to amend the noise test procedure to require (1) during takeoff noise tests, that the airplane achieve an airspeed of V_2+10 knots (±3 knots) or the maximum airspeed achievable with all engines operating, whichever is greater, as soon as practicable after liftoff, and that airplanes powered by two or more engines reach an altitude of at least 1000 feet above the airport elevation before any power or thrust cutback is made; and (2) during approach noise tests, that airplanes certificated with more than one flap setting show compliance at one flap position less than the maximum setting for which it is certificated. Further, the EPA proposes to amend the § 36.1(a) statement of aplicability by deleting the term "subsonic transport category large airplanes" and substituting for it the term "large propeller driven airplanes." The EPA states that it intends its recommended regulation to supplement and complement the proposed rules contained in FAA Notice 75-37 and the respective recommended regulations submitted to the FAA by the EPA under the Noise Control Act of 1972.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. Comments on the overall environmental aspects of the proposed rule are specifically invited. Information on the economic impact that might result because of the adoption of the proposed rule is also requested. All communications received by the FAA on or before February 28, 1977, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of the comments received. All comments will be available, both before and after the closing date for comments, in the FAA Rules Docket for examination by interested persons.

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

A separate notice of hearing, published today in the "NOTICES" section of the FEDERAL REGISTER, announces that, pursuant to § 611(c) of the Federal Aviation Act of 1958, as amended, the FAA will conduct a public hearing in Washington, D.C., on December 14, 1976, to receive oral, as well as written, comments regarding the proposals contained in this notice of proposed rule making.

The following EPA opinions, conclusions, and proposed regulatory language are published verbatim as received from EPA by the FAA on October 1, 1976:

EPA PROPOSAL AS SUBMITTED TO FAA

In accordance with a recommendation made by the Administrator of the Environmental Protection Agency, the Federal Aviation Administration is considering an amendment to Appendix C of Part 36 of the Federal Aviation Regulations which would reduce the noise levels for turbojet powered airplanes and subsonic large propeller driven airplanes to levels as low as is consistent with safe technological capability.

Under the requirements of Section 7 (a) of the Noise Control Act of 1972 (Pub. L. 92-574, 86 Stat. 1234) the Administrator of the Environmental Protection Agency conducted a study of aircraft and airport noise and submitted a report thereon to the Congress. (Ref. 1. Report on Aircraft/Airport Noise, Senate Committee on Public Works, Serial No. 93-8, Aug. 1973).

Concurrent with the Aircraft/Airport Noise Study, the EPA also prepared a general document of criteria (Ref. 2) in conformance with Section 5(a)(1) of the Noise Control Act. That document reflects the scientific knowledge most useful in indicating the kind and extent of all identifiable effects on the public

health and welfare which may be expected from differing quantities of aircraft noise.

Subsequently, in March of 1974, in accordance with Section 5(a)(2) of the Noise Control Act, the EPA prepared a technical document (Ref. 3) containing the levels of environmental noise, the attainment and maintenance of which (in defined areas under various conditions) that are requisite to protect the public health and welfare with an adequate margin of safety. The key findings of that document may be summarized in pertinent part as follows:

(1) The preferred measure for cumulative noise exposure is Leq, the energy average A-weighted sound level integrated over a 24-hour period, or Day-Night Level, Ldn. Ldn is essentially the same as Leq, except that the sounds occurring during night hours (2200–0700) are weighted by an adjustment factor of 10 dB to account for increased annoyance of noise during night hours.

(2) An outdoor Ldn of 55 dB has been identified as requisite to protect public health and welfare with an adequate margin of safety from the effects of interference and annoyance on outdoor activities.

(3) An Leq (24) of 70 dB at the ear has been identified as requisite to protect public health and welfare with an adequate margin of safety from the effects of permanent hearing loss.

Under Section 611 of the Federal Aviation Act, as amended by the Noise Control Act of 1972, the Administrator of the EPA is required to submit to the Administrator of the FAA proposed regulations to provide such control and abatement of aircraft noise and sonic boom (including control and abatement of aircraft noise through the exercise of any of the FAA's regulatory authority over air commerce or transportation or over aircraft or airport operations) as the Administrator of the EPA determines is necessary to protect the public health and welfare. In accordance with the foregoing requirement, the EPA published in the FEDERAL REGISTER on February 19, 1974, (39 FR 6112) a "Notice of Public Comment Period" (Ref. 4) containing a synopsis of the proposed aircraft and airport rules it is considering to achieve a satisfactory level of aircraft noise control and abatement for the protection of the public health and welfare.

The proposed rules and the type of control which each rule would implement are as follows:

Flight procedures noise control. (1) Takeoff procedures. (2) Approach procedures. (3) Minimum altitudes.

Source noise control. (4) Retrofit/fleet noise level. (5) Supersonic Civil Aircraft noise. (6) Modification to Part 36 of the Federal Aviation Regulations. (7) Propeller driven small airplanes. (8) Short haul aircraft.

Airport operations noise control. (9) Airport goals, mechanisms and processes by which noise exposure of communities around airports can be limited to levels consistent with public health and welfare requirements.

This proposed rule, identified as Item (6), above, is one of the five rules whose purpose is to implement noise control at the source. As proposed herein, the rule would reduce the compliance noise levels and would require specific changes in applicability, takeoff, and approach test conditions as prescribed in Appendix C of Part 36 for subsonic turbojet engine powered airplanes and subsonic large propeller driven transport category airplanes (more than 12,500 pounds). The proposed rule would not apply to small propeller driven airplanes since those airplanes were covered in a recent amendment to Part 36 (Amt. 36–4) and a substitute proposal recommended by the EPA (NPRM 74–39, 40 FR 1061). However, in the event that Part 36 is made applicable to supersonic airplanes in accordance with the recommendations by the EPA (NPRM 75–15; 40 FR 14093), the amendments to Appendix C proposed herein would also be applicable to those airplanes. This extension of Part 36 to supersonic airplanes would be accomplished, as proposed in NPRM 75–15, by changing the words "subsonic turbojet airplanes" as they appear in the Applicability provisions of § 36.1(a) to read "supersonic and subsonic turbo jet powered airplanes".

The EPA believes that the achievement of the proposed levels is necessary in order to provide increased relief from aircraft noise and protection to the public health and welfare. The EPA also believes that the proposals, which would require time-phased incremental reductions in aircraft noise, are economically reasonable, technologically practicable, and appropriate for those airplanes.

A. REFERENCES

In the development of this proposed rule, the EPA conducted its own studies and evaluated several pertinent studies made by other Federal agencies and private contractors. Those studies are listed herein for the information of all interested persons and are available for examination at the FAA Rules Docket Office, GC–24, 800 Independence Ave., SW., Washington, D.C. 20590, or the EPA Office of Noise Control Programs, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, Va. 20460. Copies of the studies prepared by Government Agencies are also for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402.

1. "Report on Aircraft/Airport Noise", Report of the Administrator of the Environmental Protection Agency in compliance with Public Law 92–574, Senate Committee on Public Works, Serial No. 93–8, August 1973.
2. "Public Health and Welfare Criteria for Noise", EPA Technical Document 550/9–73–002, 27 July 1973.
3. "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety", EPA Technical Document 550/9–74–004, March 1974.
4. "Aircraft and Airport Noise Regulations", Notice of Public Comment Period, Federal Register (39 FR 6142), 19 February 1974.
5. "Noise Standards for Aircraft Type Certification (Modifications to FAR Part 36)", EPA Project Report, 2 August 1976.
6. "A Scheme for Modification of Annex 16 Noise Level Requirements", ICAO CAN/4–WP/39, United States, 20 January 1975. Also, "Subsonic Transport Category Large Airplanes and Subsonic Turbojet Powered Airplanes, Proposed Noise Reduction Stages and Acoustical Change Requirements", FAA NPRM 75–37, 40 FR 51476, 5 November 1975.
7. "Committee on Aircraft Noise: Fourth Meeting", ICAO CAN/4–WP/64, Report of Fouth Meeting Submitted to the Council, 13 February 1975.
8. "Civil Aviation Research and Development Policy Study", Joint DOT–NASA: Report, DOT–TST–10–4 and NASA SP–265; Supporting Papers, DOT–TST–10–5 and NASA SP–266; March 1971.
9. "Aircraft Noise Reduction Technology", A Report by the National Aeronautics and Space Administration to the Environmental Protection Agency for the Aircraft/Airport Noise Study, NASA TMX–68241, 30 March 1973.
10. H. H. Hubbard, and D. J. Maglieri, "A Brief Review of Air Transport Noise", Noise Control Engineering, November–December 1974.
11. "Aeronautical Propulsion Conference", Program Preprint, NASA Lewis Research Center, 13–14 May 1975.
12. "Noise Source Abatement Technology and Cost Analysis Including Retrofitting", Report of Task Group 4, EPA NTID 73.5, 27 July 1973.
13. J. O. Powers, "Future Noise Requirements for Commercial Aircraft", AIAA Paper No. 73–1290, AIAA/SAE 9th Propulsion Conference, Las Vegas, 5–7 November 1974.
14. A. L. McPike, "Toward Reducing the Impact of Aircraft Noise—A New Approach to Aircraft Noise Certification", Douglas Paper 6371, American Society of Civil Engineers, San Francisco, 24–26 March 1975.
15. V. L. Blumenthal, et. al., "A Positive Approach to the Problems of Aircraft Noise", AIAA Paper No. 73–1157, Montreal, 29–30 October 1973.
16. J. S. Gibson, "The Ultimate Noise Barrier—FAR Field Radiated Aerodynamic Noise, Inter-Noise '72 Proceedings, Washington, D.C., 4–6 October 1972.
17. J. S. Gibson, "Non-Engine Aerodynamic Noise Technology and Impact", Lockheed-Georgia Co. Information Brief IB7301, 6 April 1973.
18. "Predicted Noise Levels for Refanned Aircraft", Letter from W. H. Roudebush (NASA) to W. C. Sperry (EPA), 11 February 1975, Revised by Briefing Charts, 25 February 1975, and "Initial Report on DC–9 Refan Flight Test Program", W. H. Roudebush, 26 June 1975.
19. K. L. Abdalla and J. A. Yuska, "NASA Refan Program Status", Society of Automotive Engineers, Air Transportation Meeting, SAE 750592, Hartford, 6–8 May 1975.
20. "Noise and Performance Estimates", Letter from Ray E. Bates, (Douglas) to J. C. Schettino (EPA), 16 April 1975, and Letter from A. L. McPike (Douglas) to W. C. Sperry (EPA), 25 July 1975.
21. "Recommedations for Revised Annex 16 Scheme and Noise Level Requirement",

The Boeing Co., Draft 12 December 1974.
22. "Information on 727-300B and 7X7 Airplanes", The Boeing Co., Briefing to EPA on 14–15 May 1975, 5 June 1975, and Letter from R. E. Russell and H. W. Withington (Boeing) to W. C. Sperry (EPA), 4 June 1975, and 15 July 1975.
23. "BAC One-Eleven 700 Series", British Aircraft Corporation Brochure TSW 2508, August 1974, and "BAC–111–800 Series", Briefing Paper Received 20 May 1975.
24. "New Wide-Body Transport Plan Evolving", Aviation Week & Space Technology, 13 October 1975.
25. "DC–X–200 Melds DC–10, New Technology", Aviation Week & Space Technology, 20 October 1975.
26. "1977 NASA Authorization", Hearings before the Subcommittee on Aviation and Transportation R. & D. of the Committee on Science and Technology, U.S. House of Representatives, October 15, 16, November 3, 4, 5, and 10, 1975, No. 34, Volume II, Part 1.
27. G. D. Brewer, "Liquid Hydrogen—A Logical Choice to Fuel Future Commercial Airplanes", Lockheed California, Co., ICAO Bulletin, February 1976.
28. "CFM 56 Briefings", CFM International, S.A., May 1976.
29. "Canadair Sees Big Lear Star 600 Market", Aviation Week and Space Technology, 26 July 1976.

B. Regulatory Background

To date, the FAA has adopted the following source noise control regulations which have a significant influence on aircraft noise.

(1) Part 36, "Noise Standards: Aircraft Type Certification", which became effective on December 1, 1969, (34 FR 18355), prescribed noise measurement, noise evaluation, and noise levels for the type certification, and changes to type certificates, for subsonic transport category airplanes, and for subsonic turbojet powered airplanes regardless of category. There is no similar set of standards for supersonic airplanes although the preamble to Part 36 when that Part was adopted, stated that additional rule making would be proposed at the earliest possible date for the noise certification of supersonic airplanes. However, it should be noted that the EPA has proposed such a rule for supersonic airplanes which was published in the Federal Register inviting public comments (Notice 75–15, 40 FR 14093). In addition, public hearings were later conducted by the FAA with respect to the proposals contained in that notice. To date no final rulemaking has been adopted in regard to EPA's proposal.

(2) Part 36, "Noise Standards: Aircraft Type Certification" was amended on October 26, 1973, (Amdt. 36–2, 38 FR 29569) to require new production turbojet and transport category subsonic airplanes to comply with the noise requirements of Part 36, regardless of the date of the type certification for those airplanes. That amendment changed the title of Part 36 to "Noise Standards: Aircraft Type and Airworthiness Certification" to conform to the substance of Amendment 36–2, and established the following dates by which new production airplanes of older type designs must comply with the noise requirements of Part 36.

(a) 1 December 1973 for airplanes with maximum weights greater than 75,000 pounds, except for airplanes that are powered by Pratt and Whitney JT3D series engines;

(b) 31 December 1974 for airplanes with maximum weights greater than 75,000 pounds which are powered by Pratt and Whitney JT3D series engines; and

(c) 31 December 1974 for airplanes with maximum weights of 75,000 pounds and less.

(3) Part 36 was then amended, effective 20 January 1975 (Amt. 36–3, 39 FR 43830) to require an applicant for an acoustical change approval to show that modifications of certain turbojet or transport category airplanes will not increase the takeoff or sideline noise levels of those airplanes. Under that amendment the following changes were made to the acoustical change provision of Part 36 which significantly decreased community noise impact by preventing methods of circumventing that provision:

(a) Thrust reduction is not permitted;

(b) Test airspeed is more precisely specified, and

(c) The quietest approved configuration for the highest approved takeoff weight must be used.

(4) Effective 7 February 1975 (Amt. 36–4, 40 FR 1029), the FAA extended the acoustical change approval provisions, included them in a new § 36.7, and introduced new noise standards for normal, utility, acrobatic, transport, and restricted category propeller driven small airplanes (12,500 pounds or less maximum weight). However, it should be noted that the EPA objected to Amendment 36–4 because it believed it was too lenient and proposed a rule which was significantly more stringent (Notice 74–39, 40 FR 1061). The EPA's substitute proposal was published in the Federal Register and public comments were invited to that proposal. In addition, a public hearing was later conducted by the FAA with respect to the proposals contained in that notice. To date no final rulemaking has been adopted in regard to EPA's substitute proposal.

(5) An advance notice of proposed rulemaking was published on August 6, 1970 (ANPRM 70–33, 35 FR 12555) proposing noise requirements for the type certification of civil supersonic airplanes. In addition, pursuant to section 611(c)(1) of the Federal Aviation Act of 1958, the EPA recommended the adoption of an amendment to Part 36 which would require certain civil supersonic airplanes to comply with the noise level requirements of Appendix C of Part 36 (NPRM 75–15; 40 FR 14093).

Although Part 36, which was adopted in December 1969, was the first type certification regulation for aircraft noise prescribed by any country, the development of the basic concepts inherent in that Part represents the experience of the U.S. and foreign governments as well as the U.S. and foreign private industry. As a result, the Council of ICAO, in April 1971, adopted as Annex 16 to the Convention of International Civil Aviation, aircraft noise rules, containing standards and recommended practices that are essentially the same as those in Part 36, but slightly more lenient.

Part 36 provides the requirements for the issue of a type certificate signifying that an aircraft type design has been demonstrated to conform to FAA standards on noise. Other parts of the Federal Aviation Regulations pertain exclusively to airworthiness. Each aircraft requires an airworthiness certificate which signifies that the specific aircraft has been manufactured in accordance with its FAA certified type design (including Part 36) and has subsequently been maintained according to regulations.

The contents of Part 36, in addition to preamble, applicability, effective dates, and enforcement, include four technical appendixes as follows:

(1) Appendix A contains requirements for acquiring, processing, correcting, reducing, and reporting of data relating to noise, meteorology, and aircraft performance and flight paths,

(2) Appendix B contains requirements for computing the noise evaluation measure denoted as effective perceived noise level (EPNL) in units of EPNdB which includes the effects of the flyover noise duration and the maximum tone,

(3) Appendix C contains requirements for the noise measuring points, compliance noise levels, and the takeoff and approach flight test conditions, and

(4) Appendix F contains requirements pertaining exclusively to propeller driven small airplanes (12,500 lb. maximum weight) and is independent of Appendixes A, B, and C.

The original purposes of Part 36 were:

(1) to provide requirements which would influence the design of aircraft to include implementation of source noise control technology to the maximum extent feasible,

(2) to obtain meaningful noise levels for specific types of aircraft which would be useful in predicting the noise impact in airport neighborhood communities, and

(3) to set standards and recommended practices for the acquisition and reduction of repeatable and reproducible data.

C. Proposed Amendments

Except for the amendment to the applicability provisions of § 36.1(a)(1), the amendments recommended by the EPA in the following paragraphs of this notice of proposed rulemaking are directed to the noise measurements, levels, and tests in Appendix C of Part 36. Further recommended rule changes affecting the standards contained in Appendices A and B of Part 36 may be submitted by the EPA in a separate document. Upon receipt of those recommendations by the FAA they will be published in the Federal Register as a separate notice of proposed rulemaking in accordance with Section 611(c) of the Act.

The amendment to § 36.1(a)(1) referred to above does not involve a substantive change. In view of the recent amendment (effective 7 February 1975) which expressly refers to small propeller driven airplanes (Amt. 36–4; 40 FR 1029), other propeller driven airplanes covered herein are referred to as "large propeller driven airplanes". The use of this term instead of "transport category large airplanes", as used in Amendment 36–4, should avoid any misunderstanding as to which propeller driven airplanes are intended to be covered by this proposal.

Included in the following paragraphs are recommendations pertaining to "acoustical changes" and "major acoustical changes". As defined in Part 36, any voluntary change in the type design of a transport category or turbojet engine-powered airplane that may increase the noise levels created by that airplane is an acoustical change. Generally, the most important acoustical changes are related to airplane growth. A new airplane design is usually grown over its lifetime by increasing its capacity, range, or both. The recommendations on acoustical change approvals included herein would apply noise limits to airplane weight increases as proposed by the FAA.

The recommendations herein also include a definition for a major acoustical change which makes a distinction between changes in type designs that are a result of normal growth of older technology equipment and those that are the result of the applications of current technology equipment. The purpose is to restrict the production of new airplanes incorporating current technology equipment but which do not include the noise control technology capability of that equipment.

C1 NOISE MEASUREMENT AND EVALUATION

Section C36.1 of Appendix C, which specifies the noise measuring points and the airplane takeoff and approach test conditions to achieve the noise levels of that Appendix, states in part that compliance with Appendix C "must be shown with noise levels measured and evaluated as prescribed, respectively, by Appendix A and Appendix B of this Part (Part 36), or under approved equivalent procedures."

§ 36.101 and § 36.102 contain language which expressly authorizes the use of an "approved equivalent procedure" for the noise measurements and evaluations prescribed in Appendices A and B, respectively. However, it is to be noted that Part 36 does not contain a similar provision containing language which expressly authorizes the use of an "approved equivalent procedure" for the test procedures (including the location of measuring points and takeoff and approach test conditions) prescribed in Appendix C. In the absence of such an express authorization for Appendix C, it is not clear whether the above quoted provision of § C36.1 was intended to authorize the use of an "approved equivalent procedure" to show compliance with the test procedures in Appendix C, as well as Appendices A and B.

The EPA believes that flexibility should also be provided for compliance with the procedures prescribed in Appendix C. To make this position unmistakeably clear it is proposed to add a sentence at the end of § C36.1 expressly stating that approved equivalent procedures may also be permitted for compliance with the procedures in Appendix C.

C2 NOISE MEASURING POINTS

Section C36.3 of Appendix C requires noise levels prescribed in that Appendix to be achieved at specified measuring points for (a) takeoff, (b) approach, and (c) sideline.

(a) *Takeoff.* Experience derived from FAA noise certification tests since 1969 has shown that a measuring point located at 3.5 nautical miles from the start of the takeoff roll as specified in § C36.3(a) is satisfactory for determining noise levels which are produced by relatively noisy airplanes. However, for airplanes which have substantial applications of noise control technology, or have relatively large takeoff climb angles, or both, the noise signal received at the 3.5 nautical mile measuring point may be masked by normal background noise at the test site. To insure consistent results, the EPA believes that standardized, alternate takeoff procedures should be provided in Appendix C for those airplanes whose noise measured at the prescribed measuring point would not be reliable because signal to noise ratios (S/N) are too small.

The EPA believes that the adoption of one of two alternate procedures as a standardized procedure would provide a solution to the problems now experienced. The first procedure would include in § C36.3(a) an alternate takeoff noise measuring point located nearer to brake release than 3.5 nautical miles. Under this procedure the microphone would be nearer to the airplane flight path thus increasing the signal to noise ratio. The second procedure would retain the standard reference distance of 3.5 nautical miles from brake release, but change the flight procedure as specified in proposed § C36.8 so that the airplane flight path would be horizontal and nearer to the microphone. Although both procedures have merit, the EPA has recommended the second one since it has a precedent in the noise measuring procedures used for propeller driven small airplanes.

Under Amendment 36–4, referred to in the regulatory background for this proposal, small propeller driven airplanes are required to demonstrate compliance with the prescribed noise levels of Part 36 by means of horizontal flights at a height of 1,000 feet over a noise measuring station. However, the noise levels determined by means of the horizontal flyover must be corrected for both climb performance and speed. The formula used for that correction yields a level in decibels which, when added algebraically to the measured noise level of the horizontal flyover, approximates the noise level at a specified reference distance from the start of the takeoff roll. The EPA believes that it is reasonable to extend that horizontal flight procedure to all airplanes which cannot be measured reliably for takeoff noise at the 3.5 nautical miles measuring point.

Another reason for the EPA's preference for the horizontal flyover procedure, where appropriate, is that it is convenient. The standard takeoff noise test requires an applicant to execute the normal takeoff and climbout procedure for the airplane being tested with the microphone at 3.5 nm from the takeoff roll. In most cases the S/N can be judged satisfactorily during that test. If the S/N is not adequate, however, the proposed alternate flyover procedure would permit the applicant to conduct the remainder of the tests (required to demonstrate compliance with that airplane) by circling and flying horizontally over any approved microphone without an undue delay or added expense.

In principal, the noise levels at an alternate takeoff measuring point could be corrected to approximate the levels at the 3.5 mm reference distance. However, in practice the results for some applications would be less reliable than those derived from the horizontal flight procedure. The reason is that airplanes generally are not stabilized with respect to configuration, speed, and climb angle until they have reached a height above airport of at least 400 feet and that it is not considered safe to execute thrust cutback for noise abatement below about 700 feet. Consequently, the use of an alternate measuring point, located nearer to the climb path than the 3.5 mm point, might result in noise levels that have been significantly influenced by airplane climb performance below heights of 400 and 700 ft, contrary to the intent of the takeoff test procedure.

Based upon the foregoing reasons, the EPA recommends, as proposed herein, that Appendix C be amended by adding a new § C36.8 to include the second alternate takeoff test procedure as described above in those cases in which the signal to noise ratio is inadequate. However, as distinguished from the correction formula specified in Amendment 36–4 for small propeller driven airplanes, the correction formula proposed herein would be based upon both climb performance and speed.

In support of that correction formula the EPA points out that the horizontal flight noise certification test, by itself, will not provide sufficient information to make a judgment on the relationship between airplane climb performance and noise exposure on the ground. Two airplanes with the same engines would be expected to produce about the same noise level over the measuring station at a height of 1,000 feet, even though the total weight of one airplane might be substantially greater than the other. However, the higher performance airplane (greater thrust/weight ratio) would be expected to have the capability to produce smaller contour areas and, hence, less community noise impact.

The foregoing deficiency in the horizontal flyover procedure can be remedied by a correction formula with factors relating to airplane performance (both climb and speed) and the reference distance (3.5 nautical miles or 21,266 feet). The development of the correction formula for climb performance, applicable to turbojet powered airplanes, is given in Reference 5 and expressed as:

$$C=60-20\log[(21266-D35)\sin\alpha+35]$$

where:

$$\alpha=\text{arcsine}[(R/C)/(VY)].$$

The climb correction C is the value in decibels which, when added algebraically to the measured noise level at 1,000 feet (horizontal flyover), approximates the noise level at the 3.5 nautical miles (21,266 ft) reference distance. The climb angle α in degrees is dependent upon the rate of climb (R/C) in feet per minute corresponding to the airplane climb speed (VY) in feet per minute equivalent to V2+10 knots, or greater if approved. The takeoff distance D35 in feet is the horizontal projection from start of takeoff roll to a point on the runway at which the airplane is at a height of 35 feet above the runway. The climb correction formula is based upon the assumption that the angle of climb is relatively small which is appropriate for all Part 36 airplanes (the error is less than 0.5 dB at 12 degrees).

The climb correction C adjusts the measured noise level under test conditions to the expected noise level at the reference distance (3.5 nm) from start-of-roll. In addition, under test conditions (horizontal flight, at 1,000 feet height above the test site with maximum thrust) the aircraft can be expected to fly over the test site at a speed greater than the takeoff climb speed. Therefore, the duration of the sound, a factor to be considered in human subjective reaction to noise (and included in EPNL), would be less under the horizontal flight path than under the climb path. In order to make a proper assessment of the noise measured under the simplified test conditions, the noise level corrected for climb performance must be further corrected to account for the change in speed which results in a change in noise duration. The speed correction formula appropriate for this purpose is:

$$S=10\log(VH/VY)$$

Where: VH is the speed, averaged for all test flights, at the aircraft position for which the tone corrected perceived noise level is maximum with the aircraft operating at takeoff thrust and in horizontal flight 1,000 feet over the measuring point. S is the speed correction in decibels to be added algebraically to the measured noise level. The speed correction S would correct the measured noise level to the EPNDB values that would result from the actual climb speed.

In summary, the resulting performance correction, expressed in dB, which should be added algebraically to the noise levels, expressed in EPNdB, measured 1000 feet below a turbojet engine powered airplane in horizontal flight at maximum thrust is:

$$P=C+S\ \text{(For turbojet airplanes)}=60-20\log[(21266-D35)\sin\alpha+35]+10\log(VH/VY)$$

For propeller driven large airplanes, the only change in the performance correaction P is the takeoff distance included in the climb correction C as follows:

$$P=C+S\ \text{(For propeller driven large airplanes)}=60-20\log[(21266-D50)\sin\alpha+50]+10\log(VH/VY)$$

The takeoff distance D50 in feet is the horizontal projection from brake release to a point on the runway at which the airplane is a height of 50 feet above the runway. All other symbols are as defined previously.

(b) *Approach.* Experience, derived from FAA noise certification tests since 1969 has shown that the measuring point for approach (1 nautical mile from threshold) as described in § C36.3(b) is satisfactory for determining airplane noise levels that result from stabilized approach operations conducted along a single segment constant glide angle. However, the EPA believes that if other approach procedures, such as the two-segment approach recommended by that agency in a separate proposal for the reduction of approach noise, are standardized, then an additional measuring point (or points) farther from the runway should be specified for approach noise certification testing.

(c) *Sideline.* Experience, derived from FAA noise certification tests since 1969 has also shown that the sideline measuring point, on a line parallel to and 0.25 nautical miles from the extended centerline of the runway, is satisfactory for all turbojet engine powered airplanes regardless of the number of engines. For uniformity, the EPA recommends that the alternative sideline measuring point at a distance of 0.35 nautical miles permitted for airplanes powered by more than three turbojet engines, be eliminated from § C36.3(c).

C3 NOISE LEVELS

The objective of Part 36 is to provide requirements which would influence the design of aircraft to include implementation of source noise control technology to the maximum extent feasible. Source noise control consists of the application of basic design principles or special hardware to the aircraft engine/airframe combination for the purpose of minimizing the generation and radiation of noise from that aircraft. The technology of source noise control is time-dependent in the sense that it is based upon the results of past, present, and future programs of research, development, and demonstration (RD&D) which may be classified as current, available, and future noise control technology.

As used in this document, current technology means "shelf item" hardware and commonly known state of the art techniques and procedures which have been used effectively by most manufacturers for many applications.

Available technology means "shelf item" hardware and commonly known state of the art techniques and procedures which have been used effectively by some manufacturers for some applications. The term also includes the results of RD&D which have not been put into practice but are available for implementation. Some performance testing may still be necessary, but the technology has been certificated for airworthiness or, by adequate ground and/or flight testing, determined to be capable of being certificated.

Future technology means the results of RD&D programs now in progress which have not been verified, but the results to date indicate high potential to a reasonable degree of confidence. The term includes present RD&D programs which are being conducted with sufficient resources of manpower, funding, and time to carry the program to conclusion. Definitive results are expected in the near future for acoustical and operational performance, economics, and flight safety. The nature of the expectations is positive, because predictions of nonviable results would have been cause for earlier termination of the RD&D programs.

The application of the foregoing source noise control technology may be directed to either existing or newly produced aircraft. In the case of existing aircraft, source control is applied by retrofitting acoustical treatment to the engines/nacelles during a non-operative or shutdown period. As used here, acoustical treatment means any hardware or mechanical device, applied either singly or combined to the inlet and primary and secondary exhausts, that either will absorb sound or otherwise effect a noise reduction at the Part 36 measurement points. In the case of new production aircraft, source control may be applied during the manufacturing process to either new type design aircraft, or older type design aircraft. In the case of acoustical treatment, the source control measures available for existing or newly produced aircraft of the same type design are essentially the same since the treatment that is effective for one will be equally effective for the other. However, the most practical use of technology to achieve maximum noise control is the inclusion of such technology in the design and development of new aircraft types. Subsequent modifications of the aircraft design such as retrofit hardware are always the less efficient, but often necessary, use of technology for the source control of aircraft noise.

In order to achieve the lowest practicable noise levels for all aircraft, regardless of the date of type certification, the EPA believes that regulations for the source control of aircraft noise should be constructed to fully represent the use of the three time-dependent technology options (current, available, and future) for the following four classes of aircraft:

(1) Existing Aircraft,

(2) New Production Aircraft of Older Type Design,

(3) New Production Aircraft with Acoustical Changes to Older Type Design, and

(4) New Production Aircraft of New Type Design.

Although the compliance noise level of § C36.5 are applicable to all four of the above classes of aircraft, only current technology prior to 1969 is represented in that Appendix. Therefore, the EPA has recommended, as proposed herein, that § C36.5 be amended to include noise levels that are substantially lower than those of Appendix C. Moreover, to encourage the implementation of noise control technology to the maximum extent feasible the EPA also recommends that Part 36 should be reviewed every 5 years or less and updated where necessary to reflect the technology options that are practicable and appropriate for the aircraft types at that time. The comments of all interested persons are invited in regard to the need and desirability of such a periodic quinquennial review.

Noise certification tests since 1969 show that current technology airplanes are capable of achieving substantially lower noise levels than those required by Appendix C. The data given in Reference 5 illustrates the wide range of noise levels produced by airplanes in the present fleet of two or more engine airplanes. It is to be noted that the range for all of the airplanes given in that Reference is over 40 decibels, varying from a low of about 78 EPNdB at takeoff to nearly 119 EPNdB at approach. It should also be noted that although many of the noise levels are above the Part 36 noise level curves, most are below. As a result, in 1975, the FAA in a U.S. Working Paper and subsequently in NPRM 75–37 (Ref. 6) recommended that lower compliance noise levels be adopted. However, although the Committee on Aircraft Noise, ICAO CAN/4 (Ref. 7), also recommended that the ICAO Council adopt lower compliance noise levels, they are generally less stringent than those recommended by the FAA. The noise levels recommended by the FAA represent reductions from the Appendix C levels that are dependent upon airplane weight and number of engines within the following ranges:

(1) Sideline (5 to 9 dB),
(2) Takeoff (1 to 10 dB), and
(3) Approach (3 to 4 dB).

As distinguished from the FAA recommendations, the recommendations of the ICAO Committee on Aircraft Noise are independent of the number of engines and agree with the FAA recommended levels in only two cases (sideline four engines and approach). Thus, the levels recommended by the ICAO Committee on Noise as amendments to Annex 16 represent reductions from the Appendix C levels that are dependent upon airplane weight within the following ranges:

(1) Sideline (5 to 6 dB),
(2) Takeoff (1 to 10 dB), and
(3) Approach (3 to 4 dB).

The formulas for the compliance noise level curves representing Appendix C, the FAA, and the ICAO are shown in the attached Table 1. The table shows that the slopes of the curves for Appendix C and the ICAO are identical for all three measuring points. However, the slopes of the curves for the FAA agree with the Appendix C and the ICAO curves only for sideline and approach. In addition, the slope of the curve showing the FAA recommendation for takeoff is lower (4- versus 5 dB per halving of weight) than that for Appendix C and the ICAO recommendation.

(a) *Current and Available Technology.* The attached Figures 1 (a), (b), and (c) show the airplane noise levels listed in the attached Table 2 compared with the noise level curves for Appendix C, identified as 69 FAR 36. The 17 airplanes listed were chosen as a control group on the basis that they all meet the requirements of Appendix C. As such, they are designated "current technology" airplanes. In addition, those airplanes were selected, where feasible, to include two models of each type, one at the low and one at the high end of their weight range in order to show the influence of growth (increase in weight or range) for that particular model. Models of pre-1969 technology airplanes which can now meet the requirements of Appendix C by means of retrofit applications of Quiet Nacelles, were not included in the control group since those airplanes are not representative of current technology airplanes in the sense of original design, although in some cases they are newly produced and may continue to be produced for many years.

The three curves shown in the attached Figure 1 represent the Appendix C requirements, the least squares means of the 17 airplane sample, and the mean less three decibels. The upper curves, representing the existing Appendix C requirements, cannot be met by pre-1969 technology airplanes (except by retrofit). The middle curves (mean curves) show that the state of the art includes efficient, high performance airplanes such as the B747, DC–10, L–1011, A–300, Cessna 500, Falcon 10, Learjet 35, and Corvette, whose noise levels could comply with the mean levels.

Both the FAA and ICAO recommendations have merit in the sense that the compliance noise levels for new airplanes would be significantly lowered from those of Appendix C. The EPA, therefore, has no objection to either of those lower limits (or some compromise of the two) provided they are applicable only to new type design airplanes up to 1980 with more stringent requirements, as proposed herein, applicable to available and future technology airplanes.

Furthermore, the EPA believes that the compliance noise levels representing current noise control technology to be promulgated by the FAA (whether as proposed in NPRM 75–37 or in the ICAO CAN/4 report or some compromise of the two) should be applicable to new production aircraft with major acoustical changes to older type designs as well as to those of new type designs. As defined in § 21.93, a major change is any change that is not a minor change as defined therein. In addition, it includes an acoustical change where applicable. As proposed here, a major acoustical change in a type design consists of the application of current noise control technology equipment to older type design airplanes. It would not include modifications such as "Quiet Nacelles", uprated or growth versions of original equipment engines, and existing type engines different from the original equipment engines.

The major acoustical change provision makes a distinction between changes in type designs that are a result of normal growth of older technology equipment and those that are the result of the application of current technology equipment. The purpose of that provision would be to restrict the production of new airplanes incorporating current technology equipment but which do not include the noise control capability of that equipment. A pertinent example would be a new airplane, consisting of an older type design airframe, utilizing a derivative refan engine (developed by NASA primarily for the purpose of noise control) for increased performance benefits at a sacrifice of some or all of the noise control benefits that are possible with the use of the engine.

It is reasonable to expect that a newly produced airframe/engine combination should include all of the noise control technology benefits capable for that combination, particularly if the development costs for the engine were funded by the Government for that purpose. In other words, the NASA Refan Engine (as well as a new type design engine) should not be considered a normal growth engine just because it is installed on an older type design airframe. The EPA, however, does not propose that the major acoustical change provision be applicable to retrofit of existing airplanes but only to new production airplanes.

Table 3 lists eleven study airplanes which represent major acoustical changes to existing airplanes. Figures 4 (a), (b), and (c) show the predicted noise levels for these airplanes. Those Figures also show the mean curve for the 17-airplane control group, representing current technology. The levels of those eleven airplanes are given in References 18–20. The EPA believes that this information supports its recommendation that the compliance noise levels to be promulgated by the FAA for current technology airplanes should also be met for major acoustical change airplanes.

In regard to available noise control technology, the EPA believes that the capability exists for airplanes whose type certificates are applied for after 1979 to comply with substantially more stringent requirements. Therefore, the EPA has recommended, as proposed herein, that § C36.5 be amended to include noise levels defined by the mean of the 17 air-

plane sample less three decibels (mean—3db). The effective date would be 1 January 1980.

The rationale for this proposal is based upon the fact that eight airplanes of the seventeen airplane sample could comply with the mean, only one of which would require the use of the tradeoff provision of § C36.5(b). Seven airplanes, therefore, have noise levels at all three measuring points within three decibels of the proposed requirement (mean—3db). Furthermore, a total of ten airplanes of the seventeen airplane sample could comply individually with the mean—3db at the sideline, takeoff, and approach measuring points. Three of those airplanes could comply collectively at all three measuring points. Therefore it is not unreasonable to assume that as a minimum, technology is available to "fine tune", the noise control of those existing airplanes for less than three decibels more noise reduction by the use of such techniques as sound absorption material (SAM), thrust cutback, increased thrust/weight ratios, improved lift/draft ratios, reduced approach flaps, etc. Consequently, with available noise control technology capability, new type design airplanes, that is, airplanes that are not constrained to existing type airframes or engines, should be ably to comply by 1980 with noise levels at least three decibels lower than existing airplanes such as the eight previously identified (B–747, DC–10, etc).

(b) *Future Technology.* Substantial achievements in noise reduction, as manifested by the mean curves, have encouraged predictions that aircraft noise at the Part 36 measuring points can be reduced ten decibels or more (e.g., the CARD Study, Ref. 8). Those achievements were obtained primarily as a result of research, development, and demonstration (RD&D) initiated before the promulgation of Part 36. Noise control RD&D, funded both by Government and industry, show that further achievements will be practicable and are relatively near at hand. The EPA, therefore, recommends that these achievements should be considered for inclusion in the designs for new aircraft types produced some time in the future, probably not before 1985.

The National Aeronautics and Space Administration (NASA), is the single largest contributor to aircraft noise control. A comprehensive report on the NASA noise reduction technology programs and plans, as of March 17, 1973, was made by that Agency for the EPA in connection with the Aircraft/Airport noise study (Ref. 9). Although that report has not been revised since that date, the material is valid and the NASA programs and plans discussed therein should have a strong influence on fuutre aircraft design. The brief review of information on air transport noise control (Ref. 10) and future needs and research trends (Ref. 11), partially updates the earlier NASA report.

The noise reduction accomplishments to date and the extensive programs in progress do indeed hold promise for further substantial gains. Nevertheless, there is a limit, or floor, beyond which it may be impractical to proceed. Consequently, sources of noise such as jet exhaust stream, engine core and flow surface interactions have been identified as potential noise floors which may be relatively near at hand. (Ref. 9–17), barring any technological breakthrough.

Flow surface interatcion noise is produced by the interaction of flows with solid surfaces of the aircraft, and can result from propulsive and nonpropulsive sources. An example of a propulsive source is a powered-life aircraft where the interaction of the jet engines exhaust with the wing and flap surfaces can be significant noise sources. Nonpropulsive noise is produced by aerodynamic boundary layers or the turbulence produced by air passing over and around the airframe and its various components, such as flaps, landing gear, landing gear openings and doors, and other protuberances or cavities that tend to disrupt smooth flow.

It is becoming more apparent that nonpropulsive noise (also referred to as airframe, aerodynamic, or self noise) must be considered in the design of future aircraft if significant further noise reduction is to be achieved. Of the three measuring points specified in Appendix C, that noise would be most noticeable at approach because engine power and distance to the microphone are least. Some members of the industry have expressed the opinion that aircraft noise is approaching the level which would limit the feasibility of further engine noise control. Therefore, they contend that new and expensive engine noise control programs should not be proposed if airframe noise (the aerodynamic noise floor) is the limiting factor.

Figure 2 shows the estimated range of nonpropulsive noise at the approach measuring point for typical airplanes. That Figure also shows the mean minus 3 dB curve, representing available noise control technology. The range is constructed from the ranges given in References 10 and 15. It is interesting to note that the upper limit of the range is less than one decibel below the mean—3 dB noise level curve and has the same slope. Reference 17 reports the results of an analysis of about ten commercial and military airplanes which substantiates the validity of that range of levels, including the slope. The conclusion of Reference 17 is that the trend of the data is a line which has a slightly greater slope than the 69 FAR 36 minus 10 dB curve. Such a line would lie within the range shown whose limits have a slope equal to 2.107 dB per doubling of weight which is slightly greater than the 2.000 dB per doubling of weight of the 69 FAR 36 curve.

It is apparent from Figure 2 that the noise levels for approach, defined by the mean—3 dB curve, have nearly reached the airframe noise floor predicted at this time. It appears that further reductions in the noise levels for approach are contingent upon the development of technology for reducing the nonpropulsive noise sources.

The EPA believes that the development of practicable noise levels representing future noise control technology are dependent upon determining the limiting levels resulting from the three noise sources relating to jet exhaust stream, engine core, or airframe. It appears at this time that airframe noise may be the limiting source in that noise levels lower than the self noise generated by a reasonably clean airframe cannot be achieved by demonstrated technology. Although it is possible that the levels of jet stream or core engine noise may bottom out before airframe noise, the technology capability for substantially lowering the levels of the jet and core sources appears to be more promising than for the airframe source (Ref. 5).

Specific incremental levels representing the differences between a clean wing and a reasonably clean airframe cannot be established with absolute certainty at this time. However, the EPA believes that the following incremental levels, adjusted to yield round numbers at the maximum aircraft weight limits, are reasonable estimates based upon available data (Ref. 5 and 16):

(1) Sideline, 7.5 dB, (2) Takeoff, 7.5 dB, and (3) Approach, 5.5 dB.

The increment for approach given in (3) above is in accordance with the recommendation contained in Reference 16. The increments for sideline and takoff have been assumed to be equivalent because the airplane speeds and configuration should be about the same. A two decibel difference between the increments for sideline and takeoff as distinguished from that for approach appears reasonable considering the differences in speed and configuration.

Figures 3(a), (b), and (c) show the EPA proposed compliance noise level requirements representing available and future noise control technology derived from the mean—3 db of the 17 airplane sample, and the foregoing analysis for future technology. The two curves are further identified as 80 FAR 36 and 85 FAR 36 to indicate representative time periods for implementation. The future technology curves for sideline and approach require little explanation; they are the estimated levels for a clean wing adjusted linearly upwards by 7.5 and 5.5 decibels, respectively. The curve for takeoff requires a more complex procedure because the modifications to the clean wing include a slope adjustment as well as a linear level adjustment. The development for those future technology curves is discussed in greater detail in the EPA Project Report upon which this proposal is based (Ref. 5).

The Civil Aviation Research and Development (CARD) Policy Study (Ref. 8) conducted a comprehensive review of policies affecting civil aviation. The CARD Study recommended, based upon their assessment of technical capability, that, by 1981, noise from all new airplanes should be reduced at least 10 decibles below the Appendix C levels and possibly as much as 22 decibels, depending upon the measuring point and the

airplane weight. The CARD Study goals, established in 1971 for ten years after that date, can nearly be achieved by the available levels and can be achieved completely by the future levels.

It must be emphasized that the future technology noise compliance curves shown in Figure 3 represent airframe noise floors predicted at this time. The predictions are, admittedly, rough and it is conceivable that the results of research, development and demonstration (RD&D) within the next ten years could lead to even lower noise levels. For example, it was assumed, based upon rather simple predictions, that the ultimate lower limit would be the noise levels produced by an aerodynamically clean wing. In addition, a further assumption was made that noise levels of practical airframes could approach those of clean wings by only 7.5 dB for sideline and takeoff and 5.5 dB for approach. Therefore, RD&D should be conducted with objectives which include the determination of airframe noise levels for clean airframes and the development of design data for practical airframes which would narrow the airframe noise gap between clean and practically clean airframes.

(c) *Predicted Noise Levels for New Type Airplanes.* Figures 5(a), (b), and (c) show the predicted noise levels for the new type design airplanes listed in Tables 4(a) and (b) compared with the mean curves and the two sets of proposed compliance noise level curves representing available and future noise control technology (Refs. 22 through 29). The EPA believes that this information supports its recommendations for the compliance levels proposed in § 36.5(a) that must be met for new type airplanes.

The comparisons shown in those Figures represent predicted noise levels of new types of airplanes and two of the curves represent compliance noise levels proposed in § C36.5(a) that must be met after certain dates of application. First, under § C36.5(a)(2), airplanes whose type certificates are applied for on or after 1 January 1980 and before 1985, would be required to meet 80 FAR 36. Second, under § C36.5(a)(3), airplanes whose type certificates are applied for on or after 1 January 1985 would be required to meet 85 FAR 36 which is the estimated practicable noise floor as perceived at this time.

Comparison of the sideline noise levels of the airplanes with the levels represented by the curves, it is seen that sixteen airplanes comply with the mean, eight comply with 80 FAR 36, and three with 85 FAR 36. Similarly for takeoff; twenty airplanes comply with the mean, eleven with 80 FAR 36, and seven with 85 FAR 36. And for approach; ten airplanes comply with the mean, seven with 80 FAR 36, and three with 85 FAR 36. Considering all three measuring points, and exercising the 3/2 decibels tradeoff provision, nine airplanes can comply with the mean, five with 80 FAR 36, and three with 85 FAR 36.

It is seen from Figure 5, that a few of the airplanes (Nos. 7, 18, 26, 27, 28, 29, 30 and 33) are shown with levels below the predicted noise floor for one or more of the noise measuring points. This peculiarity, however, does not necessarily contradict the choice of levels for the airframe noise floor because the sources of the data may have based their noise level predictions on estimations of the capability for noise control by means of aircraft engine design technology without consideration given to whether the airframe noise floor has been reached or exceeded. In other words, these sources may be predicting that the propulsive noise floor will not "bottom out" below the nonpropulsive noise floor. It should be pointed out, however, that airplane No. 8 is similar to the Airbus (A 300 B), listed as airplane No. 7 in Table 2, which has been certificated for noise in conformance with Annex 16. The takeoff noise level for the Airbus would lie approximately on the curve representing future noise control technology. It may be that the Airbus has indeed reached the airframe noise floor for takeoff operations.

(d) *Summary of Proposed Noise Levels* Based upon the foregoing analysis on noise levels, the EPA recommends that § C36.5 be amended to include the following compliance noise levels:

(1) *Pre-1969 Technology Airplanes.* The compliance noise levels defined as 69 FAR 36, which are existing requirements applicable to newly produced airplanes of older type designs, are adequate, except for some acoustical changes, and need not be amended.

(2) *Current Technology Airplanes.* Compliance noise levels, applicable to new type design airplanes, shall be as recommended by the FAA in NPRM 75–37 or by ICAO in the CAN/4 report or some compromise of the two.

(3) *Available Technology Airplanes.* Compliance noise levels, applicable to new type design airplanes for which an application for a type certification is made on or after 1 January 1980, shall be represented by the set of curves in Figures 3 identified as "available" or 80 FAR 36.

4. *Future Technology Airplanes.* Compliance noise levels, applicable to new type design airplanes for which an application for a type certificate is made on or after 1 January 1985, shall be represented by the set of curves in Figures 3 identified as "future" or "85 FAR 36". Although the 85 FAR 36 levels are proposed to be effective eight to nine years in the future, they are intended to be standards, not merely guidelines. They would be subject to revision, however, at the next quinquennial review. The EPA believes that the aircraft manufacturers must be given design standards now for the 1985 time period if the maximum amount of noise control is to be designed into the aircraft from the beginning. To promulgate only the 80 FAR 36 standards, for instance, would be to make mandatory only that technology which would likely come into the market place of its own accord without government regulation although, perhaps, on a slower schedule.

(5) *Major Acoustical Change Airplanes.* Compliance noise levels, applicable to airplanes with major acoustical changes to older type designs, shall be represented by the current technology levels to be promulgated by the FAA, whether as proposed in NPRM 75–37 or in the ICAO CAN/4 report or some compromise of the two.

C4 TAKEOFF CONDITIONS

Section C36.7 of Appendix C specifies takeoff test conditions relative to (1) the power or thrust which must be maintained to a specific height above the runway of the airport (HHA), (2) the permitted power or thrust cutback, (3) the airplane speed, and (4) the airplane configuration.

In regard to the test conditions relative to item (1) above, § C36.7(b) requires takeoff power or thrust be used from the start of takeoff roll to 1000 feet HAA for airplanes powered by two and three engines and to only 700 feet HAA for airplanes powered by four or more engines. The FAA noise certification tests show that it is both practicable and reasonable, as well as safer and less noise polluting, for four engine current technology airplanes to reach 1000 feet HAA over the takeoff measuring point. Therefore, since there is no longer any need for such discrimination for current technology airplanes, the EPA has recommended that the alternative height of 700 feet HAA, permitted in § C36.7(b) for airplanes powered by more than three engines, be eliminated.

Section C36.7(c) of the takeoff test conditions permits a power or thrust cutback to specified limits. The original purpose of that cutback was to establish a safe operating procedure and associated noise level for minimizing the noise impact on near downrange noise sensitive communities. It appears that this cutback procedure has not been used to any significant extent in normal air carrier operations. Nevertheless, the EPA believes that the thrust cutback procedure provides useful information on the noise reduction that can be expected close to the airport by safe operating procedures. Furthermore, the EPA believes that the noise produced by the airplane without power or thrust reduction is important for use in analyzing community noise impact. Therefore, in order to obtain this information the EPA recommends that paragraph (c) of § C36.7 be amended by adding a sentence at the end of that paragraph which would provide that if compliance with the noise levels of § C36.5 is met with power or thrust reduction then additional tests must be conducted without power or thrust reduction and the noise levels achieved under those tests be reported for informational purposes.

Section C36.7(d) of the takeoff test conditions requires the airplane minimum speed to be V2+10 knots which must be attained as soon as practical after liftoff and maintained throughout the takeoff noise test. The original purpose was to insure that the measured noise levels represented airplanes op-

erating at takeoff speeds safe for routine line operations. It appears that this requirement permits too wide a variation in the duration correction inherent in the computations for Effective Perceived Noise Level. Furthermore, for some airplanes, the all engines operating speeds (at 35 or 50 feet for turbine powered or propeller driven airplanes, respectively) are greater than V2+10. The EPA believes, therefore, that the test speed should not be less than V2+10 or the all engines operating speed, whichever is greater, with limitations in the form of tolerances, of which±3 knots appears reasonable.

C5 APPROACH TEST CONDITIONS

Section C36.9 of Appendix C prescribes approach test conditions relative to (1) the airplane's configuration, (2) the glide angle, (3) the approach speed, and (4) the power or thrust. FAA noise certification tests conducted since 1969 show that the approach test conditions are satisfactory except for the configuration requirements prescribed in paragraph (b) of that section. Under that paragraph the airplane's configuration used in showing compliance with the noise levels of § C36.5(a) must be the same as the one used in showing compliance with the landing requirements in the airworthiness regulations for the type certification of the airplane. If more than one configuration is used for airworthiness certification, the configuration that is most critical from a noise standpoint must be used for compliance with paragraph (b) of § C36.9. The EPA believes there is no longer any justification for this requirement. Instead, the EPA believes it would be more appropriate to require compliance for one flap position less than the maximum landing flap setting certificated for airworthiness. Such a test condition would further support a recommendation that has been submitted by EPA and published by the FAA (40 FR 44256) that would amend the general operating rules of Part 91 to require the use of a reduced flap setting procedure for approach and landing. Since the use of such a reduced flap setting procedure would achieve substantial noise reductions, it should be used to show compliance with the approach test conditions of § C36.9(b).

As proposed herein, § C36.9 would be amended by deleting the last sentence of paragraph (b) of that section which requires the use of an approach configuration most critical from the noise standpoint (if more than one configuration is used to show compliance) and inserting in lieu thereof the following flap setting requirement: "If more than one flap setting is used in showing compliance with the landing requirements in the airworthiness regulations constituting the type certification basis of the airplane, one flap position less than the maximum certified for the airplane must be used."

C6. ACOUSTICAL CHANGE APPROVALS

As defined in § 21.93(b) of the Federal Aviation Regulations, any voluntary change in the type design of a transport category or turbojet engine powered airplane that may increase the noise levels created by the airplane is an "acoustical change". Generally, the most important acoustical changes are related to airplane growth. A new airplane design is generally "grown" over its lifetime, either by increasing its capacity or range. Both of these involve increased public air transportation capabilities. To support this growth, powerplants for these airplanes must be designed so that they too can be grown. From the engine manufacturer's point of view, engine growth also allows an engine to compete over a broader range of airplane applications. Allowance for such growth is a basic factor in the economic viability of aircraft programs. Unfortunately, engine growth generally is accompanied by increased noise. An increase in thrust is usually accomplished by increasing temperatures and pressures in the engine core, thus increasing the core engine exhaust velocity and decreasing the by-pass ratio. The effect of this procedure is that the growth engine is noiser than would be an engine of equal thrust designed with the same performance parameters as the base engine. In addition, a growth version of a given airplane design will frequently have poorer climb characteristics and will, therefore, be at lower altitude when it passes over the 3.5 n.m. takeoff measurement point. Hence, the takeoff noise level in particular is quite sensitive to airplane growth.

The FAA is NPRM 75-37 has proposed to increase the severity of the acoustical change requirements for airplanes that comply with existing Appendix C. That proposal would limit the noise escalation associated with the growth of existing airplane types by introducing more stringent requirements when acoustical change applications are made after the date of the NPRM (5 November 1975). The noise escalation associated with the growth of new airplane types would be limited to the compliance noise levels specified in § 36.7(a) of that proposal for the particular type of airplane on which the acoustical change is to be made.

The EPA believes that the technology capability exists for further controlling, to a reasonable extent, those airplanes as they are grown and, therefore, has no objections to the FAA proposed modifications to § 36.7(a).

D. HEALTH AND WELFARE

The Noise Control Act of 1972 defines environmental noise as "the intensity, duration, and the character of sounds from all sources". The EPA has chosen the equivalent A-weighted sound pressure level (Leq) as its basic measure for environmental noise. There are two time intervals of interest in the use of Leq for noise impact assessment. The smallest interval of interest is one hour usually considered the "design hour" of a day. The primary interval of interest for residential land uses is a twenty four hour period, with a weighting applied to nighttime noise levels to account for the increased sensitivity with the decrease in background noise at night. This twenty-four hour weighted equivalent level is denoted the Day-Night Level (Ldn).

In its report to Congress on the Aircraft/Airport Noise Study, the EPA recognized that the direct readily quantifiable effects of noise on public health and welfare are the potential for producing a permanent loss in hearing acuity, interference with speech communications, and the generation of annoyance. The Levels Document specifically identified the following two long-term average levels of cumulative noise exposure as requisite to protect public health and welfare with an adequate margin of safety:

A Day-Night Level (Ldn) no greater than 55 dB to protect against annoyance (including interference with speech communication) and

An Equivalent Noise Level (Leq) no greater than 70 dB, to protect against significant adverse effects on hearing.

Two single one-way runway airports were chosen to be indicators of the noise impact resulting from the implementation of the various options for compliance noise levels. The first runway pertains to large air-carrier airports and the second to general aviation airports. The air-carrier airport is represented by a runway 15,000 ft. in length enclosed by an imaginary rectangle whose dimensions are 27,000 x 3,000 ft. (2.91 sq. mi.). The general aviation airport is represented by a runway 6,000 ft. in length enclosed by an imaginary rectangle whose dimensions are 18,000 x 3,000 ft. (1.94 sq. mi.). These dimensions were chosen to be compatible with the Part 36 measuring points except that the takeoff point for the general aviation airports was reduced from 3.5 nautical miles to 2.0 nautical miles to provide symmetry and to be more representative of the smaller land areas characteristic of those airports.

The rectangles enclosing the airports can be considered as indicators of land areas that, typically, suffer substantial noise impact. Land areas which are noise impacted by aircraft operations should be owned or controlled by airport authorities for airport functional purposes; or the land should be used and can reasonably be expected to continue to be used in a way which is compatible with the noise levels to which it is exposed; or the development rights of such land should be purchased such that only development compatible with the airport noise levels is allowed.

It is generally agreed that a Ldn level of 75 dB is an unacceptable exposure level for people in normally constructed homes. A Ldn level of 65 dB is a reasonable objective for airport neighborhood communities because present limited data indicate that, at some airports, a Ldn contribution of noise from aircraft of less than 65 dB is difficult to distinguish from other ambient noise, given the environmental noise levels (other than from aircraft) around those airports. However, as indicated in the Levels Document, effects from noise occur at Ldn levels below 65 dB and further analysis is needed in the future to refine

further practical objectives for airport noise abatement.

The indicator rectangles serve the purpose of providing a standard fence within which the effectiveness of the compliance noise level options may be compared in a meaningful and consistent manner. The particular dimensions of the rectangles are significant because they are compatible with the FAR 36 measuring points which permits the noise data obtained from the FAR 36 tests to be utilized directly without the need for lengthy computations. Furthermore, the rectangular dimensions are large enough to enclose meaningful noise exposure contours and small enough to implement noise control through compatible land use without experiencing unreasonable costs.

Many airports, of course, have more than one runway with mixed directional operations and a single one-way runway would not be a realistic representation of those airports. Nevertheless, for airports with more than one runway, appropriate rectangles could be superimposed on each of the runways with the composite perimeter indicative of a standard fence.

In the project report (Ref 5), comparisons are made of the effectiveness of the compliance noise levels in terms of specific Ldn contours lying within the rectangles enclosing the air-carrier and general aviation runways. In regard to large air-carrier airports, an example was chosen of a typical mix of airplanes operating from a one-way runway at a rate of 441 takeoffs and landings each per day. The analysis shows that if all airplanes complied exactly with the 69 FAR 36 levels, the Ldn 80 contour would barely lie within the rectangle. This example demonstrates that the existing Part 36 requirements are inadequate to prevent severe noise impact (due to 441 takeoff and landing operations) from occurring within the nearly three square miles enclosed by the rectangle. Further analysis with the same example shows that if all airplanes could comply with the FAA levels proposed for current technology, the Ldn 77 contour would lie within the rectangle. This is an improvement of three decibels which, although significant, is not adequate. Carrying this example to its conclusion, if all airplanes could comply with the future technology levels, the Ldn 70 contours would lie well within the rectangle which would indeed be a substantial reduction.

Although the foregoing example assuming 441 takeoffs and landings and future technology compliance levels leads to a 10 dB improvement compared with 69 FAR 36 compliance, the noise impact has not been reduced to the Ldn levels of 65 dB. As mentioned previously, further reductions in noise impact can result from limiting aircraft operations. Assuming the relative mix of aircraft, all of which could comply with the various technology levels, the following tabulation indicates the relationship between the number of operations per day and the noise exposure contour levels that would lie within the rectangles:

Daily number of takeoffs and landings each	Landing contour levels			
	69 FAR 36	FAA	Available	Future
441	80	77	73	70
141	75	72	68	65
45	70	67	63	60
15	65	62	58	55

The foregoing tabulation indicates that compliance with the future technology noise levels would result in the Ldn 65 contour lying within the indicator rectangle when the number of takeoff and landing operations has been reduced from 441 to 141. For most air carrier airport runways, 441 takeoff and landing operations each per day are too large, while 141 or less are realistic. Certainly having the Ldn 70 and Ldn 65 contours lying within three square miles, due to 441 and 141 takeoffs and landings, respectively, are noteworthy achievements especially since that accomplishment would result exclusively from source noise control. Additional noise abatement for the same number of operations can be achieved by implementing noise abatement approach and departure procedures on a site specific basis.

In regard to general aviation airports, an analysis was made similar to that for the large air-carrier airports. An example was chosen of a typical mix of general aviation type airplanes operating from a one-way runway at various rates of takeoffs and landings per day. The following tabulation indicates, in the same manner as was done previously, the relationships between the number of operations per day and the noise exposure contour levels that would lie within the rectangles:

Daily number of takeoffs and landings each	Landing contour levels			
	69 FAR 36	FAA	Available	Future
400	75	71	64	61
127	70	66	59	56
40	65	61	54	51
13	60	56	49	46
4	55	51	44	41

The foregoing tabulation indicates that compliance with the available and future technology noise levels would result in the Ldn 65 contours lying within the indicator rectangle for all numbers of operations listed. Furthermore, for future technology compliance, the Ldn 55 contour would almost lie within the indicator rectangle when the number of takeoffs and landings has been reduced from 400 to 127. For most general aviation airport runways, 127 or less takeoff and landing operations each per day are more realistic than 400.

For the case of general aviation airports, most of which are sited in suburban or rural locations, a Ldn level of 55 dB is a reasonable objective for the airport communities. It should be understood that while the airport neighborhood population is less dense for general aviation airports compared with large air-carrier airports, there are many more of the former and their neighbors are exposed, in general, to less ambient noise and, therefore, expect less noise intrusion.

E. Costs

EPA has not identified the costs, if there would in fact be any significant costs to the manufacturers resulting from regulatory actions such as the proposed amendments to Part 36. For example, the compliance noise levels representing current and available technology are capable of being met by many aircraft being produced today.

Until comparatively recently, noise has largely been considered by the aircraft and engine designers to be a second order effect in optimizing performance and, therefore, was neglected. As noise became important, and techniques were developed for its abatement and control, the designers found that there were benefits beyond those that could be attributed to the energy transfer of noise to performance. In other words, there was performance improvement resulting from the increased knowledge of aircraft and engine design which can be attributed to the requirements for noise control.

The costs of noise control by compatible land use have been recognized as being very high and, in general, are the least cost-effective method of all. Those costs, therefore, will be reduced when the control of aircraft noise at the source results in reduced Ldn contours lying within the indicator rectangles.

Section 611(d) of the Federal Aviation Act of 1958, as amended by Section 7(b) of the Noise Control Act, directs that, in prescribing and amending standards and regulations under this section, the FAA shall, amongst other matters:

"(4) consider whether any proposed standard or regulation is economically reasonable, technologically practicable, and appropriate for the particular type of aircraft, aircraft engine, appliance or certificate to which it will apply * * *"

Accordingly, although the EPA proposes that the FAA adopt this recommended rule on noise levels for turbojet powered airplanes and large propeller driven airplanes, it is recognized that such proposal is predicated primarily on the furtherance of protection of the public health and welfare from aircraft noise, and that the Administrator of the FAA must consider the economic reasonableness of any rules promulgated under Section 611 of the Act.

(Secs. 313(a), 601, 603, and 611 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423, and 1431); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and Executive Order 11514, March 5, 1970.)

In consideration of the foregoing, it is proposed to amend Part 36 of the Federal Aviation Regulations as follows:

§ 36.1 [Amended]

1. By amending § 36.1(a)(1) by deleting the words "subsonic transport category large airplanes" and inserting in

lieu thereof the words "large propeller driven airplanes".

§ 36.7 [Amended]

2. By amending § 36.7(a) to read as proposed by the FAA in NPRM 75-37, published 5 November 1975 (49 FR 51476).

Appendix C [Amended]

3. By adding a sentence at the end of § C36.1 to read: "Approved equivalent procedures may also be permitted for compliance with the procedures in this Appendix."

4. By amending paragraph (c) of § C36.3 to read as follows:

§ C36.3 *Noise measuring points.*

* * * * *

(c) For the sideline, at the point, on a line parallel to and 0.25 nautical miles from the extended centerline of the runway, where the noise level after liftoff is greatest.

5. By amending paragraph (a) of § C36.5 to read as follows:

§ C36.5 *Noise Levels.*

(a) *General.* Except as provided in paragraphs (b) and (c) of this section, it must be shown by flight tests that the noise levels of the airplane, at the measuring points described in § C36.3, do not exceed the noise levels in subparagraphs (1)-(4) of this paragraph (with appropriate interpolation between weights).

(1) *Airplanes for which an application for a type crtificate is made on or after 1 December 1969 and certain airplanes newly manufactured after that date.* Except as provided in subparagraphs (2) and (3) of this paragraph, each person who applies under Part 21 of this chapter for a type certificate for an airplane or or after Decmber 1, 1969, or who applies after that date under § 21.183 for the original issue of an airworthiness certificate for an airplane for which a type certificate was applied for before that date, must show that the noise levels of the airplane do not exceed the following:

(i) For approach and sideline, 108 EPNdB for maximum weights of 600,000 lbs. or more, less 2 EPNdB per halving of the 600,000 lbs. maximum wight down to 102 EPNdB for maximum weights of 75,000 lbs. and under.

(ii) For takeoff, 108 EPNdB for maximum weights of 600,000 lbs. or more, less 5 EPNdB per halving of the 600,000 lbs. maximum weight down to 93 EPNdB for maximum weights of 75,000 lbs. and under.

(2) *Airplanes for which an application for a type certificate is made on or after 1 January 1980.* Except as provided in subparagraph (4) of this paragraph, each person who applies under Part 21 for a type certificate for an airplane on or after 1 January 1980, must show compliance with the noise levels prescribed and limited by the following formulas, representing available noise control technology, applicable to airplane weights (W) between 10,000 and 1,000,000 pounds:

Sideline: EPNL=7 Log (W)+56
Takeoff: EPNL=12 Log (W)+29
Approach: EPNL=7 Log (W)+60

(3) *Airplanes for which an application for a type certificate is made on or after 1 January 1985.* Each person who applies under Part 21 for a type certificate for an airplane on or after 1 January 1985, must show compliance with the noise levels prescribed and limited by the following formulas, representing future noise control technology, applicable to airplane weights (W) between 10,000 and 1,000,000 pounds:

Sideline: EPNL=7 Log (W)+51
Takeoff: EPNL=12 Log (W)+25
Approach: EPNL=7 Log (W)+57

* * * * *

6. By amending paragraph (b) of § C36.7 to read as follows:

§ *C36.7 Takeoff test conditions.*

* * * * *

(b) Takeoff power or thrust must be used from the start of the takeoff to the point at which a height of at least 1,000 feet above the runway is reached.

* * * * *

7. By amending paragraph (c) of § C36.7 by adding a sentence at the end of that paragraph to read:

If compliance with the noise levels of § C36.5 is met with power or thrust reduction, additional tests must be conducted without power or thrust reduction and the noise levels achieved under those tests must be reported for informational purposes.

8. By amending paragraph (d) of § C36.7 to read as follows:

(d) A speed of V2+10 knots or the all-engines-operating speed at 35 feet (for turbine engine powered airplanes) or 50 feet (for reciprocating engine powered airplanes) whichever speed is greater must be attained as soon as practicable after liftoff and must be maintained throughout the takeoff noise test. These tests must be conducted within tolerance speeds of ±3 knots and the noise values measured at the test day speeds must be corrected to the acoustic day reference speeds.

9. By adding a new § C36.8 to read as follows:

§ *C36.8 Alternate takeoff test procedure.*

(a) When the signal to noise ratio obtained by the use of the test conditions prescribed in § C36.7 is too small for satisfactory identification and analysis of the airplane noise, a horizontal flyover procedure must be conducted instead of the test procedure prescribed in that section. The flyover procedure must include at least six horizontal flights over the measuring station at a height of 1,000±30 feet and 10 degrees from the zenith when passing overhead.

(b) Takeoff power or thrust and a speed of at least V2+10 knots must be used during the flyover procedure required by paragraph (a) of this section. In addition, a constant takeoff configuration, selected by the applicant, must be maintained throughout the horizontal flyover procedure.

(c) The noise measurements obtained by the use of the flyover procedure required by paragraph (a) of this section must be corrected for climb performance and speed in accordance with the following formulas:

(1) *Turbojet Powered Airplanes.*

P=60-20 log [(21266-D35) sin α+35]+10 log (VH/VY)

(2) *Large Propeller Driven Airplanes.*

P=60-20 log [(21266-D50) sin α+50]+10 log (VH/VY)

Where:

P=Correction that must be added algebraically to the Effective Perceived Noise Level (EPNL) evaluated under Appendix B, decibels.

D35=Takeoff distance to 35 feet height at maximum certificated takeoff weight, feet.

D50=Takeoff distance to 50 feet height at maximum certificated takeoff weight, feet.

VY=Climb speed equivalent to V2+10 knots, or greater if approved, fpm.

R/C=Rate of climb corresponding to climb speed, fpm.

VH=Test speed, averaged for all horizontal flights, at the aircraft position for which the tone corrected perceived noise level is maximum, fpm.

α=arcsine ($R/C/(VY)$)=angle of climb, degrees.

10. By changing the last sentence of paragraph (b) of § C36.9 to read:

If more than one flap setting is used to show compliance with the landing requirements in the airworthiness regulations constituting the type certification basis of the airplane, one flap position less than the maximum certificated for the airplane must be used.

The FAA has not received from the Environmental Protection Agency an inflationary impact assessment for the recommended regulation set forth in this notice.

Issued in Washington, D.C., on October 21, 1976.

CHARLES R. FOSTER,
Director of Environmental Quality.

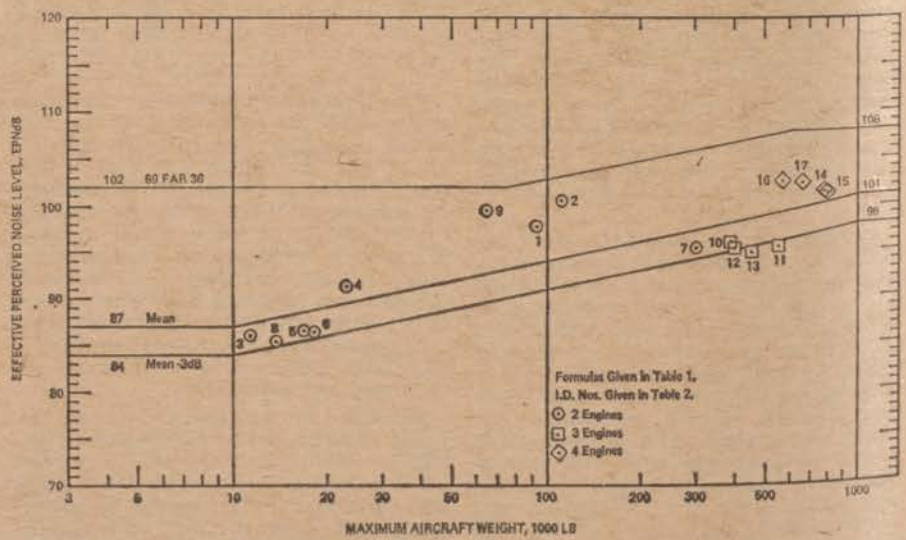


FIGURE 1. NOISE LEVELS VS WEIGHT FOR CURRENT TECHNOLOGY EXISTING AIRPLANES.
(a) SIDELINE AT 0.25 NAUTICAL MILE (463 METERS).

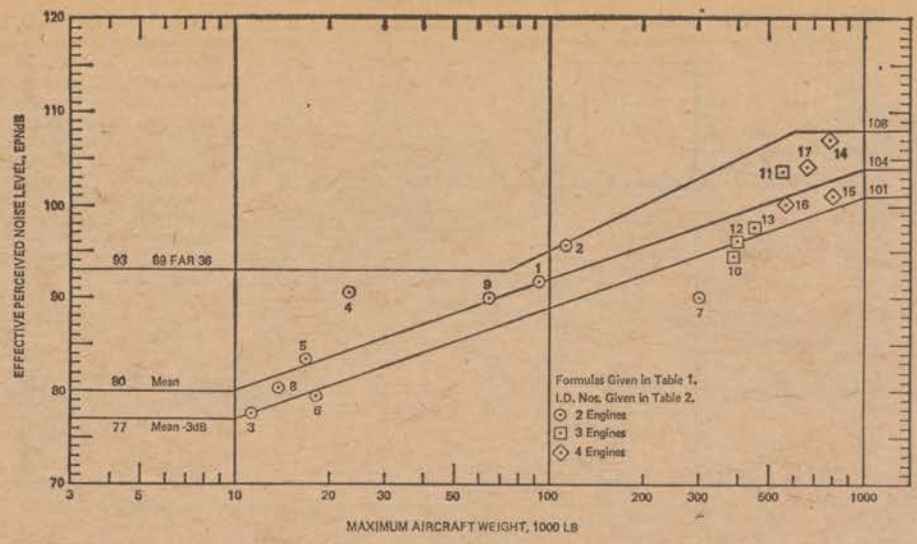


FIGURE 1. NOISE LEVELS VS WEIGHT FOR CURRENT TECHNOLOGY EXISTING AIRPLANES.
(b) TAKEOFF AT 3.5 NAUTICAL MILES (6,482 METERS).

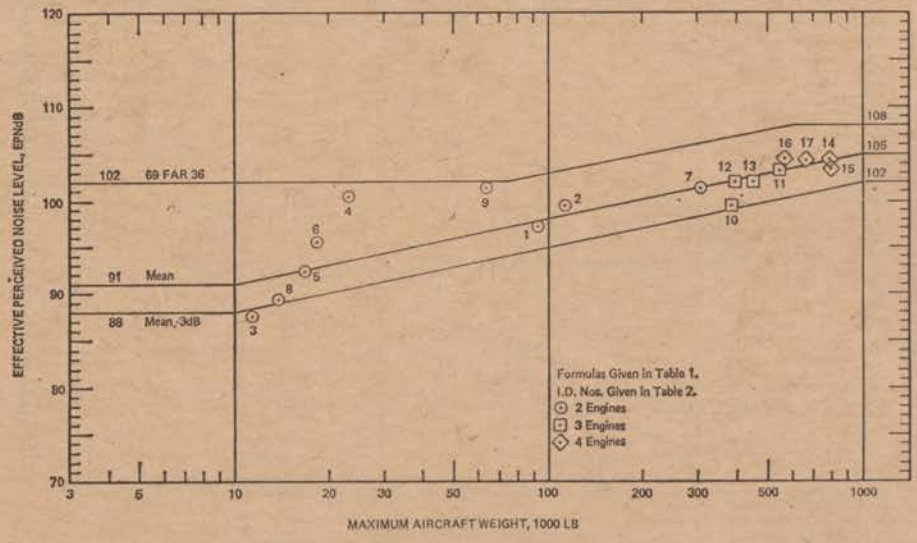


FIGURE 1. NOISE LEVELS VS WEIGHT FOR CURRENT TECHNOLOGY EXISTING AIRPLANES.
(c) APPROACH AT 1.0 NAUTICAL MILE (1,852 METERS).

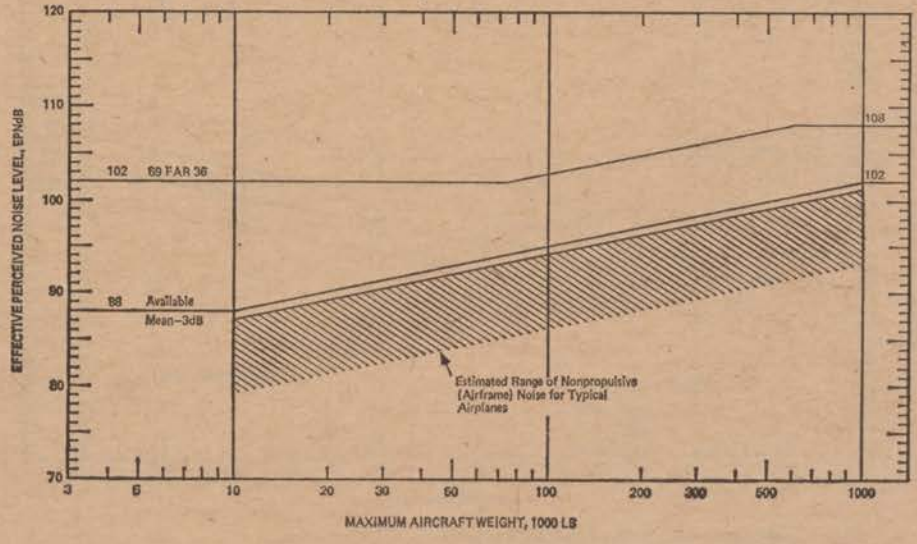


FIGURE 2. NONPROPULSIVE APPROACH NOISE FOR TYPICAL AIRPLANES.

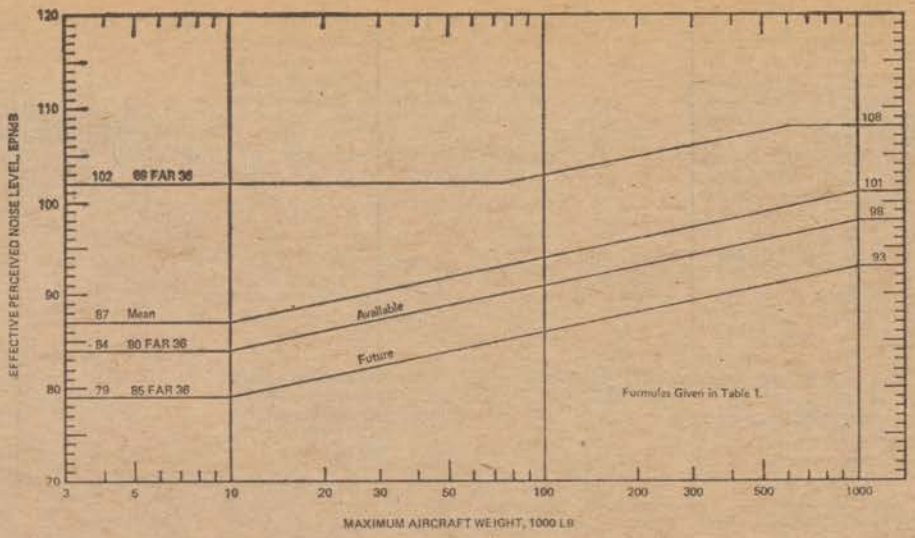


FIGURE 3. COMPLIANCE NOISE LEVELS FOR AVAILABLE AND FUTURE TECHNOLOGY AIRPLANES.
(a) SIDELINE AT 0.25 NAUTICAL MILE (463 METERS).

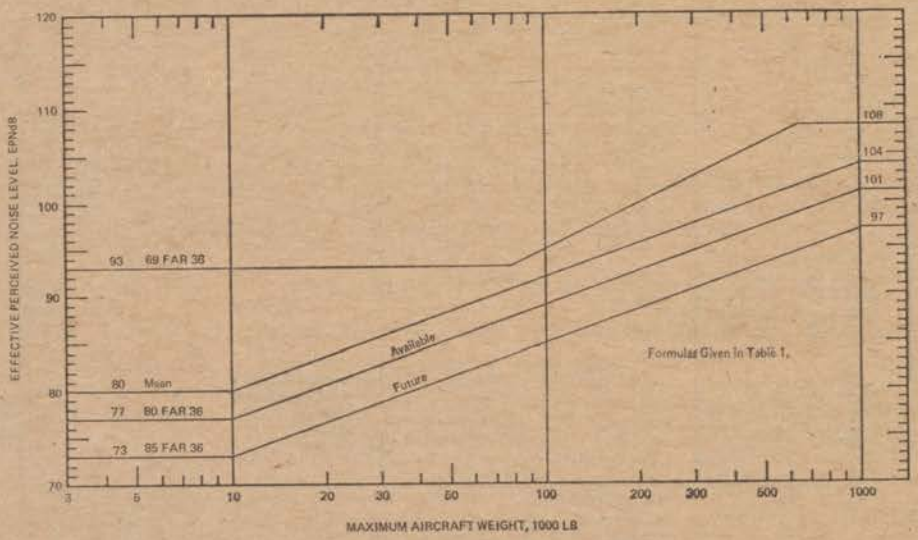


FIGURE 3. COMPLIANCE NOISE LEVELS FOR AVAILABLE AND FUTURE TECHNOLOGY AIRPLANES.
(b) TAKEOFF AT 3.5 NAUTICAL MILES (6,482 METERS).

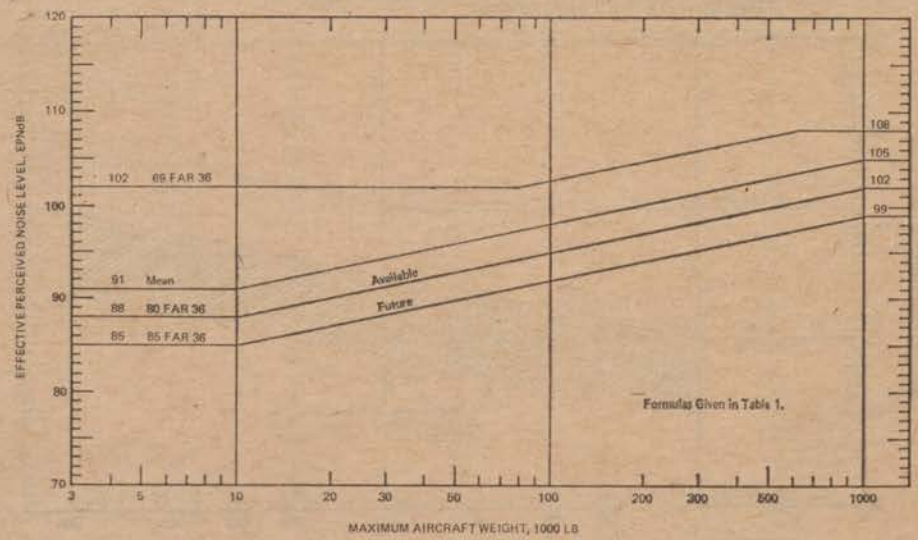


FIGURE 3. COMPLIANCE NOISE LEVELS FOR AVAILABLE AND FUTURE TECHNOLOGY AIRPLANES.
(c) APPROACH AT 1.0 NAUTICAL MILE (1,852 METERS).

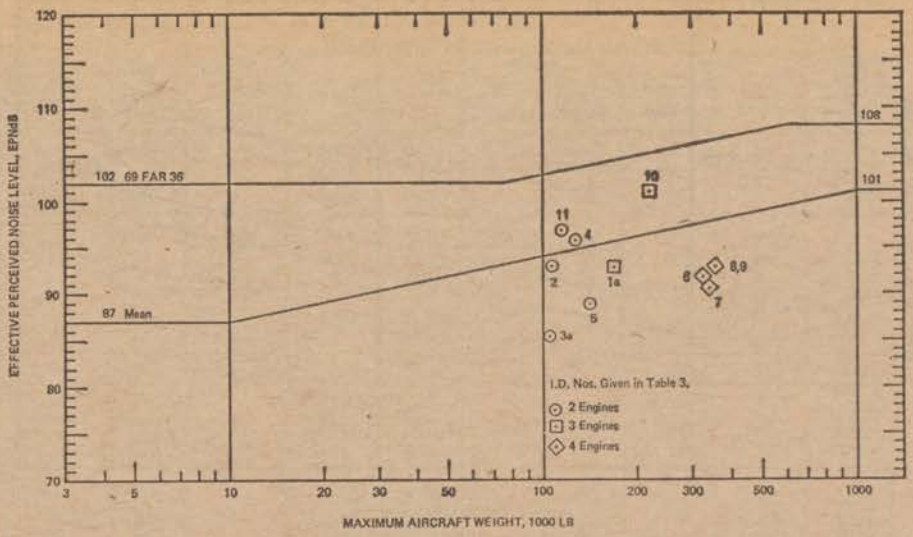


FIGURE 4. PREDICTED NOISE LEVELS FOR MAJOR ACOUSTICAL CHANGE AIRPLANES.
(a) SIDELINE.

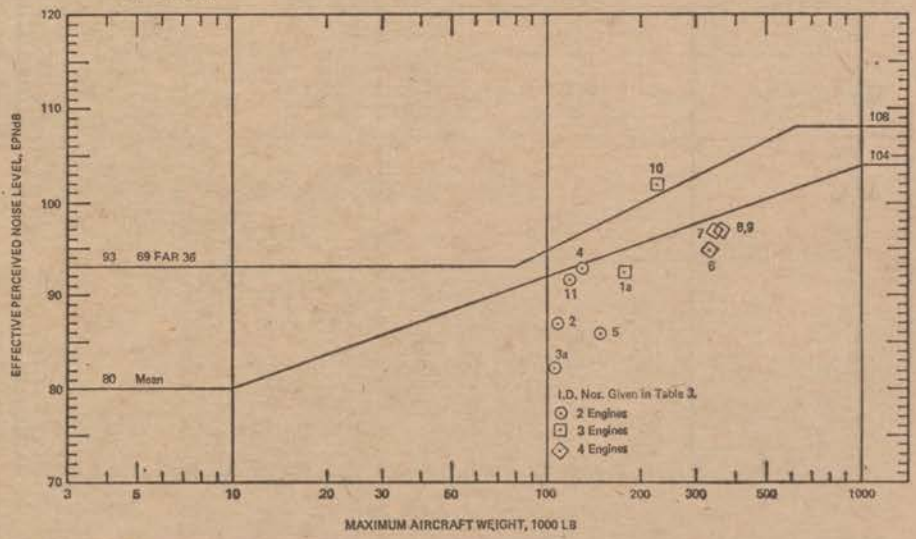


FIGURE 4. PREDICTED NOISE LEVELS FOR MAJOR ACOUSTICAL CHANGE AIRPLANES.
(b) TAKEOFF.

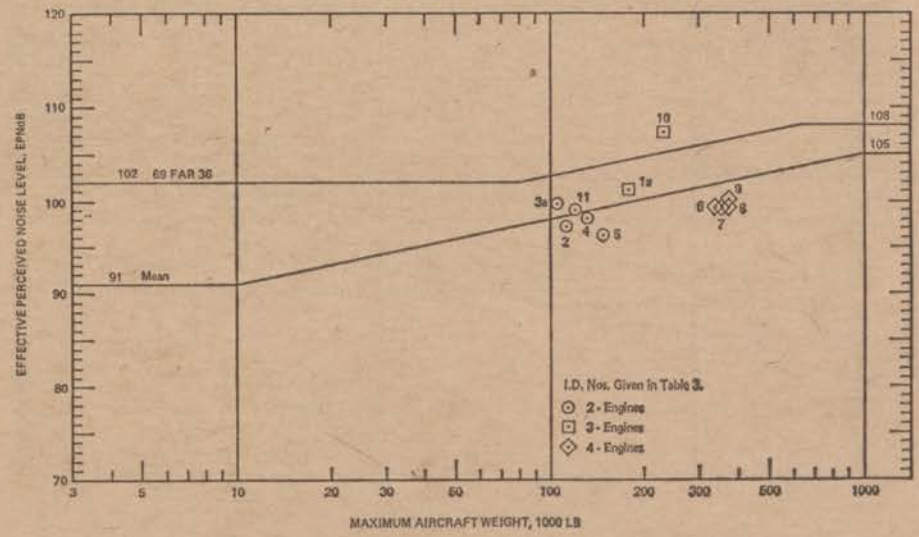


FIGURE 4. PREDICTED NOISE LEVELS FOR MAJOR ACOUSTICAL CHANGE AIRPLANES.
(c) APPROACH.

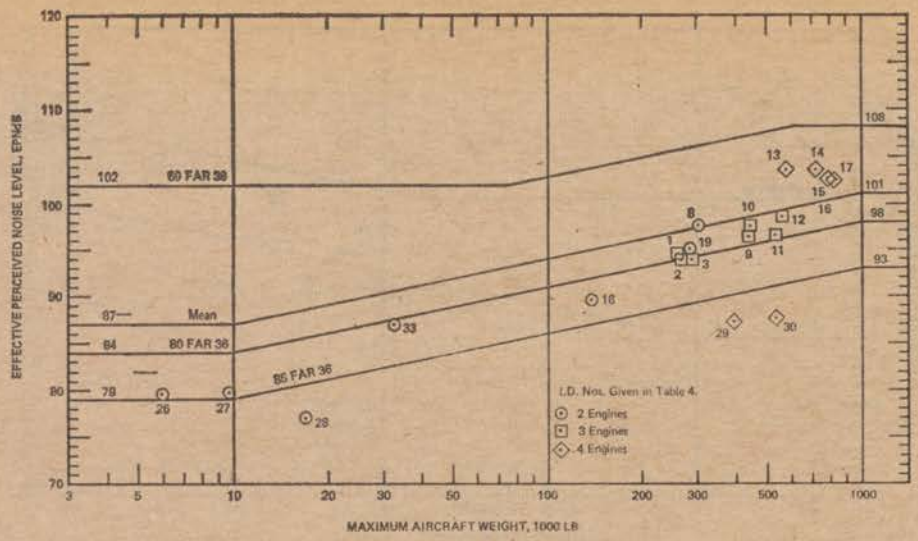


FIGURE 5. PREDICTED NOISE LEVELS FOR NEW TYPE DESIGN AIRPLANES.
(a) SIDELINE.

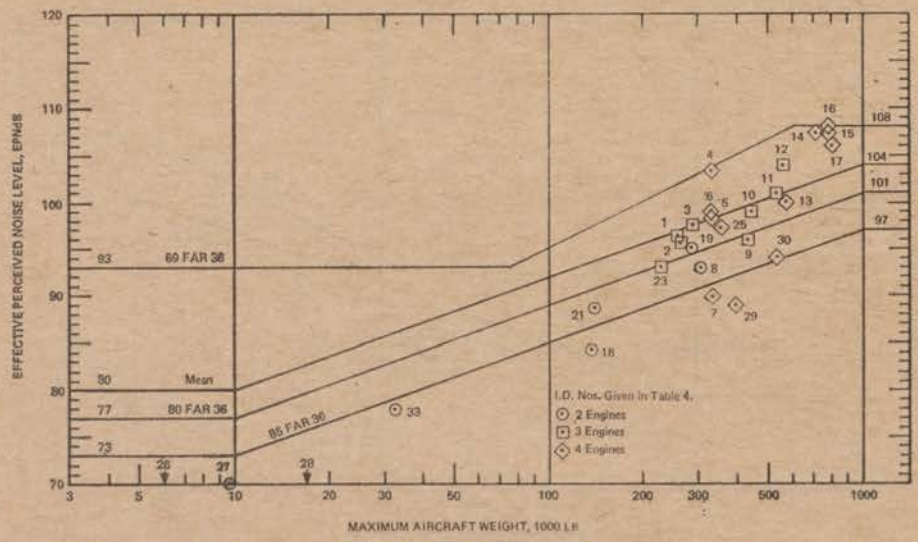


FIGURE 5. PREDICTED NOISE LEVELS FOR NEW TYPE DESIGN AIRPLANES.
(b) TAKEOFF.

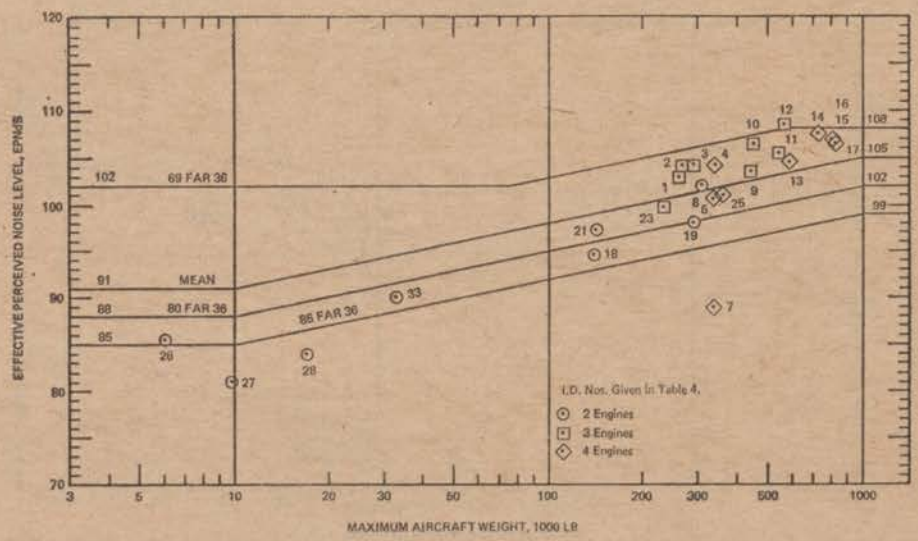


FIGURE 5. PREDICTED NOISE LEVELS FOR NEW TYPE DESIGN AIRPLANES.
(c) APPROACH.

General Formula: EPNL = A LOG(W) + B

Case	Meas. Point	No. of Engines	Constants, dB		Limits				Slope dB Per W/2
					Lower		Upper		
			A	B	W 1000 lb.	EPNL EPNdB	W 1000 lb	EPNL EPNdB	
69 FAR 36	S/L	ALL	6.644	69.611	75	102	600	108	−2.000
	T/O		16.610	12.027		93			−5.000
	APP		6.644	69.611		102			−2.000
FAA WP/39	S/L	2	6.644	60.611	75	93	850	100	−2.000
		3		60.611	212	96		100	
		4		63.611	75	96		103	
	T/O	2	13.288	21.222	89	87	850	100	−4.000
		3		24.222	89	90		103	
		4		27.222	53	90		106	
	APP	All	6.644	65.611	75	98	850	105	−2.000
ICAO WP/64	S/L	All	6.644	63.611	75	96	850	103	−2.000
	T/O		16.610	8.027		89	800	106	−5.000
	APP		6.644	65.611		98	850	105	−2.000
Mean of 17 Airplane Sample	S/L	All	7.000	59.000	10	87	1000	101	−2.107
	T/O		12.000	32.000		80		104	−3.612
	APP		7.000	63.000		91		105	−2.107
80 FAR 36 Available Technology	S/L	All	7.000	56.000	10	84	1000	98	−2.107
	T/O		12.000	29.000		77		101	−3.612
	APP		7.000	60.000		88		102	−2.107
85 FAR 36 Future Technology	S/L	All	7.000	51.000	10	79	1000	93	−2.107
	T/O		12.000	25.000		73		97	−3.612
	APP		7.000	57.000		85		99	−2.107

TABLE 1. FORMULAS FOR COMPLIANCE NOISE LEVEL CURVES.

I.D. No.	Airplane Type	Engine		Max. Wt. W KLB	Max. Thrust		T/W	Noise Level, EPNdB				Notes & Source of Data
		No.	Type		Per Eng. KLB	Tot. T KLB		S/L @ 0.25 NM	T/O @ 3.5 NM With C/B	T/O @ 3.5 NM No C/B	App @ 1.0 NM	
1	DC-9-30	2	JT8D-7A	94.0	14.0	28.0	0.298	97.8	91.7	—	97.0	(1) FAA
2	DC-9-40	2	JT8D-15	114.0	15.5	31.0	0.272	100.5	95.8	—	99.4	(1) FAA
3	Cessna 500	2	JT15D-1	11.5	2.2	4.4	0.383	86.1	—	77.7	87.7	(2) FAA
4	Sabre NA265-80	2	CF700-2D-2	23.3	4.32	8.63	0.370	91.3	—	90.7	100.2	(3) FAA
5	Learjet 35, 36	2	TFE 731-2	17.0	3.5	7.0	0.412	86.7	—	83.4	92.2	(2) FAA
6	Falcon 10	2	TFE 731-2	18.3	3.5	7.0	0.383	86.4	79.6	82.9	95.3	(4) FAA
7	Airbus A 300B	2	CF6-50A	302.0	49.0	98.0	0.325	95.3	90.2	—	101.3	(5) FAA
8	Corvette SN-601	2	JT15D-4	13.89	2.5	5.0	0.360	85.4	—	80.4	89.5	(6) FAA
9	F-28-1000	2	SPEY 555-15	65.0	9.85	19.7	0.303	99.5	90.0	—	101.2	(7) FAA
10	DC-10-10	3	DF6-6D	386.5	40.3	120.9	0.313	96.0	—	94.6	99.2	(6) FAA
11	DC-10-30	3	CF6-50A	550.0	48.4	145.2	0.264	95.7	—	103.7	103.0	(6) FAA
12	L-1011-1	3	RB 211-22C	396.0	42.0	126.0	0.318	95.2	—	96.0	101.5	(8) FAA
13	L-1011-100	3	RB 211-22B	450.0	42.0	126.0	0.280	94.9	—	97.4	101.5	(8) Lockheed
14	B-747-200B	4	JT9D-7W	785.0	47.0	188.0	0.239	101.5	—	107.0	104.0	(3) Boeing
15	B-747-200B	4	CF6-50E	800.0	52.5	210.0	0.263	101.5	101.0	107.0	103.0	(3) Boeing
16	B-747-SR	4	JT9D-7A	570.0	47.67	190.7	0.335	102.5	—	100.0	104.0	(3) Boeing
17	B-747-SP	4	JT9D-7A	660.0	47.67	190.7	0.289	102.5	—	104.0	104.0	(9) Boeing

Approach Flaps: (1) 50°, (2) 40°, (3) 25°, (4) 52°, (5) 20° Slats, (6) 35°, (7) 42°, (8) 33°, (9) 30°.

TABLE 2. NOISE LEVELS FOR CURRENT TECHNOLOGY EXISTING AIRPLANES.

I.D. No.	Airplane Type	Engine No.	Engine Type	Max. Wt. W KLB	Max. Thrust Per Eng. KLB	Max. Thrust Tot. T KLB	T/W	Noise Level, EPNdB S/L @ 0.25 NM	T/O @ 3.5 NM With C/B	T/O @ 3.5 NM No C/B	App @ 1.0 NM	Notes & Source of Data
1a	B-727-200	3	JT8D-109	172.5	16.6	49.8	0.289	92.8	92.4	98.9	100.9	(1) NASA
1b	B-727-200	3	JT8D-109	172.5	16.6	49.8	0.289	92.8	92.4	98.9	102.5	(2) NASA
2	DC-9-32	2	JT8D-109	108.0	16.6	33.2	0.307	93.0	87.0	93.0	97.8	(3) NASA
3a	B-737-200	2	JT8D-109	103.0	16.6	33.2	0.322	85.7	82.5	84.0	99.5	(1) NASA
3b	B-737-200	2	JT8D-109	103.0	16.6	33.2	0.322	85.7	82.5	84.0	100.8	(2) NASA
4	DC-9	2	JT8D-209	127.0	18.0	36.0	0.283	96.0	93.0	99.0	98.0	Douglas
5	DC-9	2	CFM56/JT10D	142.0	--	--	--	89.	86.0	91.0	96.0	Noise Levels
6	DC-8-61	4	CFM56/JT10D	325.0	--	--	--	92.0	95.0	98.0	99.0	± 3 dB and
7	DC-8-62	4	CFM56/JT10D	335.0	--	--	--	91.0	97.0	98.0	99.0	Max. App.
8	DC-8-63	4	CFM56/JT10D	355.0	--	--	--	93.0	97.0	100.0	99.0	Flaps
9	DC-8-63F	4	CFM56/JT10D	365.0	--	--	--	93.0	97.0	100.0	100.0	
10	B-727-300B	3	JT8D-217	222.0	19.0	57.0	0.257	101.0	102.0	--	107.0	Boeing
11	BAC-111-700	2	Spey 604-14	117.0	16.9	33.8	0.289	97.0	92.0	--	99.0	BAC

Approach Flaps: (1) 30°, (2) 40°, (3) 50°

TABLE 3. PREDICTED NOISE LEVELS FOR MAJOR ACOUSTICAL CHANGE AIRPLANES.

I.D. No.	Airplane Type	Engine No.	Engine Type	Max. Wt. W KLB	Max. Thrust Per Eng. KLB	Max. Thrust Tot. T KLB	T/W	Noise Level, EPNdB S/L @ 0.25 NM	T/O @ 3.5 NM With C/B	T/O @ 3.5 NM No C/B	App @ 1.0 NM	Notes & Source of Data
1	B-7x7	3	CFM56/JT10D	255.0	--	--	--	94.5	--	96.5	102.9	(1) Boeing
2	B-7x7	3	CFM56/JT10D	263.0	--	--	--	93.9	--	95.7	104.1	(1) "
3	B-7x7	3	CFM56/JT10D	285.0	--	--	--	93.9	--	97.7	104.1	(1) "
4	Narrow Body	4	Quiet Eng. A	330.0	--	--	--	--	--	103.3	104.1	(1) (2) "
5	Narrow Body	4	Quiet Eng. A	330.0	--	--	--	--	--	98.2	100.6	(1) (3) (4) "
6	Narrow Body	4	Quiet Eng. A	330.0	--	--	--	--	--	98.9	--	(1) (3) (5) "
7	Narrow Body	4	Quiet Eng. A	330.0	--	--	--	--	--	90.0	89.0	(3) (6) "
8	New Type Design	2	CF6	302.0	--	--	--	97.5	--	93.0	102.0	(1) "
9	New Type Design	3	RB-211	430.0	--	--	--	96.5	--	96.0	103.5	(1) "
10	New Type Design	3	CF6	440.0	--	--	--	97.5	--	99.0	106.5	(1) "
11	New Type Design	3	JT9D	530.0	--	--	--	96.5	--	101.0	105.5	(1) "
12	New Type Design	3	CF6	555.0	--	--	--	98.5	--	104.0	108.5	(1) "
13	New Type Design	4	JT9D	570.0	--	--	--	103.5	--	100.0	104.5	(1) "
14	New Type Design	4	JT9D	710.0	--	--	--	103.5	--	107.2	107.6	(1) "
15	New Type Design	4	JT9D Wet	775.0	--	--	--	102.5	--	107.2	106.9	(1) "
16	New Type Design	4	JT9D Dry	775.0	--	--	--	102.5	--	108.0	106.9	(1) "
17	New Type Design	4	CF6	800.0	--	--	--	102.5	--	106.1	106.5	(1) "
18	BAC-111-800	2	CFM56	137.0	22.0	44.0	0.321	99.7	84.4	--	94.7	(1) BAC
19	DC-X-200	2	CF6-50C	283.0	51.0	102.0	0.360	95.0	--	95.0	98.0	(1) AW&ST

(1) Max. App. Flaps: (2) Peripheral Sam: (3) Inlet & Exhaust Sam Ring: (4) Boeing Nacelles: (5) GE Nacelles: (6) NASA Original Goal:

TABLE 4. PREDICTED NOISE LEVELS FOR NEW TYPE DESIGN AIRPLANES.
(a) I.D. NOS. 1 THRU 19

I.D. No.	Airplane Type	Engine No.	Engine Type	Max. Wt. W KLB	Max. Thrust Per Eng. KLB	Max. Thrust Tot. T KLB	T/W	Noise Level, EPNdB S/L @0.25 NM	Noise Level, EPNdB T/O @ 3.5 NM With C/B	Noise Level, EPNdB T/O @ 3.5 NM No C/B	Noise Level, EPNdB App @1.0 NM	Notes & Source of Data
20	Twin-Jet	2	CFM56	140.0	22.0	44.0	0.314	—	—	89.75	98.75	(1) GE Co.
21	Twin-Jet	2	CFM56	140.0	22.0	44.0	0.314	—	—	88.75	97.25	(2) "
22	Tri-Jet	3	CFM56	230.0	22.0	66.0	0.287	—	—	94.75	101.50	(1) "
23	Tri-Jet	3	CFM56	230.0	22.0	66.0	0.287	—	—	93.00	99.75	(2) "
24	Quad-Jet	4	CFM56	355.0	22.0	88.0	0.248	—	—	98.75	102.25	(1) "
25	Quad-Jet	4	CFM56	355.0	22.0	88.0	0.248	—	—	97.25	101.00	(2) "
26	G.A. Twin-Jet	2	QCGAT	6.0	1.290	2.58	0.430	79.5	—	68.5	85.5	NASA
27	G.A. Twin-Jet	2	QCGAT	9.8	2.224	4.45	0.454	79.5	—	70.0	81.0	
28	G.A. Twin-Jet	2	QCGAT	17.0	4.369	8.74	0.514	77.0	—	69.0	84.0	
29	LH2 Subsonic	4	Liq. Hydrogen	391.7	28.70	114.80	0.293	87.2	—	89.2	—	ICAO Bulletin
30	Jet A Subsonic	4	Fossil-Fuel	532.2	32.69	130.78	0.246	87.8	—	94.2	—	
31	LH2 Supersonic	4	Liq. Hydrogen	368.0	46.01	184.04	0.500	105.9	—	104.3	—	
32	Jet A Supersonic	4	Fossil-Fuel	750.0	89.51	358.04	0.477	108.0	—	108.0	—	
33	Lear Star 600	2	Lycoming ALF502	32.5	7.50	15.00	0.460	87.0	78.0	—	90.0	AW&ST

(1) Short Duct; (2) Long Duct

TABLE 4. PREDICTED NOISE LEVELS FOR NEW TYPE DESIGN AIRPLANES. (b) I.D. NOS. 20 THRU 33

[FR Doc.76-31464 Filed 10-27-76;8:45 am]

[14 CFR Part 36]

[Docket No. 15131; Notice No. 75-37C]

NOISE STANDARDS; AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION

Proposed Alternative Noise Reduction Stages and Acoustical Change Requirements for Subsonic Transport Category Large Airplanes, for Subsonic Turbojet Powered Airplanes, and for Single Engine Transport Category Airplanes

On November 5, 1975, the Federal Aviation Administration published Notice No. 75-37 (40 FR 51476) which proposed to amend Part 36 of the Federal Aviation Regulations (14 CFR Part 36) to provide for three stages of noise reduction, to require applications for new type certificates to comply with reduced noise limits, and to increase the stringency of acoustical change requirements for airplanes that comply with current Appendix C noise limits, as applied to subsonic transport category large airplanes and to subsonic turbojet powered airplanes. Subsequently, the FAA published a supplemental notice of proposed rule making, Notice 75-37B (41 FR 5641; February 2, 1976), which proposed to apply the proposals contained in Notice 75-37 to single engine airplanes in the transport category, regardless of engine type.

The purpose of this further supplemental notice of proposed rule making is to propose alternative noise limits to those proposed in Notices 75-37 and 75-37B, that are generally more restrictive than those previously proposed. However, this notice does not withdraw from further consideration or possible adoption those noise limits contained in Notices 75-37 or 75-37B. Since the FAA may adopt amendments based on the proposals contained in Notices 75-37 and 75-37B, in this notice, in any future notice, or in some combination of them, comments concerning each proposal are invited. Since the same regulatory docket will be used for these proposals, to facilitate identification of which proposed rule is being addressed, commentors should identify the proposal contained in this notice as "the alternative (ICAO) noise limits" or a similar identifying reference. The FAA also notes that this supplemental notice affects many of the same sections and paragraphs involved in Notices 75-37 and 75-37B. While the retention of the CFR unit designations is necessary to identify those units affected and to facilitate comparisons of the provisions in submitting comments, commenters are alerted to the potential for confusing the "original" proposed rule (Notices 75-37 and 75-37B) and the "alternative" proposed rule in this notice (Notice 75-37C) in comment discussions.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. Comments on the overall environmental aspects of the proposed rule are specifically invited. Information on the economic impact that might result because of the adoption of the proposed rule is also requested. All communications received by the FAA on or before February 28, 1977, will be considered by the Administrator before taking actions on the proposed rule. The proposals contained in this notice may be changed in the light of the comments received. All comments will be available, both before and after the closing date for comments, in the FAA Rules Docket for examination by interested persons.

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2, which describes the application procedure.

The major impetus for this supplemental notice comes from the participation of the United States Government in the International Civil Aviation Organization (ICAO). Annex 16 of the ICAO convention, like FAR Part 36, prescribes maximum noise levels measured at certain specified measuring points. Meeting in Montreal, during January and February, 1975, the Committee on Aircraft Noise (CAN) of ICAO reinstated its Working Group D (WG/D) and requested it to draft modifications to Annex 16. After three meetings, having received the benefits of technical studies carried out by a number of subgroups and individual members, WG/D recommended a comprehensive amendment to Annex 16. That recommended amendment forms the basis for the amendments proposed in this supplemental notice.

While a 120-day comment period is provided in this notice, the CAN Committee of ICAO is scheduled to meet on November 15, 1976; those comments received in the Rules Docket before that meeting will be reviewed in developing positions to be taken by FAA representatives at that meeting.

Due to the international nature of the aviation industry and the importance to the United States economy of that industry, the Federal Aviation Administration has always sought to fairly and equitably standardize national and international aircraft specifications, including environmental standards, such as noise. However, the FAA is also constrained by statutory and policy guidelines in its promulgation of environmental rules. Further, under recently adopted Department of Transportation policies to improve analysis and review of regulations, the FAA is required to evaluate the cost to the private sector, to consumers, and to Federal, State, and local governments of each proposed regulation.

Therefore, in order that potentially affected parties will have an opportunity to comment on the proposed amendment to FAR Part 36, the FAA invites public comment on this supplemental proposal to Notice 75-37. Specific comments are sought on the costs and benefits of this proposal and, where appropriate, on comparisons with the current provision of Part 36, or with the original noise limit proposals contained in Notice 75-37, as modified by Notice 75-37B.

Description of the proposed rule/evaluation of anticipated impacts. Most of

the "alternative noise limits" proposals involve differences in the permissible noise level limits for new and derived aircraft types. Specifically, the separate sideline noise limits for one, two, three, and four-engine airplanes proposed in Notice 75–37 would be replaced by a single limit. The separate takeoff limits would be retained but in a somewhat modified form, while the approach noise limit would be significantly modified only in the upper weight ranges.

The most substantial change being proposed concerns the noise limits for derived versions of aircraft that are already certificated. Aircraft currently certificated for noise using engines with bypass ratios of 2 or less would be allowed to grow up to the present (Stage 2) noise level limits, while those with engines have bypass ratios greater than 2 would be allowed growth up to 3 EPNdB above the proposed Stage 3 limits, provided they do not exceed the Stage 2 limits. Growth versions of aircraft types certificated to Stage 3 limits (those new aircraft types for which applications were made more than six months after the publication of this notice) would only be allowed growth up to the Stage 3 limits.

While the proposed amendment to ICAO Annex 16 does not prescribe noise standards for single engine airplanes, the FAA proposes to make the standards proposed for two-engine airplanes also applicable to single-engine airplanes, regardless of engine category.

In addition, this notice proposes several amendments to the noise test procedure, including measurement distances, engine cutback altitudes, and cutback power or thrust, which, if adopted, would being FAR Part 36 into greater conformity with the proposed ICAO Annex 16 provisions.

The anticipated impacts of the proposals contained in this supplemental notice has been assessed and evaluated to the extent practicable. With respect to current aircraft designs, any increase in fuel consumption and emissions should be significant only on an individual aircraft basis and will exist only in comparison with unsuppressed versions of the quieter aircraft. Compared with present-day design, it is expected that the aircraft covered by the originally proposed rule, and by the alternative proposal contained in this supplement notice will achieve significant improvements in both fuel economy and emissions levels. Thus, if adopted, the proposals in this supplemental notice would neither significantly increase fuel usage on a fleetwide basis nor decrease engine efficiency. Therefore, the FAA believes that the proposals contained in this supplemental notice would not have significant impact on energy use.

In reviewing the anticipated environmental and resultant economic impacts of the proposed rule, a comparison was made of the proposed noise level limits with measured noise levels for aircraft certificated under the current FAR Part 36 which was adopted in December, 1969. This comparison revealed that most entry-into-service versions of two three, and four engine aircraft that are using currently available engines and currently available technology in the design and construction of engine installations and sound attenuation devices already meet the proposed levels. Analyses prepared by members of the ICAC Committee on Aircraft Noise, Working Group B, show that the proposed limits are necessary to preserve those environmental benefits already achieved. However, to accomplish that purpose, the proposal does place some limitations upon the growth of aircraft types. Thus, some economic or inflationary impact may be incurred by some manufacturers.

In order to assess and evaluate the significance of these potential impacts, the FAA reviewed the non-proprietary cost information and data available to it. Further, it solicited additional data from manufacturers of aircraft and aircraft engines. Upon analysis of this information, the FAA believes that the economic/technological factors affecting the decision whether or not to develop and market a derivative aircraft vary considerably from manufacturer to manufacturer and even from aircraft type to aircraft type. Although the economic bases for such decisions are treated with the utmost proprietary caution by the manufacturers, the FAA believes that sufficient data are available to it which indicate that the proposed limits upon growth or derivative aircraft will not seriously inhibit their development or introduction into service.

Therefore, based on currently available data, the FAA believes that the proposal in this supplemental notice will not significantly increase costs to the private sector, to consumers, or to the Federal, state, or local governments; however, the FAA continues to solicit current and appropriate cost data. All available data will be carefully reviewed prior to any future final rule-making action on this and related, or alternately, proposals.

This amendment is proposed under the authority of sections 313(a), 601(a), 603, and 611(b) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423, and 1431(b)); section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.); and Executive Order 11514, March 5, 1970.

In consideration of the foregoing, as an alternative to adopting the amendments proposed in Notices 75–37 and 75–37B, the Federal Aviation Administration proposes to amend Part 36 of the Federal Aviation Regulations (14 CFR Part 36) as follows:

A. Subpart A

1. Paragraph (a)(2) of § 36.7 would be revised to read as follows:

§ 36.7 Acoustical change.

(a) * * *

(2) If the airplane is a Stage 2 airplane prior to the change in type design, the following apply:

(i) For airplanes for which application for an acoustical change approval is made before (the date of the publication of this notice), the airplane may not be a Stage 1 airplane after the change in type design, and compliance must be shown using the applicable power or thrust, speed, and configuration prescribed in Appendix C of this part.

(ii) For airplanes whose engines have bypass ratio of 2 or less and for which application for an acoustical change approval is made on or after (the date the publication of this notice), the takeoff, sideline, and approach noise levels of the airplane may not exceed the applicable Stage 2 noise limit. Compliance must be shown with noise levels measured and evaluated as prescribed in Appendices A and B of this part, and using the applicable power or thrust, speed, and configuration prescribed in Appendix C of this part.

(iii) For airplanes whose engines have bypass ratios greater than 2 and for which application for an acoustical change approval is made on or after (the date of the publication of this notice), the takeoff, sideline, and approach noise levels of the airplane may not exceed the applicable Stage 3 noise limit by more than 3 EPNdB, or the applicable Stage 2 noise limit, whichever is lower. Compliance must be shown with noise levels measured and evaluated as prescribed in Appendices A and B of this part. In addition, compliance with paragraphs (a)(1)(i) through (iii) of this section must be shown in determining the takeoff and sideline noise levels. The applicable power or thrust, speed, and configuration prescribed in Appendix C of this part must be used in determining the approach noise level.

B. Appendix C

Appendix C [Amended]

1. Section C 36.3 would be amended as follows:

a. In paragraph (a), by deleting the takeoff noise measuring-point distance "3.5 nautical miles" (21,280 feet) and substituting for it the distance "21,325 feet (6,500 meters)";

b. In paragraph (b), by deleting the approach noise measuring-point distance "1 nautical mile" (6,080 feet) and substituting for it the distance "6,562 feet (2,000 meters)", and

c. In paragraph (c), by deleting the sideline noise measuring-point distance "0.25 nautical miles" (1,520 feet) and substituting for it the distance "1,476 feet (450 meters)."

2. Paragraph (a)(2) of § C36.5 would be revised to read:

Section C36.5 Noise levels—(a) * * *

(2) Stage 3 noise limits are as follows:

(i) For approach, 105 EPNdB for maximum weights of 617,300 pounds (280,000 kg) or more, reduced by 2.33 EPdB per halving of the 617,300 pounds weight down to 98 EPNdB for maximum weights of 77,200 pounds (35,000 kg) and less.

(ii) For sideline, 103 EPNdB for maximum weights of 882,000 pounds (400,000 kg)

or more, reduced by 2.56 EPNdB per halving of the 882,000 pounds weight down to 94 EPNdB for maximum weights of 77,200 pounds (35,000 kg) and less.

(iii) For takeoff for airplanes with 4 engines, 106 EPNdB for maximum weights of 850,000 pounds (385,000 kg) or more, reduced by 4 EPNdB per halving of the 850,000 pounds weight down to 89 EPNdB for maximum weight of 44,673 pounds (20,263 kg) and less.

(iv) For takeoff for airplanes with 3 engines, 104 EPNdB for maximum weights of 850,000 pounds (385,000 kg) or more, reduced by 4 EPNdB per halving of the 850,000 pounds weight down to 89 EPNdB for maximum weights of 63,177 pounds (28,657 kg) and less.

(v) For takeoff for airplanes with 1 or 2 engines, 101 EPNdB for maximum weights of 850,000 pounds (385,000 kg) or more, reduced by 4 EPNdB per halving of the 850,000 pounds weight down to 89 EPNdB for maximum weights of 106,250 pounds (48,194 kg) and less.

3. Paragraph (b) and (c) of § C36.7 would be revised to read as follows:

Section 36.7 *Takeoff test conditions.* * * *

(b) Takeoff power or thrust must be used from the start of takeoff roll to the point where the aircraft reaches at least the following altitude:

(i) For one or two-engine powered aircraft, 984 feet (300 meters).

(ii) For three-engine powered aircraft, 853 feet (260 meters).

(iii) For four-engine powered aircraft, 689 feet (210 meters).

(c) Upon reaching the altitude specified in paragraph (b) of this section, the power or thrust may not be reduced below that power or thrust that will provide level flight with one engine inoperative or a four percent gradient, whichever is greater.

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an inflation Impact Statement under Executive Order 11821 and OMB Circular A–102.

Issued in Washington, D.C., on October 21, 1976.

CHARLES R. FOSTER,
Director of
Environmental Quality.

[FR Doc.76–31463 Filed 10–27–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 16231; Reference Notice No. 76-22]

NOISE LEVELS FOR TURBOJET POWERED AIRPLANES AND FOR TRANSPORT CATEGORY LARGE AIRPLANES

Public Hearing

The Federal Aviation Administration will hold a public hearing December 14, 1976, on proposed amendments to the Federal Aviation Regulations (14 CFR Chapter I) submitted to the FAA by the Environmental Protection Agency (EPA) under Section 611(c)(1) of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972 (Pub. L. 92-574). This hearing will afford interested persons the opportunity to present views, data, and arguments regarding the substance and issues raised in the proposals contained in Notice 76-22 "Noise Levels for Turbojet Powered Airplanes and for Transport Category Large Airplanes" (published elsewhere in Part II of this issue of the FEDERAL REGISTER).

The hearing will be conducted in the Auditorium on the 3rd Floor of the Federal Administration Building, 800 Independence Avenue, SW., Washington, D.C., convening at 9:00 a.m. In the event that response to this notice exceeds the time allotted to the hearing, it will be continued at 9:00 a.m., December 15, 1976, in the FAA Auditorium.

The hearings will be informal in nature and will be conducted by a designated representative of the Administrator under 14 CFR 11.33. At the hearing, FAA spokesmen will make a brief opening statement regarding the proposals contained in the notice. Since the hearings will not be evidentiary or judicial in nature, there will be no cross-examination or other adjudicatory procedure applied to the presentations. However, interested persons wishing to make rebuttal statements will be given an opportunity to do so at the conclusion of the presentations in the same order in which initial statements are made.

Interested persons are invited to attend the hearings and to participate by making oral or written statements concerning the respective proposals. Written statements should be submitted in duplicate and will be made a part of the regulatory docket. Persons wishing to make oral statements at the hearings must notify the FAA that they desire to be heard, and indicate the amount of time requested for their initial statements. Presentations will be scheduled on a first-come-first-served basis, as time may permit. Requests to be heard should be addressed: "Public Hearing on Notice No. 76-22, Attention: Technical and Regulatory Division (AEQ-200), Office of Environmental Quality, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591;" or telephone: (202) 425-9468.

In addition to material presented for the purpose of the hearings, persons not participating in the hearings are invited to submit relevant written comments to the regulatory docket established for the notice of proposed rule making. As stated in the notice, such written comments should identify the notice or docket number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. The closing date for submitting written comments is February 28, 1977. All comments will be available for examination in the FAA Rules Docket both before and after the closing date for comments.

Notice No. 76-22 was issued by the FAA in accordance with section 611(c)(1) of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972 (Pub. L. 92-574). The notice contains recommended regulations submitted to the FAA by EPA to provide such control and abatement of aircraft noise as EPA determines is necessary to protect the public health and welfare. The notice presents EPA's analysis of the background of the respective proposals and contains the material that is the subject of the public hearings. While all relevant comments are of interest, the FAA specifically invites relevant statements or comments concerning the following:

(a) Available data relating to aircraft noise, including the results of research, development, testing, and related evaluation activities.

(b) The views and positions of other Federal, State, and interstate agencies.

(c) Whether the proposed regulations would be consistent with the highest degree of safety in air commerce and air transportation in the public interest.

(d) Whether the proposed regulations would be—

(1) economically reasonable;

(2) technologically practicable; and

(3) appropriate for the particular types of aircraft, aircraft engines, appliances, or certificates to which they would apply.

(e) The extent to which the proposed regulations would contribute to providing protection to the public health and welfare by carrying out the purposes of section 611 of the Federal Aviation Act of 1958, as amended.

(f) The overall environmental impacts of the proposed regulations (including environmental factors other than noise).

(g) The economic (inflationary) impact that might result because of adoption of the proposed rules.

Before taking further action under section 611(c) of the Federal Aviation Act of 1958, the FAA will consider all statements presented at the hearings and all written statements and comments submitted to the regulatory docket. The specific terms and substance of proposals contained in the notice may be changed in the light of those statements and comments presented.

Transcripts of the hearings will be made and anyone may purchase copies from the reporter. A transcript of each hearing will be available for examination in the Rules Docket.

(Secs. 313(a), 601, 603 and 611(c) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1421 and 1431(c)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 44 U.S.C. 1508.)

CHARLES R. FOSTER,
Director of Environmental Quality.

[FR Doc.76-31465 Filed 10-27-76;8:45 am]

federal register

THURSDAY, OCTOBER 28, 1976



PART III:

FEDERAL ENERGY ADMINISTRATION

■

DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Entitlement Notice for August 1976

FEDERAL ENERGY ADMINISTRATION

DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Entitlement Notice for August 1976

In accordance with the provisions of 10 CFR 211.67 relating to FEA's domestic crude oil allocation program the monthly notice specified in § 211.67(i) is hereby published.

Based on reports submitted to FEA by refiners and other firms as to crude oil receipts, crude oil runs to stills and eligible product imports for August 1976, imported naphtha utilized as a petrochemical feedstock in Puerto Rico, application of the entitlement adjustment for residual fuel oil production for sale in the East Coast market provided in § 211.67(d)(4), and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for August 1976 is calculated to be .318713.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of August 1976, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .181973 of a barrel of deemed old oil.

The issuance of entitlements for the month of August 1976 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner and other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR 211.67(i)(4), FEA hereby fixes the price at which entitlements shall be sold and purchased for the month of August 1976 at $8.02, which is the exact differential as reported for the month of August between the weighted average per barrel costs to refiners of old oil and of imported crude oil, less the sum of 21 cents.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of August 1976 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of August 1976 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of August 1976 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months September 1975 through July 1976 pursuant to 10 CFR 211.67(j)(1).

Pursuant to § 211.67(j)(2), corrections for reporting errors for months prior to September 1975 are reflected in this entitlement notice for August 1976 and will be reflected in entitlement notices throuh the notice for February 1977. The total dollar amounts of the special corrections set forth in the revised special correction notice issued on September 21, 1976 have been divided into eight substantially equal installments for reflection in each firm's entitlement position for each of the months July 1976 through February 1977, based on the particular month's entitlements price. The entitlements required to be purchased or sold for August 1976 under these procedures are shown in a separate column in the listing.

The listing of refiners' old oil recepits contained in the Appendix reflects any adjustments made by FEA pursuant to § 211.67(h).

The listing contained in the Appendix identifies in a separate column additional entitlements issued to refiners pursuant to relief granted by FEA's Office of Exceptions and Appeals.

For purposes of the adjustments to refiners' crude run volumes under § 211.67(d)(4), total production of residual fuel oil for sale in the East Coast market (in excess of the first 5,000 barrels per day thereof for each refiner reporting such production) was 11,830,067 barrels for August 1976. For that month, imports of residual fuel oil eligible for entitlement issuances totaled 29,916,495 barrels.

The total number of entitlements required to be purchased and sold under this notice is 24,617,573.

Payment for entitlements required to be purchased under 10 CFR 211.67(b) for August 1976 must be made by October 31, 1976.

On or prior to November 10, 1976, each firm which is required to purchase or sell entitlements for the month of August 1976 shall file with FEA the monthly transaction report specified in 10 CFR 211.66(i) certifying its purchases and sales of entitlements for the month of August. FEA has mailed the monthly transaction report forms for the month of August to reporting firms. FEA requests that firms which have been unable to locate other firms for required entitlement transactions by October 29, 1976 contact FEA at 202-254-6296 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to October 31, 1976, FEA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67(k).

This notice is issued pursuant to Subpart G of FEA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with FEA's Office of Exceptions and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before November 29, 1976.

Issued in Washington, D.C., on October 20, 1976.

MICHAEL F. BUTLER,
General Counsel.

APPENDIX.—*Entitlements for domestic crude oil*

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position					
		Total issued	Exceptions and appeals	Product entitlements	10-mo. clean-up	Required to buy	Required to sell
A-Johnson	0	136,356	0	16,812	−5,897	0	136,350
Agway	0	−22	0	0	−22	22	6
Allied	$42,952	158,775	0	0	−65	0	115,820
Amer-Petrofina	1,521,387	1,621,747	0	0	60,347	0	100,363
Amerada-Hess	2,572,606	4,729,772	0	236-389	−29,289	0	2,157,166
Amoco	12,941,514	10,005,269	0	7,908	−16,517	2,936,245	0
Apco	507,538	555,641	0	0	−1,335	0	48,103
Apex	0	−8	0	0	−8	8	0
Arco	7,345,422	6,443,886	0	0	−139,031	901,536	0
Arizona	25,781	29,663	11,617	0	338	0	3,882
Asamera	119,153	227,361	0	0	258	0	108,208
Ashland	1,675,881	3,583,174	0	0	−23,019	0	1,907,293
Asiatic	0	197,861	0	200,689	−2,828	0	197,861
Atlantic-Cement	0	192	0	0	192	0	192
Augsbury	0	4,230	0	4,234	−4	0	4,230
Bayou	36,998	38,844	0	0	56	0	1,846
Beacon	260,106	255,008	65,384	0	−5,098	5,098	0
Belcher	0	203,454	0	203,919	−465	0	203,454
Blue-ridge	0	−301	0	0	−301	301	2
C. & H	443	885	0	0	−12	0	440
Calumet	21,414	16,363	0	0	−207	5,051	0

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position				
		Total issued	Exceptions and appeals	Product entitlements	10-mo. clean-up	Required to buy	Required to sell
Canal	69,064	65,630	0	0	−1,322	3,434	0
Caribou	92,498	128,891	0	0	101	0	36,393
Castle	0	28,610	0	28,868	−258	0	28,610
Central	0	−184	0	0	−184	184	0
CF-Petroleum	0	852,666	0	0	0	0	852,666
Champlin	2,260,518	1,301,300	0	0	12,499	959,218	0
Charter	805,163	756,151	28,132	0	12,076	49,012	0
Cirillo	0	−1,006	0	0	−1,006	1,006	0
Citgo	4,264,997	2,722,686	0	0	−4,105	1,542,311	0
Claiborne	8,706	33,843	0	0	17,315	0	25,137
Clark	458,457	1,038,849	0	0	−2,352	0	580,392
Coastal	394,929	1,621,109	0	0	26,160	0	1,226,180
Colonial	0	49,353	0	49,723	−370	0	49,353
Con-Ed	0	−2,149	0	0	−2,149	2,149	0
Con-Ref	0	54	0	0	54	0	54
Conoco	3,846,863	3,563,217	0	11,720	8,387	283,646	0
Consumers-Power	0	−439	0	0	−439	439	0
Corco	0	2,841,397	224,429	0	−3,796	0	2,841,397
Cra-Farmland	581,859	752,605	0	0	−2,350	0	170,746
Cross	24,263	68,103	0	0	2,885	0	43,840
Crown	461,286	852,979	0	0	−2,087	0	391,693
Crystal-Oil	248,807	202,813	0	0	−12,098	45,994	0
Crystal-Ref	2,840	21,988	0	0	−527	0	19,148
Deepwater	0	−88	0	0	−88	88	0
Delta	256,582	458,207	0	0	787	0	201,625
Detroit-Ed	0	722	0	0	722	0	722
Diamond	704,828	561,626	0	0	4,031	143,202	0
Dorchester	7,730	14,155	0	0	−55	0	6,425
Dow	80,706	120,867	0	0	132	0	40,161
E-Seaboard	0	150,305	0	151,267	−962	0	150,305
Eddy	38,639	45,242	0	0	66	0	6,603
Edgington-Oil	517,049	379,731	127,551	0	517	137,318	0
Edgington-Oxn	7,628	98,317	0	0	−5	0	90,689
Elm	0	−316	0	0	−316	316	0
Enterprise	0	−37	0	0	−37	37	0
Evangeline	33,862	27,611	0	0	50	6,251	0
Exxon	14,402,574	12,744,512	0	634,127	−3,945	1,658,062	0
F-Fletcher	0	1	0	0	1	0	1
Famariss	255,779	380,630	0	0	−40	0	124,851
Farmers-Un	200,527	465,700	0	0	−221	0	265,173
Fletcher	108,235	217,383	0	0	13,108	0	109,148
Flint	14,800	11,109	0	0	−7	3,691	0
Florida-Power	0	660	0	0	660	0	660
Gary	42,277	87,528	0	0	−70	0	45,261
Gen-Portland	0	−15	0	0	−15	15	0
Getty	1,232,150	940,936	0	0	−4,232	291,214	0
Giant	10,654	141,696	0	0	−180	0	131,042
Gibbs	0	−364	0	0	−364	364	0
Glacier-Park	130,896	55,559	0	0	0	75,337	0
Gladieux	143,080	169,921	0	0	248	0	26,841
Golden-Eagle	618	182,168	0	0	−2,551	0	181,550
Golden-Eagle—N.Y.	0	2,121	0	0	2,121	0	2,121
Good-Hope	174,492	404,794	0	0	−432	0	230,302
Great-Northern	0	−123	0	0	−123	123	0
Guam	0	360,168	0	0	−2,196	0	360,168
Gulf	9,921,108	7,798,715	0	14,176	−12,136	2,122,393	0
Gulf-Sts	230,649	148,100	0	0	71	82,549	0
Hirl	0	669,649	0	0	1,979	0	669,649
Howard	0	60,317	0	61,746	−1,429	0	60,317
Howell	775,109	355,312	0	0	1,129	419,797	0
Hunt	313,199	359,581	0	0	−492	0	46,382
Husky	492,923	504,627	0	0	436	0	11,704
Indiana-Farm	73,870	178,845	0	0	−456	0	104,975
Inger. Oil	82	192	0	0	0	0	110
Intl. Paper	0	72	0	0	72	0	72
Irving	0	5,185	0	5,246	−61	0	5,185
J. & W	54,139	52,849	18,886	0	−1,290	1,290	0
K. H. White	0	−35	0	0	−35	35	0
Kentucky	3,004	6,617	0	0	−29	0	3,613
Kern	347,949	296,097	56,307	0	0	51,852	0
Kerr-McGee	1,781,084	1,430,540	0	0	27,029	350,544	0
Koch	335,641	1,035,104	0	0	−2,134	0	699,463
La. Water	0	7,177	0	0	7,177	0	7,177
Lagloria	485,293	287,824	0	0	−72,125	197,469	0
Lakeside	4,610	18,020	0	0	−236	0	13,410
Lakeston	193,177	186,920	45,299	0	−6,257	6,257	0
Little-Amer	1,240,876	1,049,100	463,342	0	317	191,776	0
Louisiana-Land	185,204	403,030	0	0	0	0	217,826
MacMillan	64,730	193,403	0	0	−3,435	0	128,673
Marathon	3,643,375	3,027,017	0	0	−5,551	616,358	0
Marion	224,951	46,485	0	0	−779	178,466	0
Mid-Amer	16,718	52,437	0	0	−316	0	35,719
Mid-Tex	0	75,165	0	0	172	0	75,165
Midland	107,309	251,295	0	0	−114	0	143,995
Mobil	9,319,623	7,851,056	0	43,704	−196,437	1,468,567	0
Mohawk	452,098	452,930	118,878	0	832	0	832
Monsanto	383,695	376,460	0	0	−618	7,235	0
Morrison	22,974	135,364	0	0	1	0	112,390
Mountaineer	4,761	4,915	0	0	4	0	154
Murphy	990,489	947,503	0	0	206	42,986	0
N. Amer. Petro	17,605	160,807	0	0	−2,075	0	143,202
Narragansett	0	−113	0	0	−113	113	0
Natl. Coop	325,259	551,375	0	0	362	0	226,116
Navajo	437,420	429,049	*58,708	0	−1,789	8,371	0
New Engl. Petro	0	455,255	0	458,875	−3,620	0	455,255
New Engl. Power	0	−70	0	0	−70	70	0
Newhall	180,155	191,565	49,385	0	93	0	11,410
Newman	0	−63	0	0	−63	63	0
Norco	0	60	0	0	60	0	60
Northeast-Petro	0	14,573	0	15,468	−895	0	14,573
Northland	39,207	161,202	0	0	−50	0	121,995
Northville	0	22,688	0	23,453	−765	0	22,688
Oil-Shale	2,370,473	1,614,181	0	0	−2,498	756,292	0
OKC	227,274	228,762	−74,904	0	1,962	0	1,488

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position					
		Total issued	Exceptions and appeals	Product entitlements	10-mo. clean-up	Required to buy	Required to sell
Orange & Rockland	0	63	0	0	63	0	63
Pasco	0	4,613	0	0	4,613	0	4,613
Patchogue	0	19,212	0	19,499	−287	0	19,212
Pennzoil	782,914	550,237	0	0	−442	232,677	0
Pepco	0	−947	0	0	−947	947	0
Petro-Heat—Ct	0	−571	0	0	−571	571	0
Petro-Heat—Pa	0	−321	0	0	−321	321	0
P. G. & E	0	−464	0	0	−464	464	0
Phillips	3,465,604	3,306,380	0	0	98,881	159,224	0
Phillips—PR	0	378,124	378,124	0	0	0	378,124
Pioneer	62,500	168,416	0	0	−4	0	105,916
Pittston	0	100,326	0	101,417	−1,091	0	100,326
Placid	221,856	418,727	0	0	−1,277	0	196,871
Plateau	129,900	200,441	0	0	−472	0	70,541
Powerine	314,238	470,682	0	0	268	0	156,444
Pride	173,542	321,492	0	0	−328	0	147,950
Prulease	0	−859	0	0	−859	859	0
Quaker-St	122,212	302,862	0	0	−1,790	0	180,650
Remington	0	−88	0	0	−88	88	0
Rico	0	−47	0	0	−47	47	0
Road-Oil	1,002	4,453	0	0	−6	0	3,451
Rock-Island	414,301	362,456	36,085	0	533	51,845	0
Royal	0	−136	0	0	−136	136	0
Saber—Tex	436	166,811	0	0	−7,500	0	166,375
Sabre—Cal	53,909	53,789	21,211	0	−120	120	0
Sage-Creek	2,179	5,466	0	0	−6	0	3,287
San Joaquin	214,985	215,237	61,949	0	−1,504	0	252
Sears	0	−30	0	0	−30	30	0
Seminole	30,199	164,929	0	0	−2,938	0	134,730
Shell	13,550,107	10,558,833	0	2,814	337,530	2,991,274	0
Sigmor	5,747	98,311	0	0	1,771	0	92,564
Skelly	1,404,827	799,191	0	0	781	605,636	0
So.-Hampton	85,256	175,237	0	0	952	0	89,981
Socal	9,204,050	10,416,518	0	18,261	−5,674	0	1,212,468
Socaledison	0	−85	0	0	−85	85	0
Sohio	1,531,142	4,140,227	0	0	19,391	0	2,609,085
Somerset	50,874	68,834	0	0	−302	0	17,960
Sound	174,214	153,555	0	0	−148	20,659	0
Southland	407,958	459,383	205,042	0	195	0	51,425
Southwestern	10,639	11,348	0	0	0	0	709
Sprague	0	63,064	0	63,064	0	0	63,064
Steuart	0	23,266	0	24,139	−873	0	23,266
Sunland	261,580	267,715	98,560	0	6,135	0	6,135
Sunoco	6,877,397	4,977,599	0	0	−72,955	1,899,798	0
Swann	0	90,139	0	90,597	−458	0	90,139
Tarricone	0	−118	0	0	−118	118	0
Tauber	0	−81	0	0	−81	81	0
Tenneco	1,107,455	864,530	0	0	−50,371	242,925	0
Tesoro	1,135,224	921,471	0	0	3,386	213,753	0
Texaco	12,315,558	11,001,781	0	354,723	39,746	1,313,777	0
Texas-Asph	9,343	163,157	0	0	−6,959	0	153,814
Texas-City	523,121	659,759	0	0	−28,443	0	136,638
Thagard	157,919	157,915	60,306	0	−4	4	0
The-Refinery	0	−2,568	0	0	−2,568	2,568	0
Thriftway	31,083	45,238	0	0	−105	0	14,155
Thunderbird	125,653	196,574	0	0	−288	0	70,921
Tonkawa	40,365	64,746	0	0	−189	0	24,381
Total—Leonard	197,668	480,426	0	0	−1,862	0	282,758
UCC-Caribe	0	176,522	176,522	0	0	0	176,522
Union—Oil	5,966,511	4,650,141	0	0	77,817	1,316,370	0
Union—Texas	102,489	109,518	0	0	222	0	7,029
UNTD—Ind	0	84,918	0	0	53	0	84,918
UNTD—REF	205,947	460,910	0	0	−14,223	0	254,963
US—Oil	35,804	252,526	0	0	−476	0	216,722
USA—Petrochem	68,130	185,813	0	0	0	0	117,683
Ven—Fuel	0	−87	0	0	−87	87	0
Vickers	355,579	660,947	0	0	657	0	305,368
Vulcan	207,762	215,849	0	0	−120	0	8,177
Waller	0	−147	0	0	−147	147	0
Warrior	52,713	47,747	14,953	0	−4,966	4,966	0
Webber	0	174	0	0	174	0	174
Wellen	0	−112	0	0	−112	112	0
West-Coast	27,310	50,013	0	0	−2,462	0	22,703
Western	40,353	155,363	0	0	6,934	0	115,010
Whaleco	0	−37	0	0	−37	37	0
Wickett	79,843	76,155	0	0	−4	3,688	0
Winston	154,399	213,300	0	0	−9	0	58,901
Wireback	274	856	0	0	31	0	582
Witco	9,424	159,273	0	0	−241	0	64,849
Wyatt	0	16,905	0	17,598	−693	0	16,905
Yetter	366	1,094	0	0	−6	0	728
Young	47,683	47,679	15,796	0	−4	4	0
Total	156,857,029	156,857,029	2,260,562	2,860,436	0	24,617,573	24,617,573

[1] Also includes entitlements issued to correct an error in this firm's special correction amount.

[FR Doc.76-31289 Filed 10-21-76;10:05 am]

federal register

THURSDAY, OCTOBER 28, 1976



PART IV:

NATIONAL SCIENCE FOUNDATION

■

PRIVACY ACT OF 1974

Systems of Records

NATIONAL SCIENCE FOUNDATION
PRIVACY ACT OF 1974
Systems of Records

The purpose of this document is to give notice that the systems of records identified in notices that the systems of records identified in notices published in the Federal Register at 40 FR 38129, 40 FR 44758, 40 FR 48671, 40 FR 51175, 40 FR 59185, 40 FR 26614, and 40 FR 26615 continue in effect. This notice is published in compliance with the requirements of 5 U.S.C. 552a(e)(4) as added by Section 3 of the Privacy Act of 1974.

Date: October 14, 1976

Richard C. Atkinson,
Acting Director.

1. Employment Inquiries and Background Information
2. Applicants to Committee on the Challenges of Modern Society Fellowship Programme
3. Application and account for Advance of Funds (SF 1038)
4. Confidential Statement of Employment and Financial Interests
5. Congressional Contact Files
6. Doctorate Records Files
7. Earnings and Tax Statement (W-2)
8. Employee Grievance and Appeals File
9. Employees Locator Record Card
10. Employees Payroll Jacket
11. Equal Employment Opportunity Case File
12. Fellowship and Traineeship Filing System
13. Fellowship Payroll
14. Grants to Individuals
15. Health Service Medical Records
16. Individual Retirement Record (SF 2806)
17. Intergovernmental Personnel Act Assignment Agreements
18. Manpower Management Subsystem
19. Medical Examination Records for Service in Antarctica
20. Minority Applicants for Employment
21. Nominees for and Recipients of the National Medal of Science
22. NSF Payroll System
23. NSF Staff Biography
24. Official Passports
25. Official Personnel Folders
26. Personnel Security Control Cards
27. Presidential Internships in Science and Engineering
28. Principal Investigator/Project Director Files
29. Principal Investigator/Project Director Subsystem
30. Reviewer, Consultant, and Panelist Files
31. Science Education Participant Information Subsystem
32. Separated Employees Service Record (SF 7)
33. Student Science Training Program Participant Information
34. Time and Attendance Reports
35. Travelers Vouchers Folders
36. U.S. Antarctic Research Program Personal Information
37. United States Antarctic Research Program Field Participants
38. Alien Applications for Consideration of Waiver of Two-Year Foreign Residence Requirements—NSF.
39. Reviewer/Panelist Information Subsystem
40. NSF Innovative Guide Mailing List
41. Dissertation Advisers File
42. Nominees for and Recipients of the Alan T. Waterman Award Nomination File

NSF—1

System name: Employment Inquiries and Background Information

System location: Decentralized—There are numerous separate files maintained by individual NSF Offices. National Science Foundation, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: Individuals inquiring about opportunities for employment at the Foundation who supply resumes, standard form 171's or other background information either on their own or at the request of Foundation personnel. This system covers only information submitted as general background for use in the event vacancies should occur as opposed to formal applications (e.g. SF 171's) with respect to positions for which the Foundation is actively recruiting. In the latter case, applications are filed with the announcement folders and are not a part of this system of records, but the applications may become part of NSF System No. 25 if the applicant does obtain employment with the Foundation.

Categories of records in the system: Records contain letters, resumes, and information contained on SF 171.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

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

Storage: Records may be kept as received originally or in some cases index cards with names of persons applying are kept (as at NSF Personnel Office) and the application or letters are returned or destroyed.

Retrievability: Filed alphabetically by last name of individual.

Safeguards: Building employs security guard. Building is locked during non-business hours when guard is not on duty.

Retention and disposal: Varies with offices. In some cases the records are destroyed or returned to individual. In others they are retained for a period of time for future references as vacancies occur.

System manager(s) and address: Head of particular offices maintaining file.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613. The NSF Office of Program of interest must be specified in any request.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information is received from individual applicants.

NSF—2

System name: Applicants to Committee on the Challenges of Modern Society Fellowship Programme (NATO).

System location: National Science Foundation, Division of Science Manpower Improvement, Fellowships and Traineeship—W 478, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: Applicants for above described program.

Categories of records in the system: Application/proposal of applicant.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Sent through State Department to NATO. 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.

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

Storage: Paper records maintained in file folders.

Retrievability: Filed alphabetically by last name of applicant.

Safeguards: Building and room in which records are kept is locked during non-business hours.

Retention and disposal: Records are transferred to NATO. NSF maintains for a limited time, those files on applicants not recommended for award.

System manager(s) and address: Division Director, Science Manpower Improvement.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information is received from applicants and references.

Systems exempted from certain provisions of the act: NSF at 45 CFR 613.6 has claimed an exemption as to the disclosure of the identity of references in accordance with 5 USC 552a (k)(5).

NSF—3

System name: Application and account for Advance of Funds. (SF 1038)

System location: National Science Foundation, Division of Financial and Administrative Management, Voucher Unit, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: NSF employees (including Consultants)

Categories of records in the system: Record includes individual's name and address, amount requested, and voucher number.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Voucher and Schedule of Payments (SF 1166) to the Department of Treasury.

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

Storage: Paper records maintained in 5 x 8 files.

Retrievability: Filed alphabetically by last name of employee.

Safeguards: Building employs security guard. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours.

Retention and disposal: Destroyed four years after settlement of advance

System manager(s) and address: Director, Division of Financial and Administrative Management

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 63.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information is received from individual and his office.

NSF—4

System name: Confidential Statement of Employment and Financial Interests

System location: National Science Foundation, Director, Division of Personnel and Management, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: NSF Employees (including Consultants)

Categories of records in the system: Records contain the following information: name, title, employment and financial interest, creditors, interests in real property.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None, although information is submitted to CSC in the form of statistical reports.

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

Storage: Paper records maintained in file folders.

Retrievability: Filed alphabetically by name of employee.

Safeguards: Building employs security guard. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours. Records are stored in key locked file cabinet.

Retention and disposal: Records are maintained until the separation of the employee and then destroyed.

System manager(s) and address: Director, Division of Personnel and Management

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information is received from individual employees.

NSF—5

System name: Congressional Contact Files

System location: National Science Foundation, Congressional Liaison Branch, Office of Government and Public Programs, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: Members of Congress and Congressional Staff.

Categories of records in the system: Files contain records of phone calls, meetings, letters, and other information related to individual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None

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

Storage: Paper records maintained in file folders.

Retrievability: Filed alphabetically by last name of individuals.

Safeguards: Building employs security guard. Building is locked during non-business hours when guard is not on duty. Room is which records are kept is locked during non-business hours.

Retention and disposal: Indefinite

System manager(s) and address: NSF Congressional Liaison Officer

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: In addition to actual correspondence and communications at meetings, information is obtained from newspapers, magazines and other such public sources.

NSF—6

System name: Doctorate Records File

System location: National Academy of Sciences, 2101 Constitution Avenue, NW. Washington, D.C. 20418.

Categories of individuals covered by the system: Approximately 99 percent of those individuals who have received earned doctorates from United States institutions.

Categories of records in the system: Personal data, education, marital status, post grad plans, sex, citizenship, race, etc.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is given to the institution awarding degree. No other routine uses have been identified although data is given to other organizations without identifying particulars for statistical purposes.

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

Storage: Computer tapes and questionnaires are kept by the NAS.

Retrievability: Alphabetically by last name of individual.

Safeguards: Building employs security guard. Room in which records are kept is locked during non-business hours. Questionnaires in locked cabinets.

Retention and disposal: Destroyed after 50 years.

System manager(s) and address: Division Director, Science Resources Studies

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information obtained from individual.

NSF—7

System name: Earnings and Tax Statement (W-2)

System location: National Science Foundation, Director, Division of Financial and Administrative Management, Payroll Section, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: NSF Employee (including consultants)

Categories of records in the system: Gross Earnings, Federal Tax Withheld, State Tax Withheld, FICA Wager and FICA Tax Withheld, marital status, name, address, and Social Security Number.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Magnetic tape is sent to IRS. A copy is sent to State of Residence and/or other taxing authority.

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

Storage: Paper record maintained in card file.

Retrievability: Filed alphabetically by last name of employee.

Safeguards: Building employs security guards. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours.

Retention and disposal: Destroyed three years after year of issuance.

System manager(s) and address: Director, Division of Financial and Administrative Management

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information obtained through computer payroll system.

NSF—8

System name: Employee Grievance and Appeals File

System location: National Science Foundation, Director, Division of Personnel and Management, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: NSFEmployees

Categories of records in the system: These files contain all records pertaining to grievances filed by NSF employees. A few files on appeals initiated prior to September 9, 1974, are also included in this system, although all appeals are now handled directly by the Civil Service Commission. (As to those latter appeals see CSC notice entitled "CSC-Appeals, Grievances and Complaints Records.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: 1. Civil Service Commission has access during routine examinations and audits conducted by it. 2. Information or records may be disclosed to state or Federal Courts in connection with litigation. 3. Information from these files may be used to respond to a request from a member of Congress regarding the status of an appeal, complaint, or grievance if the Congressman is acting on the basis of a request from the individual involved.

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

Storage: Paner records maintained in file folders.

Retrievability: Filed alphabetically by the last name of employee.

Safeguards: Building employs security guards. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours.

Retention and disposal: The records are maintained up to two years after the completion of the action and then transferred to the National Personnel Records Center, St. Louis, Missouri. They are destroyed by the Federal Records Center when they are seven years old.

System manager(s) and address: Director, Division of Personnel and Management

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information from the employee, supervisors, hearing examiner, witnesses, and others providing input to the particular case.

NSF—9

System name: Employees Locator Record Card

System location: Records are maintained in two locations: Director, Division of Personnel and Management, and the individual offices to which the employee is assigned. National Science Foundation, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: NSF Employees—present and past.

Categories of records in the system: Records contain name, address, telephone and next of kin of employees.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information used for locating employee for outside callers and for updating NSF and GSA Center telephone directories.

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

Storage: Paper records maintained in 5x8 card files.

Retrievability: Filed alphabetically by last name of employee.

Safeguards: Building employs security guard. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours.

Retention and disposal: Destroyed two years after separation of employee.

System manager(s) and address: Director, Division of Personnel and Management.

Notification procedure: The NSF Privacy Act officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information received from individual employees.

NSF—10

System name: Employee's Payroll Jacket.

System location: National Science Foundation, Director, Division of Financial and Administrative Management, Payroll Section, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: NSF Employees (including Consultants).

Categories of records in the system: Personnel actions, Federal and State Withholding Certificates, Bond Authorizations, Health Benefits Forms, Life Insurance Forms, Allotment Forms, and other similar items related to an employee's pay and deductions.

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

1. Copies of Health Benefits Forms sent to Carrier.
2. Charity Allotment Forms are sent to other agencies upon transfer of employee.
3. Data from some records is used as input data for NSF Payroll System which is described in another notice and the routine uses listed there are also applicable to this record system.
4. To the extent any of these records are duplicative of those described in the notice of official Personnel Folders the routine uses described therein are also applicable.

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

Storage: Paper records maintained in file folder.

Retrievability: Filed alphabetically by last name of employee.

Safeguards: Building employs security guard. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours.

Retention and disposal: Destroyed five years after termination of employment.

System manager(s) and address: Director, Division of Financial and Administrative Management.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: NSF Personnel Office and individual employees or consultants.

NSF—11

System name: Equal Employment Opportunity Case File

System location: National Science Foundation, Office of Equal Employment Opportunity, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: NSF employees and applicants for employment with the Foundation.

Categories of records in the system: Records contain the complaint of the individuals, deposition taken and statement from individuals and all records pertaining to complaint. 1. When case is closed a duplicate file goes to the Civil Service Commission. 2. Civil Service Commission has access during routine examinations and audits conducted by it. 3. Information or records may be disclosed to State or Federal courts in connection with litigation. 4. Information from these files may be used to respond to a request from a member of Congress regarding the status of an appeal, complaint, or grievance if the Congressman is acting on the basis of a request from the individual involved.

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

Storage: Paper record maintained in file folders.

Retrievability: Filed alphabetically by last name of individual.

Safeguards: Building employs security guards. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours. Records are maintained in locked, supreme cabinets.

Retention and disposal: Records are maintained up to two years and then transferred to the National Personnel Records Center, St. Louis, Missouri. They are destroyed by the Federal Records Center when the records are seven years old.

System manager(s) and address: NSF Equal Employment Director.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information is obtained from the individual complainant, supervisors, Hearing Examiners, witnesses and others providing input to the particular case.

NSF—12

System name: Fellowship and Traineeship Filing System.

System location: Records that make up this system are kept in three places, (1) Fellowships and Traineeships Section, Division of Science Manpower Improvement, NSF 5225 Wisconsin Ave., NW, Washington, D.C. (2) National Academy of Sciences, Joseph Henry Building, 2100 Pennsylvania Avenue, NW, Washington, D.C., and (3) National Academy of Sciences, 2101 Constitution Avenue, NW, Washington, D.C.

Categories of individuals covered by the system: Persons applying for and/or receiving fellowships of various types awarded by NSF, and persons receiving traineeships under NSF traineeship grant programs. Note applicants for fellowships from the NATO Committee on the Challenges of Modern Society are covered under a separate system of records described in another system notice, but NATO Senior and Postdoctoral Fellows are included in this system.

Categories of records in the system: Information varies depending on type of fellowship or traineeship. Normally the information includes personal information supplied with the application; reference reports; transcripts and Graduate Record Examination scores to the extent required duri the application process; selection process results and administrative data and correspondence accumulating during fellows tenure. There is a cumulative index of all persons applying or receiving NSF and NATO fellowships and NSF Traineeships.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) A list of applicants for certain fellowships is sent to the Educational Testing Service, Princeton, N.J., for annotation of GRE scores and returned to NAS for use in application processing. (2) Information from the system is used and may be merged with other computer files in order to carry out statistical studies for NSF or other Government agencies. The results of such studies are statistical in nature and do not identify individuals. (3) In the case of Faculty Fellowships in Science records go to the American Council for Education for purposes of evaluating applicants. ACE returns the applications to NSF and such records that it does maintain are not kept by the name of the applicant. (4) Copies of the records of persons receiving traineeships will be sent to the institution awarding the traineeship in the event such institution should request a copy (as where it has lost its own copy). (5) Certain information is given to the institution the fellow is attending or planning to attend for purposes of administrative of fellowships, including, its many cases, for payment of stipends. (6) In the case of Fellows receiving stipends directly from the Government, information is transmitted to the Department of Treasury for preparation of check. (7) 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.

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

Storage: The records kept by the NAS are on computer tapes. All original application materials are kept at NSF. However, microfilms of application materials received prior to 1963 are kept at NAS.

Retrievability: Filed alphabetically by applicant's name.

Safeguards: Building is locked during non-business hours. Records at NSF are kept in rooms that are locked during non-business hours. Records kept at NAS are kept in similar rooms and some records are locked in cabinets.

Retention and disposal: NAS tapes are kept indefinitely. Records at NSF are transferred to the Federal Records Center and destroyed 10 years after completion of Fellowship.

System manager(s) and address: Division Director, Division of Science Manpower Improvement.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613. It would expedite your request if the fellowship or traineeship program about which you are interested was identified in your request. For example, indicate your applied for or received a "Graduate Fellowship" or a "Faculty Fellowship in Science" as opposed to merely saying you want a copy of your fellowship.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information supplied by individuals applying or receiving fellowships or traineeships, references, the Education Testing Service, educational institutions supplying transcripts, and administrative data developed during selection process and award tenure.

Systems exempted from certain provisions of the act: NSF at 45 CFR 613.6 has claimed an exemption as to the disclosure of the identity of references in accordance with 5 USC 552a(k)(5).

NSF—13

System name: Fellowship Payroll

System location: National Science Foundation, Division of Financial and Administrative Management, Payroll Section, 1800 G Street, NW, Washington, D.C. 20550

Categories of individuals covered by the system: Fellows under certain NSF Fellowship Programs being paid directly by the Government.

Categories of records in the system: Copies of fellowship award letter, acceptance form, starting certificates, and records of payments of stipends.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transfer of information to Department of Treasury for preparation of checks.

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

Storage: Paper records maintained in file folders.

Retrievability: Filed alphabetically by last name of Fellow.

Safeguards: Building employs security guards. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours.

Retention and disposal: Destroyed four years after cut-off.

System manager(s) and address: Director, Division of Financial and Administrative Management.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information obtained from Fellow through Education Directorate.

NSF—14

System name: Grants to Individuals

System location: This is a decentralized system. With respect to all successful applicants for support, records are kept at the National Science Foundation, Division of Grants and Contracts, 1800 G Street, NW., Washington, D.C. 20550. Separate records are also kept at the various program offices of the Foundation which manage the particular programs involved. These records may cover both successful and unsuccessful applicants.

Categories of individuals covered by the system: Individuals applying for and/or receiving support from the National Science Foundation.

Categories of records in the system: Application for support and NSF grant documents.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Some information is released to Congress in the form of a daily listing of grants.

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

Storage: Paper records maintained in file folders.

Retrievability: Filed alphabetically by last name of awardee.

Safeguards: Building employs guards. Building is locked during non-business hours when guard is not on duty. Rooms in which

records are kept are locked during non-business hours. The Division of Grants and Contracts records are kept in locked power files.

Retention and disposal: Records are transferred to the Federal Records Center two years after close of case; destroyed eleven years after close of case.

System manager(s) and address: Director, Division of Grants and Contracts as to Grant and contract files and head of the particular program involved as to the remainder.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613. In addition, your request should state (1) the type of grant and program involved and (2) whether you were a recipient of an award or an unsuccessful applicant.

Contesting record procedures: See "Notification" above.

Record source categories: Information obtained from individuals and from various NSF offices and programs.

NSF—15

System name: Health Service Medical Records

System location: National Science Foundation, Health Service, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: Employees of NSF, Secret Service, Office of Telecommunication Policy, ERDA, and Office of Special Representatives for Trade Negotiations.

Categories of records in the system: Medical information from physical examinations or other visits to Health Service.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None, although records are sometimes given to personal physicians and insurance companies with written approval of employee.

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

Storage: Paper records maintained in file folders.

Retrievability: Filed alphabetically by last name of employee.

Safeguards: Building employs security guard. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours.

Retention and disposal: To employee upon separation or with employee's instructions, to Health Service of new place of employment to employee's private physical or retained six years after separation, then transferred to the Federal Records Center.

System manager(s) and address: Director, NSF Health Service.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information received from examining physician, individual, and from other physicians with permission of individual.

NSF—16

System name: Individual Retirement Record (SF2806).

System location: National Science Foundation, Division of Financial and Administrative Management, Payroll Section, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: NSF employees (including some consultants).

Categories of records in the system: Salary, grade, status changes, yearly and year to date retirement deductions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: 1. Transferred to CSC when employee separates. 2. Copies transferred to CSC once a year after close-out for payroll year.

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

Storage: Paper records maintained in file folders.

Retrievability: Filed by employee's payroll number.

Safeguards: Building employee security guard. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours. Records are in combination lock, fire-proof cabinet.

Retention and disposal: Retained until employee is separated then transferred to CSC.

System manager(s) and address: Director, Division of Financial and Administrative Management.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information obtained from the Personnel Office on Payroll Summaries prepared each two weeks showing year-to-date amounts.

NSF—17

System name: Intergovernmental Personnel Act Assignment Agreements.

System location: National Science Foundation, Division of Grants and Contracts, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: Employees on temporary assignment under the Intergovernmental Personnel Act.

Categories of records in the system: The information in these records is that normally found on the SF 171 and a Personnel Qualification Assignment Agreement.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information necessary for coordination with the institution which the employee is affiliated may be disclosed to such institution.

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

Storage: Paper records maintained in file folders.

Retrievability: Filed alphabetically by last name of employee.

Safeguards: Building employs security guard. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours.

Retention and disposal: Transferred to the Federal Records Center and destroyed ten years after separation of employee.

System manager(s) and address: Director, Division of Grants and Contracts

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information is received from the individual and the individual's home institution.

NSF—18

System name: Manpower Management Subsystem.

System location: National Science Foundation, Division of Personnel and Management, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: NSF employees (including consultants).

Categories of records in the system: Individuals personal particular including such items as education, appointment and position information, training and development data, organization and job identification information, committee assignment and salary data, pay change data, carpool information, leave data, deductions from pay.

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

1. Records or information may be disclosed to the Civil Service Commission (a) as required by law or civil service rules and regulations, (b) in connection with adjudicatory type activities of the CSC, (c) as part of CSC audits and reviews of NSF personnel procedures and practices, (d) to provide data for the Central Personnel Data File and to provide data to update Federal automated Career Systems (FACS), Executive Inventory File, and security investigations index on new hires, adverse actions, and terminations.

2. Records of information may be disclosed to a Federal Agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or 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.

3. Records or information may be referred, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, 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.

4. Records or information may be disclosed to the CSC or other Federal agencies for the purpose of conducting security clearances.

5. Certain information may be transferred to organizations (including Federal agencies) conducting training programs attended by NSF employees as necessary for the administration or conduct of the training.

6. Upon employee's transfer to another Federal agency, records are transferred to the Civil Service Commission or the new agency.

7. Certain records or information may be disclosed or transferred to the Office of Workers' Compensation Programs, Veterans Administration Pension Benefits Program, Social Security Old Age, Survivor and Disability Insurance and Medicare Programs, military retired pay programs, and Federal civilian employee retirement systems other than the Civil Service Retirement System, when requested by that program or system or by the individual covered by this system of records, for use in determining an individual's claim for benefits under such system.

8. Earnings information may be transferred under the Civil Service Retirement System to the Internal Revenue Service as required by the Internal Revenue Code of 1954, as amended.

9. Information necessary to support a claim for life insurance benefits under the Federal Employees' Group Life Insurance Program may be transferred to the Office of Federal Employees' Group Life Insurance, 4 East 24th Street, New York, NY 10010.

10. Information necessary to support a claim of health insurance benefits under the Federal Employees Health Benefits Program may be transferred to a health insurance carrier or plan participating in the program.

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

Storage: Records are maintained on disc with tape.

Retrievability: Records are retrieved by Social Security Number or Employee Number.

Safeguards: Building employs security guard. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours. A password is necessary to access the computer.

Retention and disposal: Records are maintained until the separation of employee.

System manager(s) and address: Director, Division of Personnel and Management.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information for this system of records is received from the NSF Personnel Office.

NSF—19

System name: Medical Examination Records for Service in Antarctica

System location: Holmes and Narver, Inc., 400 E. Orangethorpe, Anaheim, California 92810

Categories of individuals covered by the system: All civilians entering Antarctica through United States auspices.

Categories of records in the system: Results of medical examination to determine fitness for entering Antarctica.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Copy of record is given to the Force Medical Officer, U.S. Navy Support Force, Antarctica.

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

Storage: Paper records maintained in file folders.

Retrievability: Filed alphabetically by last name of individual.

Safeguards: Kept in locked file.

Retention and disposal: After one year those records of Holmes and Narver employees are transferred to H&N personnel files. System is only two years old and length of retention for records of others has not been determined.

System manager(s) and address: Administrative Manager, Antarctic Field Services, Holmes and Narver, Inc., 400 E. Orangethorpe, Anaheim, California 92801.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information obtained from examining physician and individual.

NSF—20

System name: Minority Applicants for Employment

System location: National Science Foundation, Office of Equal Employment Opportunity, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: Minority applicants seeking employment with the Foundation.

Categories of records in the system: Records contain resume' and information contained on SF 171.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is sometimes disclosed to other Federal agencies requesting minority recruitment assistance in scientific areas.

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

Storage: Paper records maintained in file folders.

Retrievability: Filed alphabetically by last name and discipline.

Safeguards: Building employs security guards. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours.

Retention and disposal: Maintained indefinitely.

System manager(s) and address: NSF Equal Employment Director.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information is received from individual submitting application and information received by the Personnel Office from previous employer of applicant if applicant is considered for employment.

NSF—21

System name: Nominees for and Receipients of the National Medal of Science.

System location: National Science Foundation, Office of the Director, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: Persons who have been nominated for or received National Medal of Science.

Categories of records in the system: Biographical information concerning past employment, education, achievements, and other similar personal data.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None, although biographical information on receipients is released to the White House for presentation of awards. Name and affiliation is released to the press. No information is released on other nominees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Paper records maintained in file folders.

Retrievability: The folders for nominees are filed alphabetical within four broad categories of science—Biological, Engineering, Physical, and Mathematics. Receipients are arranged alphabetically by year of award.

Safeguards: Building employs security guard. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours.

Retention and disposal: After five years, records are transferred to the Federal Records Center.

System manager(s) and address: Director, National Science Foundation.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures at 45 CFR Part 613. Your request must specify whether you are interested in nominee or receipient records. If you are interested in records concerning receipients the year you received the Medal should be specified. If you are interested in nominee records, you should note that only

persons nominated within the last five years are considered for any given years award. Therefore, unless your request otherwise specifies, it will be assumed to cover only records for the last five years preceeding the request. If you are interested in earlier years, your request should also specify your scientific field or fields of activity.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Nominees, Universities, Societies, National Academy of Science and National Academy of Engineering.

NSF—22

System name: NSF Payroll System.

System location: National Science Foundation, Division of Financial and Administrative Management, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: NSF Employees (including consultants).

Categories of records in the system: Computer System consisting of data base with all information necessary to prepare NSF payroll, purchase of savings bonds, compute leave balances, prepare W-2s, and other similar uses. Also various programs to provide outputs including information to the Department of Treasury for preparation of payroll and various reports and other forms.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: 1. Prepare W-2 forms for transmittal to IRS and State and local Governments. 2. Prepare various listings, tapes- and schedules for transfer to the Department of Treasury for issuance of salary payments. 3. Listing of monies sent to Financial Organizations (Banks and savings institutions) biweekly. 4. Quarterly report to IRS. 5. No other routine uses have been identified, however, data is aggregated to prepare various reports to CSC, the Treasury, and other agencies, but such reports do not include informetion by name or other identifying number or characteristics.

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

Storage: Computer records maintained on cards, tapes and disc.

Retrievability: May be retrieved by employee number, social security number or last name.

Safeguards: Building employs security guard. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours. A password is necessary to access the computer.

Retention and disposal: Varies; Employee information is deleted at the end of the year in which he leaves the Foundation. Information on the master tapes is destroyed after five years.

System manager(s) and address: Director, Division of Financial and Administrative Management.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information is taken from forms prepared by individuals, the Personnel Office and Time and Attendance Reports.

NSF—23

System name: NSF Staff Biography

System location: National Science Foundation, Office of Government and Public Programs, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: High level NSF staff (Office Heads and above).

Categories of records in the system: Biographical information, Position held, education, memberships, publications, home address.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Distributed upon request to newspapers, magazines, professional journals, and others.

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

Storage: Paper records maintained in file folders.

Retrievability: Filed alphabetically by last name of employee.

Safeguards: Buildings employ security guards. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours.

Retention and disposal: Record on individuals destroyed when they leave Foundation except in cases of extremely high level staff.

System manager(s) and address: Director, Office of Government and Public Programs.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Notification procedure: See "Notification" above.

Record source categories: Information is received from individual.

NSF—24

System name: Offical Passports

System location: National Science Foundation, Travel Service Section, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: NSF Employees (some wives) and consultants.

Categories of records in the system: Date of birth, place of birth, nationality, next of kin, height, color of hair and eyes, and picture.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Passport may be sent to Embassy for Visas, Passports are returned to the State Department for cancellation once they have expired, also when employee leaves the Foundation.

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

Storage: Filed in passport folders.

Retrievability: Filed alphabetically by last name.

Safeguards: Building employees security guard. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours. Passports are kept in combination lock safe.

Retention and disposal: Passports expire after five years and are then sent to the State Department for Cancellation. Should employee retire or leave the Foundation, passports are returned to the State Department for proper disposition.

System manager(s) and address: Director, Division of Financial and Administrative Management.

Notification procedure: The NSF Privacy Act Officer should be notified in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information is received from individual.

NSF—25

System name: Official Personnel Folders. Note the Civil Service Commission has issued a notice of a system of records entitled "CSC—General Personnel Records (Official Personnel Folder and records related thereto)." To the extent there are any inconsistencies this notice shall take precedence as to records maintained at NSF.

System location: Division of Personnel and Management, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: NSF Employees

Categories of records in the system: This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed in the Federal service including his application (Form 171) and any references received. These records contain information about an individual relating to birth date; Social Security Number; veteran preference; tenure; handicap; past and present salaries; grades, and position titles; letters of commendation, reprimand; charges, and decision on charges; notice of reduction-in-force; locator files; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer, and separation; training; minority group designator; records relating to life insurance, health benefits, and designation of beneficiary; training; performance ratings, data documenting the reasons for personnel actions or decisions made about an individual; awards; and other information relating to the status of the individual.

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

1. Records or information may be disclosed to the Civil Service Commission (a) as required by law or civil service rules and regulations, (b) in connection with adjudicatory type activities of the

CSC, (c) as part of CSC audits and reviews of NSF personnel procedures and practices, (d) to provide data for the Central Personnel Data File and to provide data to update Federal Automated Career Systems (FACS), Executive Inventory File, and security investigations index on new hires, adverse actions, and terminations.

2. Records of information may be disclosed to a Federal Agency, in response to its request, in connection with the hiring or retention on an employee, the letting of a contract, or 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.

3. Records on information may be referred, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, 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.

4. Records or information may be disclosed to the CSC or other Federal agencies for the purpose of conducting security clearances.

5. Certain information may be transferred to organizations (including Federal agencies) conducting training programs attended by NSF employees, as necessary for the administration or conduct of the training.

6. Upon employees transfer to another Federal agency, records are transferred to the Civil Service Commission or the new agency.

7. Certain records or information may be disclosed or transferred to the Office of Workers Compensation Programs, Veterans Administration Pension Benefits Program, Social Security Old Age, Survivor and Disability Insurance and Medicare Programs, military retired pay programs, and Federal civilian employee retirement systems other than the Civil Service Retirement System, when requested by that program or system or by the individual covered by this system of records, for use in determining an individual's claim for benefits under such system.

8. Earnings information may be transferred under the Civil Service Retirement System to the Internal Revenue Service as required by the Internal Revenue Code of 1954, as amended.

9. Information necessary to support a claim for life insurance benefits under the Federal Employees' Group Life Insurance Program may be transferred to the Office of Federal Employees' Life Insurance, 4 East 24th Street, New York, NY 10010.

10. Information necessary to support a claim for health insurance benefits under the Federal Employees Health Benefits Program may be transferred to a health insurance carrier or plan participating in the program.

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

Storage: Records maintained in file folders.

Retrievability: Records are filed alphabetically by last name of employee.

Safeguards: Building employs security guard. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours. Records are located in lockable power files in rooms with access limited to those whose official duties require access.

Retention and disposal: The Official Personnel Folder (OPF) is retained indefinitely. The OPF is sent to the National Personnel Records Center within 30 days of the date of the employee's separation from the Federal service. Some records such as letters of reprimand, indebtedness, and vouchers are maintained for two years or destroyed when an individual resigns, transfers, or is separated from the Federal service. Letters of reference may be destroyed shortly after appointment.

System manager(s) and address: Director, Division of Personnel and Management.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information comes from the individual, investigators (CSC and others), and supervisors or other agency officials.

Systems exempted from certain provisions of the act: NSF at 45 CFR 613.7 has claimed an exemption as to the disclosure of the identity of references in accordance with 5 USC 552a(k)(5).

NSF—26

System name: Personnel Security Control Cards

System location: National Science Foundation, Division of Personnel and Management, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: NSF Employees.

Categories of records in the system: Cards contain listing of employees Clearance level, date, etc.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Clearances granted are disclosed either orally or in writing to Security Officers of other Federal Agencies.

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

Storage: Paper records maintained in Kardex files.

Retrievability: Filed alphabetically by last name of employee.

Safeguards: Building employs security guards. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours.

Retention and disposal: Destroyed after separation of employee.

System manager(s) and address: Personnel Security Officer, NSF, Division of Personnel and Management.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Refelcts NSF Clearance Determination from CSC Reports.

NSF—27

System name: Presidential Internships in Science and Engineering

System location: National Science Foundation, Division of Science Manpower Improvement, Fellowships and Traineeships Section — W 478, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: Persons receiving internships from federally funded R&D laboratories under the Presidential Internships in Science and Engineering Program. (Program is no longer operating.)

Categories of records in the system: Personal information on interns and administrative data received from laboratories making awards.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

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

Storage: Paper records maintained in file folders.

Retrievability: Filed alphabetically by last name of individual.

Safeguards: Building and room in which records are kept is locked during non-business hours.

Retention and disposal: Destroyed ten years after termination of Fellowship.

System manager(s) and address: Division Director, Division of Science Manpower Improvement.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: NSF Form 668 completed by intern and NSF Form 667 and 669 completed by coordinating offical of laboratory.

NSF—28

System name: Principal Investigator/Project Director Files

System location: Decentralized. There are numerous separate files maintained by individual NSF offices and programs. National Science Foundation, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: Principal investigators, project directors and proposed principal investigators and project directors.

Categories of records in the system: Many programs within the Foundation keep cards filed by the name of the principal investigator or proposed principal investigators. Usually only minimal ad-

ministrative information is included such as proposal and award number of the fact that the proposal was declined and the date of the action.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information on these cards may be disclosed to other Government agencies, which often receive proposals from the same principal investigators in order to coordinate national and international scientific programs.

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

Storage: Paper records maintained in card files throughout the Foundation.

Retrievability: Individual files are maintained alphabetically by last name of individual submitting proposal.

Safeguards: Buildings employ security guards. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours.

Retention and disposal: File is cumulative and retention periods vary.

System manager(s) and address: Head of particular program or office maintaining records.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613. However, the program or office with which the requester is concerned must be identified.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information is taken from submitted proposals and project folders.

NSF—29

System name: Principal Investigator/Project Director Subsystem.

System location: National Science Foundation, Division of Information Systems, Systems Support Services Branch, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: Each individual that requests support from the National Science Foundation, and Principal Investigators or Project Directors from institutions requesting NSF support.

Categories of records in the system: Data on the disposition of each application or proposal submitted to the National Science Foundation.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be released to other government agencies, which often receive proposals from the same Principal Investigator in order to coordinate national and international programs.

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

Storage: Computer records on disc and tapes.

Retrievability: Can be retrieved by last name or Social Security Number of the individual requesting support.

Safeguards: Building employs security guards. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours. A password is necessary to access the computer.

Retention and disposal: File is cumulative and is maintained indefinitely.

System manager(s) and address: Chief, Systems Support Services Branch.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information is taken from submitted proposals and project folders.

NSF—30

System name: Reviewer, Consultant, and Panelist Files.

System location: Decentralized—There are numerous separate files maintained by individual NSF offices and programs. National Science Foundation, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: Members of advisory panels, Individual reviewers, consultants, and members of panels reviewing and evaluating proposals for support from NSF.

Categories of records in the system: Information kept varies but normally includes the individuals field of expertise and other biographical information. Some files may include correspondence with individual. In case of paid consultant much of the material may be duplicative of material in the System of Records entitled "Official Personnel Folders" which is described in another notice.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Other Government agencies needing names of potential reviewers or specialists in particular fields may be given information from this system.

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

Storage: Paper records maintained in various forms throughout the Foundation and some computerized (MIO Review/Panelist Information Subsystem).

Retrievability: In some cases by name. Those in the MIO Review/Panelist Information Sybsystem are not retrievable by name or identifying number in all cases. They are retrievable by identifying number only if office involved has retained a list of transaction numbers hen data is entered into the system.

Safeguards: Buildings employ security guards. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours. Password must be used to access computer files.

Retention and disposal: Records are transitory and are purged periodically.

System manager(s) and address: Head of particular office or program maintaining such records.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613. However, the request must specify the NSF Office or Program about which the requester is concerned.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Individual reviewers and panelists, other reviewers, consultants and panelists, project folders, proect managers, newspaper clippings, correspondence, Biographical works such as American Men of Science, and other such miscellaneous sources.

NSF—31

System name: Science Education Applicant Information Subsystem.

System location: National Science Foundation, Science Education Directorate, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: Applicants to several NSF sponsored Science-E Science-Education programs.

Categories of records in the system: Personal identification, title, employment/experience data and institution affiliation.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: There has been no activity in this system of records for two years. Information has been and may be released to institutions coordinating the Science Programs involved. Information may be released to the Department of Justice in connection with law enforcement activities related to these programs.

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

Storage: Computer files on tape.

Retrievability: Information in this system may be retrieved both by the Social Security Number and the last name of the applicant.

Safeguards: Building employs security guards. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours. A password is necessary to access the computer.

Retention and disposal: File is cumulative and is maintained indefinitely.

System manager(s) and address: Staff Assistant, Science Education Directorate.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information is obtained from the individual applicant.

NSF—32

System name: Separated Employees Service Record (SF 7).

System location: National Science Foundation, Division of Personnel and Management, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: Former Employees (including Consultants).

Categories of records in the system: Records contain the dates and types of personnel actions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is sometimes given as verification of former employment to outside inquiries.

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

Storage: Paper records maintained in KARDEX File.

Retrievability: Filed alphabetically by last name of employee.

Safeguards: Building employs security guard. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours.

Retention and disposal: Destroyed three years after separation of employee.

System manager(s) and address: Director, Division of Personnel and Management.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information transfers from Employee Personnel Folder (201 file).

NSF—33

System name: Student Science Training Program Participant Information.

System location: Information sheets are maintained at: National Science Foundation, Division of Science Manpower Improvement, W-400, 1800 G Street, NW, Washington, D.C. 20550. Computer tapes are maintained at: Exotech Inc., Gaithersburg, Maryland.

Categories of individuals covered by the system: Participants in the Student Science Training Program.

Categories of records in the system: Personal data on information sheet; name, address, date of birth, social security number, etc. and education information.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: May be released to appropriate organizations for statistical or evaluation studies. 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.

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

Storage: Paper records and computer tapes.

Retrievability: Building and room in which records are kept is locked during non-business hours. A password is necessary to access the computer.

Retention and disposal: Not established.

System manager(s) and address: Director, Division of Science Manpower Improvement.

Notification procedure: The NSF Privacy Act Officer should be notified in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above. HQSee "Notification" above.

Record source categories: Information is received from individual participant.

NSF—34

System name: Time and Attendance Reports.

System location: National Science Foundation, Division of Financial and Administrative Management, Payroll Section, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: NSF Employees (including Consultants).

Categories of records in the system: Cards with attendance, leave, and overtime recorded thereon.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information from this system is incorporated into the "NSF Payroll System" discribed in another notice and the routine uses listed in the notice of that system are applicable to this system.

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

Storage: Punch cards filed in computer card files.

Retrievability: Filed by employee number during current pay year, and alphabetically by last name, thereafter.

Safeguards: Building employs security guards. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours.

Retention and disposal: Destroyed three years after current year.

System manager(s) and address: Director, Division of Financial and Administrative Management.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information obtained from timekeepers and supervisors in individual offices.

NSF—35

System name: Travelers Vouchers Folders (SF 1012).

System location: National Science Foundation, Director, Division of Financial and Administrative Management, 1800 G Street, NW, Washington, D.C. 20550.

Categories of individuals covered by the system: NSF Employees, Consultants, and invitational travel.

Categories of records in the system: Name and address, schedule of expenses and amounts claimed.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be disclosed to State or Federal Courts in connection with litigation.

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 last name of traveler.

Safeguards: Building employs security guard. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours.

Retention and disposal: Retained for four years then destroyed.

System manager(s) and address: NSF Financial Management Officer.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR, Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information is received from individual traveler.

NSF—36

System name: U.S. Antarctic Research Program Personal Information.

System location: National Science Foundation, Office of Polar Programs, 1800 G Street, NW, Washington, D.C.; and Holmes and Narver, Inc., 400 E. Orangethorpe, Anaheim, California 92801.

Categories of individuals covered by the system: Civilians entering Antarctica under U.S. auspices.

Categories of records in the system: Name, address, next of kin, dependents, education societies membership, honors received, military experience, special equipment, anticipated departures and returns, persons to notify in event of accident, excess baggage, passport number.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In the event of accidents, information from these records may be used in news releases.

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

Storage: Paper records maintained in file folders.

Retrievability: Filed alphabetically by last name of individual with separate files for each year.

Safeguards: Records at Holmes & Narver are stored in locked files. Records at NSF; Building employs security guard. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours.

Retention and disposal: Not determined.

System manager(s) and address: Head, Office of Polar Programs for record at NSF. All others: Administrative Manager, Antarctic Field Service, Holmes and Narver, Inc., 400 E. Orangethorpe, Anaheim, California 92801.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613. Interested individuals should specify the year about which you are interested.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Information obtained from individual.

NSF—37

System name: United States Antarctic Research Program Field participants.

System location: Division of Polar Programs, 1800 G Street, NW., Washington, D.C. 20550, and Holmes and Narver, Inc., 400 E. Orangethorpe, Anaheim, California 92801.

Categories of individuals covered by the system: NSF employees, grantees (U.S. and foreign nationals), grantees' assistants, and contractor employees.

Categories of records in the system: Curriculum vitae, medical information, emergency information (next of kin, etc), correspondence, messages, and memoranda dealing with an individual's deployment to Antarctica or Antarctic Ocean areas under auspices of the United States Antarctic Research Program.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For official use during possible litigation resulting from death, injuries, wage disputes, etc., occurring during or resulting from an individual's development to Antarctica.

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

Storage: File folders in cardboard boxes.

Retrievability: Records are filed alphabetically by last name of individual. Alphabetical files are grouped in periods of one year or longer as determined by time of deployment to Antarctica.

Safeguards: Buildings have security guards during non-business hours. Records are in locked rooms after business hours. Access is limited to persons whose official duties require their use.

Retention and disposal: Records are held at NSF or at Holmes and Narver approximately two years after completion of individual's deployment to Antarctica. Records are deposited with the Federal Records Center generally every two years. Records are destroyed 10 years after individual's last deployment to Antarctica.

System manager(s) and address: Head, Division of Polar Programs, for reorder at NSF. All others: Administrative Manager, Antarctic Field Service, Holmes and Narver, Inc., 400 E. Orangethorpe, Anaheim, California 92801.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613. Supply individual's full name and years of deployment to Antarctica.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: The individual, NSF officials, Holmes and Narver officials, medical doctor, field personnel in United States Antarctic Research Program.

NSF—38

System name: Alien Applications for Consideration of Waiver of Two-Year Foreign Residence Requirements—NSF.

System location: NSF Office of International Programs, 1800 G Street, NW., Washington, D.C. 20550.

Categories of individuals covered by the system: Aliens subject to conditions of Section 212(e) of the Immigration and Nationality Act, seeking waiver of two-year foreign residence requirements, in order to apply for immigrant or temporary worker status.

Categories of records in the system: Curriculum vitae, next of kin, correspondence and employment data.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records may be made available to Department of State.

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

Storage: Paper records in file folders.

Retrievability: Records are filed alphabetically by last name of alien.

Safeguards: Building has security guards during non-business hours. Records are in locked rooms after business hours. Access is limited to persons whose official duties require their use.

Retention and disposal: Records are held at NSF approximately two years after close out of case. Records are destroyed 10 years after close of alien case folder.

System manager(s) and address: Head, Office of International Programs.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: The individual and U.S. host institution (employer).

NSF—39

System name: Reviewer/Panelist Information Subsystem. (Note this system differs from NSF System No. 30 in that the system 39 is used to collect information concerning reviewers used by Foundation officers, whereas No. 30 is used as an aid in the selection of reviewers.)

System location: Division of Information Systems, 1800 G Street, NW., Washington, D.C. 20550.

Categories of individuals covered by the system: Members of advisory panels, individuals, consultants, NSF staff, members of review panels and other individuals from whom reviews or evaluation of proposals for support from NSF are solicited or received.

Categories of records in the system: The individual's field of expertise and address. Also contains information concerning the proposals reviewed and NSF Identification Number.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Other Government agencies needing names of potential reviewers or specialists in particular fields may be given information from this system. List of reviewers used by NSF will be published annually.

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

Storage: Computer records on disc and tapes.

Retrievability: Records are retrieved alphabetically by last name.

Safeguards: Building employs security guard. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours. A password must be used to access computer files.

Retention and disposal: File is cumulative and is maintained indefinitely.

System manager(s) and address: Director, Division of Information Systems.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with the procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Individual reviewers and panelists, other reviewers, consultants and panelists, project folders, project managers, newspaper clippings, correspondence, biographical works such as American Men of Science, and other such miscellaneous sources.

NSF—40

System name: NSF Innovation Guide Mailing List.

System location: Capital Systems Group, Inc., 6110 Executive Boulevard, Suite 850, Rockville, Maryland 20852 and Word/One Computer Center, Bowne Time Sharing, 345 Hudson Street, New York, New York 10014.

Categories of individuals covered by the system: Recipients of the Innovation Guide and other individuals potentially interested in the Innovation Guide project or in improving communications of scientific and technical information.

Categories of records in the system: Name, address (Institution or place of business), scientific/professional group categorization, and correspondence records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Identification of individuals for personal referrals in response to inquiries from interested readers. Other Government agencies or private organizations may be given information from this system.

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

Storage: Computer records on disc pack and/or archive tape file.

Retrievability: Alphabetically by last name.

Safeguards: Cannot be accessed by persons who do not have the computer sign-on passwords and the "get" or access word to the document.

Retention and disposal: Maintained indefinitely.

System manager(s) and address: Head, Office of Science Information Service.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Individual inquiries, response to press releases, referrals from other organizations, and identification through directories.

NSF—41

System name: Dissertation Advisers File.

System location: National Academy of Sciences, 2101 Constitution Avenue, NW., Washington, D.C. 20418.

Categories of individuals covered by the system: Dissertation Advisers of Ph. D.'s from U.S. universities, from 1963 forward. Data are given in the Doctorate Records File, a separate system of records (see NSF—6).

Categories of records in the system: Advisee's serial number, institution, field, year, and month of graduation. Adviser's name and Doctorate Records File ID No., if available.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records may be transferred to other Federal agencies to enable them to conduct statistical studies. No other routine uses have been identified, although data from this system is used in the preparation of statistical studies. For example, information from the file is used along with other records to provide statistical information on career achievements of individuals who may have been supported by Federal Government agencies for part of their training, or for other statistical purposes. The results of these studies do not reveal the identities of individuals.

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

Storage: The records are kept by the National Academy of Science on computer tapes.

Retrievability: Alphabetically by last name of individual.

Safeguards: Buildings employ security guards. Buildings are locked during non-business hours. Records are kept in locked room during non-business hours.

Retention and disposal: Records are kept indefinitely.

System manager(s) and address: Division Director, Division of Science Resources Studies.

Notification procedure: The NSF Privacy Act Officer should be contracted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Doctorate Records File, NSF System of Records No. 6.

NSF—42

System name: Nominees for and Recipients of the Alan T. Waterman Award Nomination File.

System location: National Science Foundation, Office of Planning and Resources Management, 1800 G Street, NW., Washington, D.C. 20550

Categories of individuals covered by the system: Persons who have been nominated for or who have received the National Science Foundation's Alan T. Waterman Award.

Categories of records in the system: Biographical information concerning past employment, education, achievements, and other similar personal data.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None, although name, affiliation and other pertinent information is released to the press on awardees. No information is released on other nominees.

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

Storage: Paper records maintained in file folders.

Retrievability: Folders for nominees are filed alphabetically. Recipients are arranged alphabetically by year of award.

Safeguards: Building employs security guard. Building is locked during non-business hours when guard is not on duty. Room in which records are kept is locked during non-business hours. Folders are maintained in locked file.

Retention and disposal: After five years, records are transferred to the Federal Records Center.

System manager(s) and address: Director, Office of Planning and Resources Management.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613. Your request must specify whether you are interested in nominee or recipient records. If you are interested in records concerning recipients the year you received the award should be specified. If you are interested in nominee records, you should note that only persons nominated within the past last five years are considered for any given year's award. Therefore, unless your request otherwise specifies, it will be assumed to cover only records for the last five years preceding the request. If you are interested in earlier years, your request should also specify your scientific field or fields of activity.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Nominees, Universities, and Societies.

[FR Doc.76-30711 Filed 10-14-76;2:57 pm]

federal register

THURSDAY, OCTOBER 28, 1976



PART V:

DEPARTMENT OF AGRICULTURE

Office of the Secretary

■

PRIVACY ACT OF 1974

Systems of Records

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
PRIVACY ACT OF 1974
Notice of Systems of Records

Notice is hereby given that the Department of Agriculture, in accordance with 5 U.S.C. 552a(e)(4) and (11), proposes to amend USDA/OMF—1, Administrative Billings and Collections, to include the category of records. This system of records is maintained by the Office of Management and Finance. The notice was originally published in the Federal Register, 40 FR 38983 (August 27, 1975). Although the Privacy Act requires only that the portion of each notice which describes the "routine use" of the system be published for public comment, the Department of Agriculture invites such comment on all portions. This notice will be adopted without further publication as set forth below 30 days after the date of its publication in the Federal Register (Nov. 26, 1976) unless modified by a subsequent notice to incorporate comments received from the public.

Comments may be submitted to: Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250. All comments must be received by the thirtieth day following the date of publication of this notice. All comments submitted will be available for public inspection during regular business hours in Room 2321 of the South Building, USDA, 14th Street and Independence Avenue, SW., Washington, D.C. 20250.

In consideration of the foregoing, notice is hereby given of the addition of the category of records to USDA/OMF—1, Administrative Billings and Collections.

Dated: October 20, 1976

John A. Knebel,
Acting Secretary.

USDA/OMF—1

System name: Administrative Billings and Collections, USDA/OMF

System location: USDA, Office of Management and Finance, National Finance Center, New Orleans, Louisiana 70160

Categories of individuals covered by the system: Individuals (USDA, former USDA or non-USDA employees) who are indebted to the Department for any reason. Some examples of indebtedness are: lost or damaged property, salary overpayments, outstanding travel advances, violations of transfer-of-station agreements, and misuse of Federal facilities.

Categories of records in the system: The automated system establishes a master file containing debtors name, address, social security number, or assigned vendor number, amount of indebtedness, amount of current collection and amount of total billing. After a short while these records are transferred to a history file for inquiry use.

Authority for maintenance of the system: 5 U.S.C. 307; 7 CFR 2.75

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Forwarded to another agency when a USDA employee accepts employment with such agency; (2) Referred to the General Accounting Office for review in cases involving possible fraud.

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

Storage: Records are maintained on magnetic tape files and in file folders at the National Finance Center addressed above.

Retrievability: Records are indexed by social security number or equivalent identifying number in case of non-USDA employees.

Safeguards: File folders are kept in locked cabinets. Magnetic tape files are in locked computer room and library which can be accessed by authorized personnel only.

Retention and disposal: Master history magnetic tape files are retained indefinitely. Manual records are transferred for storage and disposition by the Federal Records Center in accordance with General Services Administration regulations.

System manager(s) and address: Director, National Finance Center, Office of Management and Finance, USDA, New Orleans, Louisiana 70160

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should be in writing and should contain: name, address, social security number and particulars involved (i.e., dates of claims, copies of correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the System Manager.

Contesting record procedures: Any individual may obtain information as to the procedures for contesting a record in the system which pertains to him, by submitting a written request to the System Manager.

Record source categories: Information in this system comes primarily from USDA employees, former USDA employees, non-USDA employees, agency claimants, and USDA or other investigation personnel.

[FR Doc.76-31227 Filed 10-27-76;8:45 am]

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
PRIVACY ACT OF 1974
Systems of Records

Notice is hereby given that the Department of Agriculture in accordance with 5 U.S.C. 552a(e) (4) and (11), intends to amend the notices of eight existing systems of records as set forth below. Although the Privacy Act requires only that the portion of each system which describes the "routine uses" of that system be published for public comment, USDA invites such comment on any portion of these amendments to the notices. Interested persons may submit written comments on these amendments to: Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250, on or before the thirtieth day following publication of the amendments to the notices.

All comments submitted will be available for public inspection during regular business hours in Room 2321 of the South Building, USDA, 12th Street and Independence Ave., SW.

These notices were originally published in the Federal Register, 40 FR 38919 (August 27, 1975). All the proposed amendments are administrative and are based on operational experience under the Privacy Act. The changes will provide more accurate information for the public.

The amendments to the notices will be adopted without further publication as set forth below 30 days after the date of its publication in the Federal Register (Nov. 26, 1976) unless modified by a subsequent notice to incorporate comments received from the public. The eight systems are revised as follows.

The paragraph describing the system location in System USDA/FS-1, Appeals and Administrative Reviews, is changed to provide for more effective records maintenance. The amended paragraph reads:

System location: Forest Service Headquarters in Washington, D.C., the 9 Regional Offices, 121 Forest Supervisor Offices, 673 District Ranger Offices, 10 Experiment Station Offices and two State and Private Area Offices. The address for the Headquarters is Forest Service, U.S. Department of Agriculture, 12th and Independence Ave., SW., Washington, D.C. 20250. The addresses of all other Forest Service Offices may be found in 36 C.F.R. 200.2, Subpart A, or in the telephone directory of the applicable locality under the heading, United States Government, Department of Agriculture, Forest Service.

In System USDA/FS-4, Certification of Engineering Personnel, the system safeguards paragraph is amended to adequately describe security precautions. The amended paragraph reads:

Safeguards: Records are maintained in standard file folders and on magnetic tape. The records are located in offices that are locked during non-office hours. They are available only to authorized personnel.

The paragraphs describing the location of the system and system managers are amended in System USDA/FS-6, Certified Scalers, to allow for a more effective and economical operation. The amended paragraph reads:

System location: Headquarters of 9 Regional Offices and 121 Forest Supervisor Offices. The addresses are listed in 36 C.F.R. 200.2, Subpart A.

System manager(s) and address: Director of Timber Management in each of the 9 Regional Offices and 121 Forest Supervisor Offices.

System USDA/FS-8, Check-Before-Using Pilot List, is amended to provide for more efficient procedures. The paragraphs describing system location, systems managers, and notification procedure are amended to read:

System location: Records in this system are maintained at the Forest Service headquarters of the 9 Regional Offices as listed in 36 C.F.R. 200.2, Subpart A. The record is coordinated by the Director of Aviation Management, Forest Service, U.S. Department of Agriculture, 12th and Independence Ave., SW., Washington, D.C. 20250, and disseminated to Regional Air Officers at the 9 Regional Offices.

System manager(s) and address: The Director of Aviation Management Forest Service, U.S. Department of Agriculture, 12th and Independence Ave., SW., Washington, D.C. 20250, and the Regional Air Officers at Regional Offices as listed in 36 C.F.R. 200.2, Subpart A.

Notification procedure: Any individual may request information as to whether he is on the list by writing the appropriate System Manager. He will be furnished information as to who he may contact at the Regional Offices to obtain additional information as to why his name appears on the list. A request for information pertaining to an individual should contain name, FAA pilot license number, and information as to previous employers while performing services for the agency.

The amendment for System USDA/FA-10, Employee Development Records, provides for more efficiency in record maintenance. The paragraphs on categories of records and records safeguards are amended to read:

Categories of records in the system: A Biographical Section relating to the education, experience, physical capacity and career desires of the employee. Summary sheets or forms such as SF-171, Employee Performance Appraisals, etc., and an ADP printout, if available. A Special Qualification Section containing information on specialized qualifications of the employee. Examples of such material are driver-qualification records, blasting or other skill certificates, letters of commendation, employee suggestion, special requests from the employee, and records of special assignments on committees, boards, etc. A Development Section containing the current individual Employee Development Plan and other records of training such as copies of AD-281's, reports of training meetings attended, copies of previous individual development plans and records of details and other training assignments, and copies of accident and injury reports.

Safeguards: Records are kept in a locked room or a locked file cabinet.

System USDA/FS-12, Fire Qualification and Experience Records, is amended to more aptly describe the existing system of records. The paragraphs describing the categories of individuals, the authorities, and routine uses are amended to read:

Categories of individuals covered by the system: Forest Service employees with sufficient fire experience to qualify for supervisory positions and non-supervisory crews.

Authority for maintenance of the system: 5 U.S.C. 301; 7 C.F.R. 2.60; 16 U.S.C. 551.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disseminated to Federal, State and local agencies involved in wildland fire protection activities, including but not limited to the Forest Service, Bureau of Land Management, Bureau of Indian Affairs, National Park Service, State Forestry Organizations, and Rural Fire Departments, so that the individuals and their assigned fire crews can be called upon for emergency duty.

System USDA/FS-14, Grazing Permittees, Individual, National Forest System, is changed to provide for more efficient and economical records management. The paragraph describing system location is amended to read:

System location: The records in this system are maintained in the Regional Forester's office as pertains to special limits of some grazing permittee, in the headquarters offices of the Forest Supervisors for all permittee records, and offices of District Rangers for duplicate records of those kept by Forest Supervisors. The address for Regional Foresters and Forest Supervisors are listed in 36 C.F.R. 200.2, Subpart A, and addresses for District Rangers are in the telephone directory of the applicable locality under the heading, United States Government, Department of Agriculture, Forest Service.

System USDA/FS-21, "Public Involvement Respondents on Forest Service Activities, is amended to provide for a more reasonable record retention period for purposes of reference and disclosure. The paragraph on retention and disposal is amended to read:

Retention and disposal: Records are retained for 2 years after the decision is made and then destroyed.

In consideration of the foregoing, notice is hereby given that the revised systems will read as set forth below.

Dated: October 21, 1976

Paul A. Vander Myde,
Deputy Assistant Secretary.

USDA/FS-1

System name: Appeals and Administrative Reviews, USDA/FS.

System location: Forest Service Headquarters in Washington, D.C., the 9 Regional Offices, 121 Forest Supervisor Offices, 673 District Ranger Offices, 10 Experiment Station Offices, and two State and Private Area Offices. The address for the Headquarters is Forest Service, U.S. Department of Agriculture, 12th and Independence Ave., SW., Washington, D.C. 20250. The addresses of all other Forest Service Offices may be found in 36 C.F.R. 200.2, Subpart A, or in the telephone directory of the applicable locality under the heading, United States Government, Department of Agriculture, Forest Service.

Categories of individuals covered by the system: Any person who has appealed or formally requested review or reconsideration of a decision or action by a Forest Service officer in any contract involving the Forest Service. Does not include personnel matters which are excluded. The appeal, administrative review, or reconsideration request may have been submitted directly to an officer of the Forest Service or through the Board of Forest Appeals.

Categories of records in the system: The record includes information regarding the circumstances of the matter under appeal. This may involve information on the appellant, his use of National Forest lands, effects of the decision being appealed on his activities, and other information supplied by appellant on his behalf. Information is also provided by the Forest Service Officer whose decision is under appeal, review, or reconsideration.

Authority for maintenance of the system: 5 U.S.C. 22 and 301; 7 U.S.C. 1011 (f); 15 U.S.C. 714(b) (g) and (h); 16 U.S.C. 551; 40 U.S.C. 486(c); 7 C.F.R. 24; 36 C.F.R. 211.20 thru 211.37.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

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

Storage: Vertical file folders.

Retrievability: Records are maintained under file designation 1570, identified by the appellant's name, date of appeal, review, or reconsideration request, and/or Forest Service Docket Number (if case docketed by the Board of Forest Appeals).

Safeguards: Normal security for routine file material. Locked office or file room.

Retention and disposal: Upon final decision case is closed. Transferred to closed files at end of fiscal year. Cases reaching National level are retained 25 years, Regional level is 5 years, and other levels maintained 3 years. Transfer to Federal Records Center after 3 years.

System manager(s) and address: Chief, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250, or the appropriate Regional Forester, Forest Supervisor, or District Ranger at the address listed above.

Notification procedure: Address inquiries to the office at which the individual filed his original notice of appeal or request for review or reconsideration. Identifying information should include name, date of appeal or request, Forest Service Docket (if applicable), and date of decision and by whom issued (if applicable).

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information obtained from appellant on his behalf, witnesses or experts solicited by appellant, Forest Service Officers, and witnesses and technical experts solicited by Forest Service.

USDA/FS-4

System name: Certification of Engineering Personnel, USDA/FS.

System location: At the Forest Service Headquarters Offices of the Chief, Regional Foresters, and Forest Supervisors as listed in 36 C.F.R. 200.2, Subpart A, where individual is or was employed, and at the Fort Collins Computer Center, 3825 East Mulberry St., Fort Collins, CO 80521.

Categories of individuals covered by the system: Forest Service employees who are professionals or para-professionals working in activities normally assigned to Engineering Staff units.

Categories of records in the system: Consists of a skills inventory for all employees defined in the preceding paragraph and written and oral examination results, certificates issued, and training requirements for each Forest Service employee defined in the preceding paragraph and who has participated in the Certification Program.

Authority for maintenance of the system: 5 U.S.C. 301; 7 C.F.R. 2.60.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

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

Storage: Forest Service Skills Inventory form, examination results, and supporting documents. Skill data also on magnetic tape.

Retrievability: Manual system is indexed by name and location. ADP System is indexed by individual Social Security numbers.

Safeguards: Records are maintained in standard file folders and on magnetic tape. The records are located in offices that are locked during non-office hours. They are available only to authorized personnel.

Retention and disposal: Records are maintained for the duration of individual's employment and thereafter filed in the Federal Records Center in accordance with standard procedures. Entries on magnetic tape are eliminated when employee leaves the organization.

System manager(s) and address: Director of Engineering, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250, or the appropriate Regional Forester, Forest Supervisor in charge of the unit where the individual is or was employed.

Notification procedure: Any employee (past or present) may request information as to whether or not the system contains records pertaining to him from the appropriate system manager listed in the preceding paragraph. A request for information should be in writing and should include the individual's full name, address, and social security number; approximate date of last skills inventory record and place of employment at that time.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes primarily from written, oral, and applied examinations and a skills inventory form.

USDA/FS-6

System name: Certified Scalers, USDA/FS.

System location: Headquarters of 9 Regional Offices and 121 Forest Supervisor Offices. The addresses are listed in 36 C.F.R. 200.2, Subpart A.

Categories of individuals covered by the system: Forest Service employees who have completed the necessary training to quality.

Categories of records in the system: Name, grade, date of certification, and organization. Includes record of certification action.

Authority for maintenance of the system: 16 U.S.C. 476.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

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

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by organization and name of individual certified.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained until superseded.

System manager(s) and address: Director of Timber Management in each of the 9 Regional Offices and 121 Forest Supervisors Offices.

Notification procedure: Any employee may request information regarding the system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information should contain the name, grade, date of certification, and organization.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Forest Service records of scaling experience and training obtained from information in the employee's personnel file and check scale records filed in the office.

USDA/FS-8

System name: Check-Before-Using Pilot List, USDA/FS.

System location: Records in this system are presently maintained at the Forest Service headquarters of the 9 Regional Offices as listed in 36 C.F.R. 200.2, Subpart A. The record is coordinated by the Director of Aviation Management, Forest Service, U.S. Department of Agriculture, 12th and Independence Ave., SW., Washington, D.C., 20250, and disseminated to all Regional Air Officers at above mentioned locations.

Categories of individuals covered by the system: Pilots who have performed unsatisfactorily, while working under a contract for services.

Categories of records in the system: The record contains the pilot's name, FAA pilot's license number and the Region or area which reported the unsatisfactory performance.

Authority for maintenance of the system: 5 U.S.C. 301; 7 C.F.R. 2.60.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

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

Storage: The records are maintained in file folders.

Retrievability: Records are indexed by the name of the individual.

Safeguards: Records are kept in the general files in a locked office.

Retention and disposal: Records are updated currently as needed and then filed in the National Archives in accordance with standard procedures. Names may be added or deleted from the list, as appropriate.

System manager(s) and address: The Director of Aviation Management, Forest Service, U.S. Department of Agriculture, 12th and Independence Ave., SW., Washington, D.C. 20250, and the Regional Air Officers at Regional Offices as listed in 36 C.F.R. 200.2, Subpart A.

Notification procedure: Any individual may request information as to whether he is on the list by writing the appropriate System Manager. He will be furnished information as to who he may contact at the Regional Offices to obtain additional information as to why his name appears on the list. A request for information pertaining to an individual should contain name, FAA pilot license number, and information as to previous employers while performing services for the agency.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes from Regional Aviation Officers, Contracting Officers, and pilot inspectors.

USDA/FS-10

System name: Employee Development Records, USDA/FS.

System location: Records are maintained at all official duty stations of Forest Service (FS) employees. Addresses of the individual offices are listed in the telephone directories for the city or town in which they are located under the heading United States Government, Department of Agriculture, Forest Service.

Categories of individuals covered by the system: All Forest Service employees with a permanent appointment.

Categories of records in the system: A Biographical Section referring to the education, experience, physical capacity and career desires of the employee. Summary sheets or forms such as SF-171, Employee Performance Appraisals, etc., and an ADP printout, if available. A Special Qualification Section containing information on specialized qualifications of the employee. Examples of such material are driver-qualification records, blasting or other skill certificates, letters of commendation, employee suggestions, special requests from the employee, and records of special assignments on committees, boards, etc. A Development Section containing the current Individual Employee Development Plan and other records of training, such as copies of AD-281's, reports of training meetings attended, copies of previous individual development plans and records of details and other training assignments, and copies of accident and injury reports.

Authority for maintenance of the system: 5 U.S.C. 301; 7 C.F.R. 2.60.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Responding to reference checks by potential employers or supervisors, and referral to selection groups considering candidates for special training.

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

Storage: Folders are kept by the immediate supervisor, usually in his desk or immediate office.

Retrievability: By name.

Safeguards: Records are kept in a locked room or a locked file cabinet.

Retention and disposal: Maintained as long as an employee is under permanent appointment. Folder is sent through channels to the appointing office when an employee is transferring to another location in the Forest Service. When an employee is separated, the material in the Employee Development Record is mutilated and destroyed.

System manager(s) and address: Director, Personnel Management Staff; Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue SW., Washington, D.C. 20250.

Notification procedure: Any individual may request information concerning himself from his present or former immediate supervisor at the official duty station shown on his latest employment action.

Record access procedures: Immediate supervisor, or unit head or Personnel Officer of a District, Forest, Region, Research Project, Research Station, Area, or Washington Office.

Contesting record procedures: Same as for requesting Access.

Record source categories: Information in this folder comes from the employee and his supervisor.

USDA/FS-12

System name: Fire Qualification and Experience Records, USDA/FS.

System location: Records are presently kept by the respective Regional Office and Forest Supervisor's Office where the individual is presently employed. The records are currently being entered into an automatic data processing system at the Fort Collins Computer Center, Fort Collins, Colo. 80521

Categories of individuals covered by the system: Forest Service employees with sufficient fire experience to qualify for supervisory positions and nonsupervisory crews.

Categories of records in the system: The system contains a record of the actual fire experience, fire-related training received, age, physical condition, training needed and an evaluation of fire overhead positions in which he has been deemed qualified to perform. An evaluation of his performance may also be included.

Authority for maintenance of the system: 5 U.S.C 301; 7 C.F.R. 2.60; 16 U.S.C. 551.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disseminated to Federal, State, and local agencies involved in wildland fire protection activities, including but not limited to the Forest Service, Bureau of Land Management, Bureau of Indian Affairs, National Park Service, State Forestry Organizations, and Rural Fire Departments, so that the individuals and their assigned fire crews can be called upon for emergency duty.

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

Storage: The records are currently stored on file cards at each respective regional office and forest supervisor's office. An ADP system is being devised and all records will be placed on magnetic tape at Fort Collins Computer Center.

Retrievability: The system is currently indexed by the individual's last name, but it will also be cross-referenced by social security number when it is placed in the ADP system.

Safeguards: The records do not contain any information considered to be of a confidential or personal nature; therefore, they are kept in a general file and in an ADP storage system without access restrictions.

Retention and disposal: The records are kept for the entire employment period of the individual, which could be up to 35 years, or until he is unable to perform fire-related work due to health or lack of current experience or training.

System manager(s) and address: The Regional Forester, Forest Supervisor, or his designated representative, at appropriate office where the individual is employed.

Notification procedure: An employee can obtain the information from the Supervisor's Office or Regional Office under which he is or had been employed. If the specific location of the record is not known the individual should direct his request to the Director of Fire Management in the Regional Office of the respective geographic area where he was employed. A request for information pertaining to an individual should contain name, social security number, place and period of employment, and position held.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: The information in this system comes primarily from the individual, from other In-Service documents, or from supervisory personnel.

USDA/FS-14

System name: Grazing Permittees, Individual, National Forest System, USDA/FS.

System location: The records in this system are maintained in the Regional Forester's office as pertains to special limits of some grazing permittee, in the headquarters offices of the Forest Supervisors for all permittee records, and offices of District Rangers for duplicate records of those kept by Forest Supervisors. The addresses for Regional Foresters and Forest Supervisors are listed in 36 C.F.R 200.2, Subpart A, and addresses for District Rangers are in the telephone directory of the applicable locality under the heading United States Government, Department of Agriculture, Forest Service.

Categories of individuals covered by the system: Individuals who hold permits to graze livestock on Forest Service administered land are included in this system of records.

Categories of records in the system: The system contains information on names and post office addresses of permittees, numbers and kinds of livestock permitted, kinds of permits (term or temporary), periods of use, grazing allotments (areas) involved.

Authority for maintenance of the system: 5 U.S.C. 301; 36 C.F.R. 231.3.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

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

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name of individual grazing permittees.

Safeguards: Records are kept in locked government offices.

Retention and disposal: Records are maintained in open file while permit is active, transferred to closed files for 3-year period following cancellation, and then sent to Federal Records Center for permanent retention.

System manager(s) and address: Director of Range Management, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250; and/or the appropriate Regional Forester or Forest Supervisor.

Notification procedure: Any individual may request information from this system or information as to whether the system contains records pertaining to himself from the appropriate System Manager. If specific locations are known, request should be made to the Forest Supervisor involved.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in the system comes from individual grazing permittees and Forest Service records concerning grazing allotments and permitted livestock.

USDA/FS-21

System name: Public Involvement Respondents on Forest Service Activities, USDA/FS.

System location: Records in this system are maintained at Forest Service Headquarters in Washington, D.C., the Nine Regional Offices, 121 Forest Supervisor Offices, and 673 District Ranger Offices. The address for the Headquarters is Forest Service, U.S. Department of Agriculture, 12th and Independence Ave., SW., Washington, D.C. 20250; the addresses for Regional Foresters and Forest Supervisors are listed in 36 C.F.R. 200.2, Subpart A; and addresses for District Rangers are in the telephone directory of the applicable locality under the heading United States Government, Department of Agriculture, Forest Service.

Categories of individuals covered by the system: Volunteer respondents in public involvement efforts related to natural resource management issues.

Categories of records in the system: May include one or more elements of: Correspondence, news clippings, questionnaires, response forms, summary address lists.

Authority for maintenance of the system: Executive Order No. 11514, March 5, 1970, and 42 U.S.C. 4321.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

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

Storage: By issue on published documents; key-sort cards, magnetic tape; punch cards; original correspondence.

Retrievability: By Issue.

Safeguards: File Cabinets.

Retention and disposal: Records are retained for two years after the decision is made and then destroyed.

System manager(s) and address: Director of the Office of Information, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250, or the appropriate Regional Forester, Forest Supervisor, or District Ranger at the addresses specified under location above.

Notification procedure: Any Forest Service field office or the Washington office, where the respondent gave or mailed comment or any Forest Service office, to which such comments might have been sent for review or analysis. Identifying information should be by public involvement issue and approximate year.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Respondents voluntarily give the information to agency in meetings, hearings, and by correspondence.

[FR Doc.76-31451 Filed 10-27-76;8:45 am]

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
PRIVACY ACT OF 1974
Systems of Records

Notice is hereby given that the Department of Agriculture, in accordance with 5 U.S.C. 552a (e)(4) and (11), intends to adopt the notices of additional systems of records as set forth below. All of these new systems were in existence prior to September 27, 1975. Failure to publish them prior to that date was due to an administrative oversight. Although the Privacy Act requires only that the portion of each system which describes the "routine uses" of that system be published for public comment, USDA invites such comment on all portions of these notices.

Interested persons may submit written comments on these notices to: Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250, on or before the thirtieth day following publication of these additional notices. All comments submitted will be available for public inspection during business hours in room 2321 of the South Building, USDA, 12th Street and Independence Avenue, SW.

These additional notices will be adopted without further publication as set forth below thirty days after the date of its publication in the Federal Register (Nov. 26, 1976) unless modified by a subsequent notice to incorporate comments received from the public.

Dated: October 21, 1976

Paul A. Vander Myde,
Deputy Assistant Secretary.

USDA/FS—35

System name: Congressional Correspondence Records, USDA/FS.

System location: Records in this system are maintained at Forest Service Headquarters in Washington, D.C., the 9 Regional Offices, the 10 Experiment Station Offices, Area Offices, Forest Supervisor Offices, and District Ranger Offices. The address for the Headquarters is: Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, SW., Washington, D.C. 20250; the addresses for Regional Foresters, Station Directors, Area Offices, and Forest Supervisors are listed in 36 C.F.R. 200.2, subpart A; and addresses for District Rangers are in the telephone directory of the applicable locality under the heading, U.S. Government, Department of Agriculture, Forest Service.

Categories of individuals covered by the system: Current Members of the House of Representatives and U.S. Senate.

Categories of records in the system: Files containing congressional letters with attached congressional constituent correspondence; copies of FS responses to written correspondence from congressional members; Congressional Record and newspaper clippings of statements made by Members of Congress on forestry, forestry legislation or the Forest Service; statistical data on Forest Service activities in the congressional district or State, that is, payments to States and counties from national forest receipts, by congressional district, county, State, and national forest acreage by congressional district, county and State; copies of letters to the record by Forest Service officials summarizing meetings with Congressmen and/or visits to Forest Service offices and National Forest System land by Members and Committees of Congress and their staffs, and biographies of Members of Congress.

Authority for maintenance of the system: 5 U.S.C. 201; 16 U.S.C. 582a—582a-7; U.S.C. 1601-1610.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To Members of Congress to enable them to (1) respond to constituents, (2) judge the agency's response to the constituent, (3) obtain factual information on National Forest acreage, Forest Service projects, receipts to States and local governments by district or State, (4) to prepare statements on forestry legislation and issues.

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

Storage: Records are stored in individual file folders.

Retrievability: Material is filed alphabetically by name.

Safeguards: All information in this file is a matter of public record and subject to the Freedom of Information Act. Special safeguards are not required.

Retention and disposal: Files are retained until a Member leaves Congress. Within the files, copies of correspondence are retained for 12 months. Factual material on Forest Service activities in the District or State are updated annually and previous material destroyed. Statements made in the Congressional Record are retained in the file until the entire file is destroyed.

System manager(s) and address: Director, Legislative Affairs, Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, SW., Washington, D.C. 20250; appropriate Regional Information Officer; appropriate National Forest Administrative Officer.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him by contacting the appropriate system manager.

Record access procedures: A request for information pertaining to an individual should contain: Name, address, and any available particulars involved in the specific case, that is, dates of correspondence, subject matter, et cetera.

Contesting record procedures: Use same procedures as for notification.

Record source categories: Records in this system come from U.S. Congressmen and replies from within the agency; attachments to congressional correspondence from constituents, newspapers, the Congressional Record, and Forest Service records.

USDA/FS—36

System name: Certified Timber Sale Administrators, USDA/FS.

System location: Forest Service Regional Headquarters and/or Forest Supervisor Headquarters. The addresses for these offices are listed in 36 C.F.R. 200.2, subpart A.

Categories of individuals covered by the system: Employees certified as administrators of timber sale contracts.

Categories of records in the system: Name, grade, and date of individual's certification. Includes record of certification action.

Authority for maintenance of the system: 16 U.S.C. 476.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

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

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by organization and name of individual certified.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained until superseded.

System manager(s) and address: Director of Timber Management at addresses listed above.

Notification procedure: Requests should be directed to the system manager.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Forest Service records of administration experience and training.

USDA/FS—37

System name: Certified Timber Appraisers, USDA/FS

System location: Office of the Regional Foresters, Forest Supervisors, and the Forest Manager, Savannah River Plant, Aiken, S.C. 29801; the addresses for these offices are listed in 36 C.F.R. 200.2 subpart A.

Categories of individuals covered by the system: Employees certified to appraise timber for sale.

Categories of records in the system: Name, grade, and date of individual's certification. Includes record of certification action.

Authority for maintenance of the system: 16 U.S.C. 476.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

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

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by organization and name of individual certified.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained until superseded.

System manager(s) and address: Director of Timber Management at addresses listed above.

Notification procedure: Send requests for information to the system manager.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Forest Service records of appraisal experience, training, and written, oral or applied examinations.

USDA/FA—38

System name: Certified Check Scaler, USDA/FS.

System location: Records in this system are maintained at the Southern Regional Office, 15 Forest Supervisor Offices and one Forest Manager Office. The address of the Southern Regional Office is: Forest Service, USDA, 1720 Peachtree Road, NW. Atlanta, Ga. 30309. The Forest Supervisor Offices are listed in 36 C.F.R. 200.2, subpart A, under Region 8, Southern Region. The address for the Forest Manager is: Forest Manager, Savannah River Plant, P.O. Box A, Aiken, S.C. 29801.

Categories of individuals covered by the system: Employees qualified and authorized to check work of timber workers.

Categories of records in the system: Name, grade, and date of employees certification. Includes record of certification.

Authority for maintenance of the system: 16 U.S.C. 476.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

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

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by organization and name of individual certified.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained until superseded.

System manager(s) and address: Director of Timber Management at addresses listed above.

Notification procedure: Send requests for information to the appropriate system manager.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Forest Service records of administration experience, training, oral, and applied examination.

USDA/FS—39

System name: Certified Timber Marker, USDA/FS.

System location: At headquarters of 15 Forest Supervisor Offices in Region 8, Southern Region, as listed in 36 C.F.R. 200.2 subpart A, and one Forest Manager Office. The address for the Forest Manager is: Forest Manager, Savannah River Plant, P.O. Box A, Aiken, S.C. 29801.

Categories of individuals covered by the system: Employees qualified to mark and make volume estimates of trees for sale.

Categories of records in the system: Name, grade, and date of individual's certification. Includes record of certification action.

Authority for maintenance of the system: 16 U.S.C. 476.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

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

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by organization and name of individual certified.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained until superseded.

System manager(s) and address: Director of Timber Management at addresses listed above.

Notification procedure: Send requests to the appropriate system manager.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Forest Service records of administration experience and training.

USDA/FS—40

System name: Certified Power Saw Operator, USDA/FS.

System location: At headquarters of 15 Forest Supervisor Offices in Region 8, Southern Region, as listed in 36 C.F.R. 200.2 subpart A, and one Forest Manager Office. The address for the Forest Manager is: Forest Manager, Savannah River Plant, P.O. Box A, Aiken, S.C. 29801.

Categories of individuals covered by the system: Employees who qualify as saw operators.

Categories of records in the system: Name, grade, and date of individual's certification. Includes record of certification action.

Authority for maintenance of the system: 16 U.S.C. 476.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

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

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by organization and name of individual certified.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained until superseded.

System manager(s) and address: Director of Timber Management at addresses listed above.

Notification procedure: Send requests to the appropriate system manager.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Forest Service records of administration experience, and training. Information may also come from written, oral, and applied examinations.

USDA/FS—41

System name: Certified Pesticide Applicators, USDA/FS.

System location: Records in this system are maintained at the Southern Regional Office and 15 Forest Supervisor Offices and one Forest Manager Office. The address of the Southern Regional Office is: Forest Service, USDA, 1720 Peachtree Road, NW., Atlanta, Ga. 30309. The Forest Supervisor Offices are listed in 36 C.F.R. 200.2 subpart A, under Region 8, Southern Region. The address for the Forest Manager is: Forest Manager, Savannah River Plant, P.O. Box A, Aiken, S.C. 29801.

Categories of individuals covered by the system: Forest Service employees who have completed the necessary training to qualify as pesticide applicators.

Categories of records in the system: Name, grade, and date of certification and organization. Includes record of certification action.

Authority for maintenance of the system: 16 U.S.C. 476.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

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

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by organization and name of individual certified.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained until superseded.

System manager(s) and address: Director of Range, Timber, and Wildlife, Forest Service, USDA, 1720 Peachtree Road, NW., Atlanta, Ga. 30309, and the appropriate Forest Supervisor or Forest Manager at the address specified above.

Notification procedure: Any employee may request information regarding the system of records, or information as to whether the system contains records pertaining to him from the system manager. A request for information should contain the name, grade, date of certification, and organization.

Record access procedures: Use same procedures as for requesting notification.

Contesting record procedures: Use same procedures as for requesting notification.

Record source categories: Forest Service records of Pesticide Application experience and training obtained from information in em-

ployee's personnel file. Information in this system may also come from written, oral and applied examinations.

USDA/FS—42

System name: Certified Prescriptionists, USDA/FS.

System location: At appropriate Regional headquarters and appropriate Forest Supervisor Offices and one Forest Manager Office. The addresses are listed in 36 C.F.R. 200.2 subpart A. The address for the Forest Manager is: Forest Manager, Savannah River Plant, P.O. Box A, Aiken, S.C. 29801.

Categories of individuals covered by the system: Forest Service employees who have completed the necessary training to qualify as Prescriptionists.

Categories of records in the system: Name, grade, and date of certification and organization. Includes record of certification action.

Authority for maintenance of the system: 16 U.S.C. 476.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

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

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by organization and name of individual certified.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained until superseded.

System manager(s) and address: Forest Supervisors and Forest Manager at the addresses specified above.

Notification procedure: Any employee may request information regarding the system of records or information as to whether the system contains records pertaining to him from the system manager. A request for information should contain name and date of certification.

Record access procedures: Use same procedures as for requesting notification.

Contesting record procedures: Use same procedures as for requesting notification.

Record source categories: Forest Service records of prescription experience and training obtained from information in the employee's personnel file. Information in the system may also come from written, oral, and applied examinations.

USDA/FS—43

System name: Emergency Fire Mobilization Plan Directory, USDA/FS.

System location: Records are kept by the Fire Management staff, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250, and by the respective Regional Office, Forest Supervisor's Office, and Ranger District Office where the individual is employed.

Categories of individuals covered by the system: Employees and cooperators who are involved in wildland fire suppression.

Categories of records in the system: The system may include names, working titles, fire job qualifications, home addresses and telephone numbers of these individuals.

Authority for maintenance of the system: 16 U.S.C. 551, 5 U.S.C. 301; 7 C.F.R. 2.60.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosed to Federal, State, and local agencies involved in wildland fire protection activities, including but not limited to the Forest Service, Bureau of Land Management, Bureau of Indian Affairs, National Park Service, State Forestry Organizations, and Rural Fire Departments, so that the individuals and their assigned fire crews can be called upon for emergency duty.

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

Storage: Information may be kept on file cards, loose-leaf or bound fire mobilization plans, pocket-sized directories, and may be placed on magnetic tape, drums, or disks at Forest Service computer facilities.

Retrievability: System may be indexed by organization, geographic area of residence, fire-job qualifications, or by last name.

Safeguards: Records do not contain information that is considered highly confidential so they may be kept in a general file and in ADP storage systems.

Retention and disposal: The information in this system will be maintained currently. Out of date information will be kept in the general files for 10 years and then destroyed.

System manager(s) and address: Directors of Fire Management in the Washington Office and Regional Offices, Forest Fire Management Staff Officers, and District Rangers.

Notification procedure: An employee can obtain the information from the Washington Office, Regional Office, Forest Supervisor's Office, or Ranger District Office under which he is or had been employed. If the specific location of the record is not known the individual may direct his request to the Director of Fire Management in Washington or in the Regional Office of the geographic area where he was employed. A request for information from this system should include name, address, place, period of employment, and position held.

Record access procedures: Use same procedures as for requesting notification.

Contesting record procedures: Use same procedures as for requesting notification.

Record source categories: The information in this system comes primarily from the individual, from other in-service documents, or from supervisory personnel.

USDA/FS—44

System name: Pilot Qualification Record, USDA/FS.

System location: Records in this system are maintained at the Forest Service headquarters of the nine Regional Offices. Addresses are listed in 36 C.F.R. 200.2 subpart A.

Categories of individuals covered by the system: Pilots employed by contractors, aircraft equipment rental vendors, and self-employed pilots providing aviation services to the USDA/FS.

Categories of records in the system: Form 5700-2, Pilot Qualification Record, which includes pilot licenses, ratings, medical examinations, flying experience and training, accident records, any records of unsatisfactory performance, and evaluation checkflights.

Authority for maintenance of the system: 5 U.S.C. 301; 7 C.F.R. 2.60.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referred to Bureau of Land Management and Office of Aircraft Services who contract for similar services.

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

Storage: Vertical file folders.

Retrievability: Indexed by the name of the individual.

Safeguards: Records are in the general files in a locked office.

Retention and disposal: Records are updated currently as needed and then filed in the National Archives in accordance with standard procedures. Names may be added or deleted from the list, as appropriate.

System manager(s) and address: Regional Aviation Officers located at the addresses listed above.

Notification procedure: Any individual may request information as to whether he is on the list by writing the system manager. A request for information pertaining to an individual should contain name, FAA pilot license number, and information as to previous employers while performing services for the agency.

Record access procedures: Use same procedures as for requesting notification.

Contesting record procedures: Use same procedures as for requesting notification.

Record source categories: Information in this system comes from Regional Aviation Officers, Contracting Officers, and pilot inspectors.

[FR Doc.76-31450 Filed 10-27-76;8:45 am]

dial·a·reg



For an advance "look" at the FEDERAL REGISTER, try our new information service. A recording will give you selections from our highlights listing of documents to be published in the next day's issue of the FEDERAL REGISTER.

AREA CODE 202

523·5022