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WEDNESDAY, DECEMBER 1, 1976



highlights

PART I:

CFR CHECKLIST
OFR publishes revision dates and prices for CFR volumes issued as of 12–1–76 52643

NONDISCRIMINATION
Justice sets forth requirements for enforcement in federally assisted programs; effective 1–3–77 52669

CITIZENS RADIO SERVICE
FCC proposes to amend rules regarding Class D transmitters; comments by 3–2–77; reply comments by 4–1–77 52709

ENVIRONMENTAL EDUCATION PROGRAM
HEW/OE issues notice of closing date of 2–23–77 for receipt of applications 52721

AIR QUALITY
EPA establishes regulations on nitrogen dioxide (2 documents); effective 1–3–77 ..... 52686, 52692

FARM LAND
SBA adopts regulations on acquisition; effective 9–8–76 .. 52647

POLICY MANAGEMENT IN HUMAN SERVICES
HEW issues proposal to establish position designed to assist executives of state and local governments; comments by 1–17–77 52722

OVERSEAS COMMUNICATIONS
FCC issues statement of policy and guidelines regarding licensing of facilities 52685

PRIORITY STANDARDS FOR HEARINGS
CAB proposes amendment regarding competing applications for operating authority; comments by 1–17–77 52698

COMMISSIONS FOR SALE OF AIR TRANSPORTATION
CAB adopts amendment regarding filing schedules; effective 12–1–76 52658

IMPORTED RAISINS
USDA/AMS relaxes grade requirements; effective 12–1–76 52646

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.

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Copies of documents appearing in the Federal Register.	523–5240
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

RADIO FREQUENCY DEVICES
FCC proposes to amend its rules to provide for remote control and security devices; comments by 12–27–76; reply comments by 1–6–77 52705

ADMINISTRATION AND PROCUREMENT
HEW implements Department-wide contract information systems (DCIS) and updates procurement activity report; effective 12–1–76 52676

COTTON ENDORSEMENT
USDA/FCIC revises provisions; effective with 1977 crop year; effective 12–1–76 52643

ADJUSTMENT ASSISTANCE
Commerce/EDA issues regulations concerning certification of eligibility of firms and communities; effective 12–1–76 52648

PRIVACY ACT OF 1974
Harry S. Truman Scholarship Foundation adopts public access regulations; effective on 12–1–76 52677
Harry S. Truman Scholarship Foundation publishes notice amending Appendix; comments by January 3, 1977 52721

MEETINGS—
CRC: Alabama Advisory Committee, 12–16–76 52714
Nebraska Advisory Committee, 1–4–77 52714
Utah Advisory Committee, 1–27–77 52714
Vermont Advisory Committee, 12–20–76 52714
DOD/Army: The Special Commission on the United States Military Academy, 12–15–76 52715
Navy: Underwater Sound Advisory Committee, 12–16–76 52715
FEA: International Energy Program, Voluntary Agreement and Plan to Implement, 12–9–76 52720
Interior/BLM: Idaho Falls District Multiple Use Advisory Board, 1–7–77 52725
NSF: National Science Board, 2–3 and 2–4–77 52728
President's Committee on the National Medal of Science, 12–19–76 52729
SBA: Des Moines District Advisory Council, 1–17–77 52736
Equity and Venture Capital Task Force, 12–20–76 52737
Montpelier District Advisory Council, 1–5–77 52737

CANCELLED MEETING—
Labor/BLS: Business Research Advisory Councils' Committee on Consumer and Wholesale Prices, 12–3–76 52728

HEARING CHANGE OF LOCATION—
Commerce/PTO: Proposed Patent Examining and Appeal Procedures; 12–7–76 52705

PART II:

WATER POLLUTION
EPA amends regulations on test procedures; effective 3–1–77 52779

PART III:

HEAD START
HEW/OHD issues notice of proposed instructions on recruitment and enrollment policies; comments by 1–3–77. 52787

PART IV:

PESTICIDE PROGRAMS
EPA gives notice of rebuttable presumptions (2 documents) 52792, 52810

contents

AGRICULTURAL MARKETING SERVICE

Rules

Raisins, imported 52646
Raisins produced from grapes grown in Calif 52645

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Commodity Credit Corporation; Federal Crop Insurance Corporation; Forest Service.

AIR FORCE DEPARTMENT

Rules

Civilian personnel; filling positions 52672

Notices

Environmental statements; availability, etc.:
Chicago-O'Hare IAP, Air Reserve Forces tankers; negative determination 52714

ARMY DEPARTMENT

Notices

Special Commission on the United States Miliary Academy 52715

CIVIL AERONAUTICS BOARD

Rules

Commissions for sale of air transportation; availability and filing of dockets 52658

Proposed Rules

Policy statements:
Hearings, standards for determining priorities 52698

Notices

Mail rates, priority and nonpriority domestic service (2 documnts) 52712, 52714

Hearings, etc.:

Allegheny Airlines, Inc 52710
Continental Air Lines, Inc., et al 52711
Flying Tiger Line, Inc 52711
International Air Transport Association (3 documents) 52711

CIVIL RIGHTS COMMISSION

Notices

Meetings, State advisory committees:
Alabama 52714
Nebraska 52714
Utah 52714
Vermont 52714

COMMERCE DEPARTMENT

See Economic Development Administration; Patent and Trademark Office.

COMMODITY CREDIT CORPORATION

Rules

Loan and purchase programs:
Tobacco (cigar) 52647

CUSTOMS SERVICE

Notices

Countervailing duty petitions:
Handbags from Republic of Korea; preliminary determination 52737

DEFENSE DEPARTMENT

See Air Force Department; Army Department; Navy Department.

DRUG ENFORCEMENT ADMINISTRATION

Notices

Schedules of controlled substances:
Pethidine; final 1976 aggregate production quota 52728

ECONOMIC DEVELOPMENT ADMINISTRATION

Rules

Firms and communities, certification and trade adjustment assistance; eligibility and application requirements 52648

EDUCATION OFFICE

Notices

Applications and proposals, closing dates:
Environmental education program 52721

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Notices

Waiver determinations; public availability of updated record 52715

ENVIRONMENTAL PROTECTION AGENCY

Rules

Air quality implementation plans and ambient air monitoring reference and equivalent methods:
Nitrogen dioxide 52692
Ambient air quality standards, National primary and secondary:
Nitrogen dioxide, atmospheric; measurement principle and calibration procedure 52686
Water pollution control:
Analysis of pollutants; test procedures 52779

Notices

Pesticide programs:
Rebuttable presumption against registration of products containing certain substances (2 documents) 52792, 52810

FEDERAL COMMUNICATIONS COMMISSION

Rules

Amateur radio services:
Portable and mobile operations; licensing requirements; station identification; correction 52685
Radio broadcast services:
Alphabetical index of rule titles 52677

Proposed Rules

Citizens radio service:
Class D transmitters, spurious and harmonic emissions; operating rules 52709
Radio frequency devices:
Remote control and security devices, provisions for 52705

Notices

Overseas communications facilities; future licensing policy 52715

FEDERAL CROP INSURANCE CORPORATION

Rules

Crop insurance, various commodities:
Cotton 52643

FEDERAL ENERGY ADMINISTRATION

Notices

Meetings:
Industry Advisory Board and International Energy Agency 52720

FEDERAL HIGHWAY ADMINISTRATION

Proposed Rules

Review of regulations and directives 52703

FEDERAL INSURANCE ADMINISTRATION

Rules

Flood Insurance Program, National; flood elevation determinations, etc.:
Texas (2 documents) 52668, 52669

Proposed Rules

Flood Insurance Program, National; flood elevation determinations, etc.:
Pennsylvania (4 documents) 52703–52705

FEDERAL MARITIME COMMISSION

Notices

Agreements filed:
Oakland, City of, and Matson Terminals 52720

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Gulf Power Co 52721

FEDERAL REGISTER OFFICE

Rules

CFR checklist, 1976 issuances 52643

CONTENTS

FEDERAL TRADE COMMISSION

Rules

Prohibited trade practices:
- Sherry Manufacturing Co., Inc., et al ... 52659
- Soundtrack Chevell Industries, et al ... 52660

FISH AND WILDLIFE SERVICE

Rules

Fishing:
- Oyster Bay National Wildlife Refuge, N.Y. ... 52697

Public access, entry, use, and recreation:
- Amagansett National Wildlife Refuge, N.Y. ... 52696
- Mortoin National Wildlife Refuge, N.Y. ... 52696
- Target Rock National Wildlife Refuge, N.Y. ... 52697

FOREST SERVICE

Notices

Environmental statements; availability, etc.:
- Alaska National forests, Conecuh Unit Plan, Alas ... 52710
- Custer National Forest, Sioux Planning Unit Land Use Plan, S. Dak ... 52710
- Texas National forests, Sabine Unit Plan, Tex ... 52710

GENERAL SERVICES ADMINISTRATION

See Federal Register Office.

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office; Human Development Office.

Rules

Procurement; administrative matters and forms ... 52676

Notices

Human services policy management; inquiry ... 52722

Organization, functions, and authority delegations:
- Standard Administrative Code system; Department redesignations ... 52724

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Insurance Administration.

HUMAN DEVELOPMENT OFFICE

Notices

Head Start programs:
- Recruitment and enrollment policies; inquiry ... 52787

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERNATIONAL TRADE COMMISSION

Notices

Import investigations:
- Knitting machines for seamless hosiery from Italy ... 52726

INTERSTATE COMMERCE COMMISSION

Rules

Railroad car service orders:
- Freight cars, distribution ... 52695
- Hopper cars, return ... 52695

Railroad car service orders; various companies:
- Chicago & North Western Transportation Co ... 52696
- Missouri Pacific Railroad Co ... 52695

Notices

Fourth section applications for relief ... 52739

Hearing assignments ... 52739

Motor carriers:
- Irregular-route property carriers; gateway eliminations ... 52739
- Temporary authority applications ... 52751

Piggyback service; investigation to modify regulations ... 52754

JUSTICE DEPARTMENT

See also Drug Enforcement Administration.

Rules

Nondiscrimination; equal employment opportunity in federally-assisted programs; grants ... 52669

LABOR DEPARTMENT

See Labor Statistics Bureau.

LABOR STATISTICS BUREAU

Notices

Meeting:
- Business Research Advisory Council's Committee on Consumer and Wholesale Prices; cancellation ... 52728

LAND MANAGEMENT BUREAU

Notices

Applications, etc.:
- New Mexico (3 documents) ... 52725
- Wyoming ... 52726

Meetings:
- Idaho Falls District Multiple Use Advisory Board ... 52725

Opening of public lands:
- Oregon ... 52726

Organization and functions:
- Carson City District Office; address change ... 52725

Withdrawal and reservation of lands, proposed, etc.:
- Arizona; corrections (2 documents) ... 52724, 52725

NATIONAL SCIENCE FOUNDATION

Notices

Meetings:
- National Science Board (2 documents) ... 52728
- President's Committee on National Medal of Science ... 52729

NAVY DEPARTMENT

Notices

Meetings:
- Underwater Sound Advisory Committee ... 52715

PATENT AND TRADEMARK OFFICE

Proposed Rules

Patent cases:
- Practice rules; examining and appeal procedures; hearing location change ... 52705

SECURITIES AND EXCHANGE COMMISSION

Rules

Investment Company Act:
- Life insurance companies; separate accounts to fund certain variable life insurance contracts; correction ... 52668

Securities Act:
- Employee benefit plans; registration form changes ... 52662

Proposed Rules

Securities Act:
- Registration statements on Form S-8, effective date of amendments ... 52701

Notices

Hearings, etc.:
- American Electric Power Co., Inc ... 52730
- American Stock Exchange, Inc. (2 documents) ... 52730
- Ascot Oils, Inc ... 52729
- Belmont Oil Co ... 52729
- Chemex Corp ... 52731
- Depository Trust Co ... 52731
- Fall River Electric Light Co ... 52731
- General Public Utilities Corp ... 52732
- Georgia Power Co ... 52733
- Granite State Electric Co ... 52733
- Harvest Fuels, Inc ... 52734
- Indiana & Michigan Power Co. et al ... 52734

SMALL BUSINESS ADMINISTRATION

Rules

Small business investment companies:
- Farm land purchases, financing ... 52647

Notices

Applications, etc.:
- C.B.M.C. Capital Corp ... 52736
- MESBIC Financial Corp. of Houston ... 52736
- Professional Capital Corp ... 52737
- Small Business Enterprises Co ... 52737

Disaster areas:
- New Jersey ... 52736

Meetings:
- Des Moines District Advisory Council ... 52736
- Equity and Venture Capital Task Force ... 52737
- Montpelier District Advisory Council ... 52737

TRANSPORTATION DEPARTMENT

See Federal Highway Administration.

TREASURY DEPARTMENT

See also Customs Service.

Notices

Countervailing duty petitions:
Handbags from Republic of China; preliminary determination ---------- 52738

TRUMAN, HARRY S., SCHOLARSHIP FOUNDATION

Rules

Privacy Act; implementation ---------- 52677

Notices

Privacy Act; systems of records ---------- 52721

UNITED STATES RAILWAY ASSOCIATION

Notices

Loan applications:
Consolidated Rail Corp ---------- 52739

"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.

7 CFR

401 ---------- 52643
989 ---------- 52645
999 ---------- 52646
1464 ---------- 52647

13 CFR

107 ---------- 52647
315 ---------- 52648

14 CFR

253 ---------- 52658

PROPOSED RULES:

399 ---------- 52698

16 CFR

13 (2 documents) ---------- 52659, 52660

17 CFR

239 ---------- 52662
270 ---------- 52668

PROPOSED RULES:

230 ---------- 52701

23 CFR

PROPOSED RULES:

Ch. I ---------- 52703

24 CFR

1917 (2 documents) ---------- 52668, 52669

PROPOSED RULES:

1917 (4 documents) ---------- 52703–52705

28 CFR

42 ---------- 52669

32 CFR

890 ---------- 52672

37 CFR

PROPOSED RULES:

1 ---------- 52705

40 CFR

50 ---------- 52686
51 ---------- 52692
53 ---------- 52692
136 ---------- 52779

41 CFR

3–16 ---------- 52676
3–50 ---------- 52676

45 CFR

1800 ---------- 52677

47 CFR

73 ---------- 52677
97 ---------- 52685

PROPOSED RULES:

15 ---------- 52705
95 ---------- 52709

49 CFR

1033 (4 documents) ---------- 52695, 52696

50 CFR

26 (3 documents) ---------- 52696, 52697
33 ---------- 52697

FEDERAL REGISTER PAGES AND DATES—DECEMBER

Pages	*Date*
52643–52855	Dec. 1

reminders

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

Rules Going Into Effect Today

DOT/FAA—Airborne Interim Standard Microwave Landing System Converter Equipment..... 48511; 11–4–76

FCC—Citizens Radio Service; Class D Stations Operating Rules; Revision; Memorandum Opinion and Order..... 47445; 10–29–76

Radio frequency devices; Class D CB Transmitters and Transmitter Section of Class D CB Transceivers.... 47442; 10–29–76

HUD/FIA—National Flood Insurance Program; revision..... 46962; 10–26–76

Treasury/AT&F—Reorganization of Bureau; change of titles..... 44038;

IRS—Procedure and Administration, Alcohol, Tobacco and Firearms Bureau; reorganization and change of titles. 44038; 10–6–76

USDA/AMS—Milk in the Louisville-Lexington-Evansville Marketing Area.... 47458; 10–29–76

Milk in the Nashville, Tennessee, Marketing Area..... 47459; 10–29–76

VA—Loan guaranty; acceptable sale and leasing restrictions..... 44039; 10–6–76

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

Milk in the Nebraska-Western Iowa Marketing Area; extension of time for filing briefs to 12–10–76. 50696; 11–17–76

Milk in the Ohio Valley Marketing area; extensions of time for filing exceptions to the recommended decision on proposed amendments to tentative marketing agreement and to order; comments by 12–11–76. 50696; 11–17–76

Rural Electrification Administration—

Electric distribution plants; guidelines and requirements for the adequate grounding of primary lines; comments by 12–6–76..... 48744; 11–5–76

REA Bulletin 140–1; Load Management Programs; comments by 12–6–76..... 48744; 11–5–76

CIVIL AERONAUTICS BOARD

Carrier charges for ferry mileage, reexamination of board policies; comments by 12–6–76..... 46322; 10–20–76

Off-Route charter limitations; comments extended to 12–9–76.. 50696; 11–17–76

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

Coastal energy impact program; qualifications; comments by 12–3–76..... 51425; 11–22–76

Patent and Trademark Office—

Patent examining and appeal procedures; comments by 12–7–76. 43729; 10–4–76

COMMUNITY SERVICES ADMINISTRATION

Community food and nutrition program; outline of program purposes, conditions and funding policies; comments by 12–8–76..... 49179; 11–8–76

CONSUMER PRODUCT SAFETY COMMISSION

Freedom of information; comments by 12–10–76..... 49640; 11–10–76

DEFENSE DEPARTMENT

Engineers Corps—

Pacific Ocean, Calif., Danger zone regulations; comments by 12–5–76. 48747; 11–5–76

ENVIRONMENTAL PROTECTION AGENCY

Emission guidelines for control of sulfuric acid mist from existing sulfuric acid production units; comments by 12–6–76..... 48706; 11–4–76

Iowa; approval and promulgation of implementation plans; comments by 12–6–76..... 48750; 11–5–76

Massachusetts; approval and promulgaton of implementation plans; comments by 12–5–76.. 48752; 11–5–76

Pesticide test reports; reliability; comments by 12–6–76..... 43920; 10–6–76

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Privacy Act of 1974; comments by 12–11–76..... 49656; 11–10–76

FEDERAL COMMUNICATIONS COMMISSION

Broadcast licensees; maintenance of certain program records; comments by 12–8–76..... 49858; 11–11–76

Radio telegraph logs; elimination of certain requirements regarding entries; reply comments due 12–6–76. 47496; 10–29–76

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—

Emergency School Aid Act, educational television; comments by 12–6–76..... 46317; 10–20–76

Women educational equity; procedures governing grant program; comments by 12–6–76..... 46576; 10–21–76

Exemplary projects in vocational education; criteria for selection of applicants for FY 1977; comments by 12–6–76..... 46608; 10–22–76

Food and Drug Administration—

Diagnostic X-Ray equipment performance standard: Tomographic systems; comments by 12–9–76. 43180; 9–30–76

Over-the-Counter Drugs, establishment of a monograph for OTC cold, cough, allergy, bronchodilator and antiasthmatic products; comments by 12–8–76..... 38312; 9–9–76

Radiation safety criteria for mercury vapor lamps; recommendations and notice of intent to develop performance criteria; comments by 12–7–76..... 44421; 10–8–76

Public Health Service—

Basic operations: Planning, establishing, strengthening and supporting; comments by 12–6–76..... 46318; 10–20–76

Statewide professional standards review councils, appointment and performance of functions; comments by 12–6–76..... 44286; 10–7–76

Social Security Administration—

Recovery of excess cost resulting from the use of accelerated depreciation when termination of the provider agreement results from a transaction between related organizations; comments by 12–6–76. 46321; 10–20–76

JUSTICE DEPARTMENT

Drug Enforcement Administration—

Partial filling of prescriptions for controlled substances; computerized refill information for emergency kits; comments by 12–10–76. 49505; 11–9–76

LABOR DEPARTMENT

Employment and Training Administration—

Aliens in the United States, permanent employment of; certification process; comments by 12–6–76. 48938; 11–5–76

Disaster unemployment assistance; comments by 12–9–76..... 49608; 11–9–76

Migrant and seasonal farmworkers; monitoring and enforcement responsibilities of the employment services system; comments by 12–6–76..... 48746; 11–5–76

Federal Contract Compliance Programs Office—

Equal employment opportunity; comments by 12–6–76..... 50015; 11–12–76

Occupational Safety and Health Administration—

Commercial diving operations; standards; comments by 12–6–76. 48950; 11–5–76

Exposure to inorganic arsenic; standards; new information; comments by 12–9–76..... 48746; 11–5–76

SECURITIES AND EXCHANGE COMMISSION

Business combination transactions; experimental short registration form and amendments of related rules; comments by 12–10–76..... 43876; 10–4–76

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

Airworthiness directives; Hartzell propellers; comments by 12–6–76. 49829; 11–11–76

Control areas, positive; comments by 12–6–76 ..... 46458; 10–21–76

Control zone and transition area; alteration; comments by 12–6–76. 48541; 11–4–76

Temporary restricted area; Georgia and North Carolina; comments by 12–8–76 ..... 49149; 11–8–76

Transition area; Siler City, N.C.; comments by 12–6–76 ..... 46459; 10–21–76

Federal Railroad Administration—

Railroad operating rules; rolling equipment; comments by 12–6–76. 48126; 11–2–76

National Highway Traffic Safety Administration—

Motor vehicle safety standards: lamps, reflective devices, and associated equipment; comments by 12–6–76. 46460; 10–21–76

TREASURY DEPARTMENT

Customs Service—

Drawback claims, accelerated payments; comments by 12–10–76. 49646; 11–10–76

Internal Revenue Service—

Allocation and apportionment of deductions for computation of taxable income from sources within the United States and other sources; comments by 12–7–76 ..... 49160; 11–8–76

Arbitrage bonds; comments by 12–6–76 ..... 50698; 11–17–76

Community trust; comments by 12–7–76 ..... 50699; 11–17–76

Gross income; allocation and apportionment of deductions; comments by 12–7–76 ..... 49160; 11–8–76

VETERANS ADMINISTRATION

Veterans benefits, increased disability compensation and dependency indemnity compensation; comments by 12–6–76 ..... 48747; 11–5–76

Veterans education; use of open circuit television; comments by 12–9–76. 49506; 11–9–76

Next Week's Meetings

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Rulemaking and Public Information Committee, Washington, D.C. (open), 12–9–76 ..... 50016; 11–12–76

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

Shippers Advisory Committee, Lakeland, Florida (open), 12–7–76. 50706; 11–17–76

Animal and Plant Health Inspection Service—

Salmonella Advisory Committee, Washington, D.C. (open), 12–9–76. 51642; 11–23–76

Forest Service—

Descanso District Grazing Advisory Board, Alpine, California (open), 12–8–76 ..... 48556; 11–4–76

San Isabel National Forest Grazing Advisory Board, West Pueblo, Colo. (open), 12–9–76 ..... 50016; 11–12–76

Taos-Penasco Questa Division Grazing Advisory Board ,Taos, New Mexico (open), 12–11–76 ..... 50849; 11–18–76

Tierra Amarilla Grazing Advisory Board, Ghost Ranch near Canjilon (open), 12–10–76 ..... 50849; 11–18–76

Office of the Secretary—

National Advisory Council on Child Nutrition, El Paso, Tex. (open), 12–6 and 12–7–76 ..... 50459; 11–16–76

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Dance Advisory Panel, New York, N.Y. (partially open), 12–5 and 12–6–76. 50875; 11–18–76

Education Panel Advisory Committee, Washington, D.C. (closed), 12–9 and 12–10–76 ..... 50077; 11–12–76

Public Program Panel Advisory Committee, Lubbock, Texas (closed), 12–9 and 12–10–76 ..... 50077; 11–12–76

Research Grants Panel Advisory Committee, Washington, D.C. (closed), 12–10–76 ..... 49202; 11–8–76

CIVIL RIGHTS COMMISSION

Delaware Advisory Committee, Wilmington, Del. (open), 12–8–76 ..... 51647; 11–23–76

Kansas Advisory Committee, Leavenworth, Kans. (open), 12–11–76. 51433; 11–22–76

Kentucky Advisory Committee, Louisville, Ky. (open), 12–9–76 ..... 50043; 11–12–76

Louisiana Advisory Committee, Baton Rouge, La. (open), 12–11–76 ..... 51433; 11–22–76

Massachusetts Advisory Committee, Boston, Mass. (open), 12–9–76. 51434; 11–22–76

Minnesota Advisory Committee, St. Paul, Minn. (open), 12–10 and 12–11–76 (2 documents) 51434; 11–22–76

Missouri/Kansas Advisory Committee, Kansas City, Mo. (open), 12–6–76. 50044; 11–12–76

New York Advisory Committee, New York, N.Y. (open), 12–8–76 ..... 47992; 11–1–76

North Dakota Advisory Committee, Bismarck, N. Dak. (open), 12–9–76. 50044; 11–12–76

Rhode Island Advisory Committee, Providence, R.I. (open), 12–7–76 ..... 48560; 11–4–76

South Dakota Advisory Committee, Rapid City, S. Dak. (open), 12–6 and 12–7–76 ..... 50044; 11–12–76

COMMERCE DEPARTMENT

Census Bureau—

Census Advisory Committee on Agriculture Statistics, Suitland, Maryland (open), 12–9–76 ..... 50708; 11–17–76

Domestic and International Business Administration—

Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee, Washington, D.C. (partially open), 12–7–76 ..... 45602; 10–15–76

East-West Trade Advisory Committee, Washington, D.C. (open), 12–8–76. 51646; 11–23–76

National Industrial Energy Council, Washington, D.C. (open), 12–8–76. 49511; 11–9–76

Economic Development Administration—

National Public Advisory Committee on Regional Economic Development, Washington, D.C. (open), 12–7 and 12–8–76 ..... 49875; 11–11–76

National Oceanic and Atmospheric Administration—

Gulf of Mexico Fishery Management Council, Houston, Texas (open), 12–8, 12–9 and 12–10–76. 51646; 11–23–76

New York Bight MESA Advisory Committee, Brooklyn, N.Y. (open), 12–8–76 ..... 50464; 11–16–76

North Pacific Fishery Management Council Advisory Panel, Anchorage, Alaska (open), 12–5–76 ..... 50464; 11–16–76

DEFENSE DEPARTMENT

Air Force Department—

Community College of the Air Force Advisory Committee, Arlington, Va. (open), 12–7–76 ..... 48770; 11–5–76

USAF Scientific Advisory Board, Science and Technology Advisory Group, Air Force Systems Command and Space and Missile Systems Organization Division Advisory Group, Edwards AFB, Calif. (closed), 12–6–76 ..... 50854; 11–18–76

USAF Scientific Advisory, Science and Technology Advisory Group, Air Force Systems Command and Space and Missile Systems Organization Division Advisory Group, Los Angeles, Calif. (closed), 12–7 and 12–8–76 ..... 50854; 11–18–76

Army Department—

Army Advisory Panel on ROTC Affairs, Pentagon (open), 12–7–76 ..... 50854; 11–18–76

U.S. Army Missile Command Scientific Advisory Group, U.S. Army Missile Command, Redstone Arsenal, Ala. (closed), 12–8 and 12–9–76. 50854; 11–18–76

Navy Department—

Professional Education Advisory Committee, Quantico, Va., 12–10 and 12–11–76 ..... 51647; 11–23–76

Office of the Secretary—

Design Awards Jury Committee, Washington, D.C. (open), 12–6 and 12–7–76 ..... 49666; 11–10–76

DOD Advisory Group on Electron Devices, Arlington, Va. (closed), 12–9–76. 50465–50466; 11–16–76

Natural Resources Conservation Advisory Committee, Washington, D.C. (open), 12–10–76..... 51647; 11–23–76

Working Group C, Advisory Group on Electron Devices, Arlington, Va. (closed), 12–9–76..... 47975; 11–1–76

ENVIRONMENTAL PROTECTION AGENCY

Federal Insecticide, Fungicide and Rodenticide Scientific Advisory Panel, Arlington, Va. (open), 12–9 and 12–10–76..... 51436; 11–22–76

FEDERAL COMMUNICATIONS COMMISSION

National Industry Advisory Committee, Amateur Radio Services Subcommittee, Washington, D.C. (open) 12–7–76..... 49667; 11–10–76

FEDERAL ENERGY ADMINISTRATION

Natural Gas Transmission and Distribution Advisory Committee, Washington, D.C. (open), 12–9–76..... 51649; 11–23–76

FEDERAL MEDIATION AND CONCILIATION SERVICE

Health Care Industry Labor-Management Advisory Committee, Washington, D.C., 12–6–76..... 50864; 11–18–76

FEDERAL POWER COMMISSION

Finance-Technical Advisory Committee, Washington, D.C. (open), 12–7–76. 48407; 11–3–76

Supply-Technical Advisory Task Force—Synthesized Gaseous Hydrocarbon Fuels, Washington, D.C. (open), 12–8–76..... 50343; 11–15–76

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Committee Meetings, Washington, D.C. (closed), 12–9–76..... 50721; 11–17–76

FEDERAL REGISTER OFFICE

Educational Workshops on How to Use the Federal Register, Pittsburgh, Pa. (open with restrictions), 12–6 thru 12–8–76..... 48423; 11–3–76

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—

Accreditation and Institutional Eligibility Advisory Committee, Arlington, Va. (open), 12–8 thru 12–10–76. 49675; 11–10–76

Financial Aid to Students Advisory Council, Washington, D.C. (open), 12–6 thru 12–8–76..... 48152; 11–2–76

Vocational Education National Advisory Council, Houston, Tex. (open), 12–6–76..... 50514; 11–16–76

Food and Drug Administration—

Implants and Biomaterials Subcommittee of the Ear, Nose, and Throat Device Classification Panel, Silver Spring, Md. (open), 12–6 and 12–7–76..... 50067; 11–12–76

Ophthalmic Drugs Advisory Committee, Rockville, Md. (open), 12–6–76..... 50067; 11–12–76

Panel on Review of Allergenic Extracts, Rockville, Md. (open), 12–10 and 12–11–76..... 50068; 11–12–76

Panel on Review of Oral Cavity Drug Products, Rockville, Md. (open), 12–9 and 12–10–76..... 50068; 11–12–76

Surgical Drugs Advisory Committee, Rockville, Md. (open), 12–10–76. 50068; 11–12–76

Health Resources Administration—

Applied Statistics Training Institute Task Force (Cooperative Health Statistics Advisory Committee), Rockville, Md. (open), 12–6 and 12–7–76..... 50347; 11–15–76

Nursing Research and Education Advisory Committee, Bethesda, Md. (partially open), 12–9–76. 50347; 11–15–76

National Institutes of Health—

Artificial Kidney-Chronic Uremia Advisory Committee, Bethesda, Md. (open), 12–7–76..... 47273; 10–28–76

Board of Scientific Counselors, National Eye Institute, Bethesda, Md. (open), 12–10 and 12–11–76. 48151; 11–2–76

Mental Retardation Research Committee, Bethesda, Md. (open), 12–9–76..... 48152; 11–2–76

President's Cancer Panel, Bethesda, Md. (open), 12–7–76..... 48151; 11–2–76

Periodontal Diseases Advisory Committee, Bethesda, Md. (open), 12–9 and 12–10–76..... 47274; 10–28–76

Workshop on DNA Repair and Carcinogenesis, Alexandria, Va. (open), 12–8 thru 12–10–76..... 45895; 10–18–76

Office of the Secretary—

Advisory Committees, Washington, D.C. (open), 12–10–76..... 50724; 11–17–76

President's Committee on Mental Retardation, Alexandria, Virginia (open), 12–9–76..... 49537; 11–9–76

Secretary's Advisory Committee on the Rights and Responsibilities of Women, Washington, D.C. (open), 12–7 and 12–8–76..... 51469; 11–22–76

Student Financial Assistance Study Group, Washington, D.C. (open), 12–8 and 12–9–76..... 50074; 11–12–76

Social Security Administration—

Vocational factors in disability determinations, Baltimore, Md. (open), 12–8–76..... 51471; 11–22–76

HISTORIC PRESERVATION, ADVISORY COUNCIL

Boston, Mass. (open), 12–8 and 12–9–76..... 50847; 11–18–76

INTERIOR DEPARTMENT

Land Management Bureau—

Cedar City District Multiple Use Advisory Board, Cedar City, Utah (open), 12–9–76..... 48388; 11–3–76

Nevada State Multiple Use Advisory Board, Las Vegas, Nev. (open), 12–9 and 12–10–76..... 50873; 11–18–76

Salem District Multiple Use Advisory Board, Salem, Ore. (open), 12–9–76..... 50874; 11–18–76

Salt Lake District Multiple Use Board, Salt Lake City, Utah (open), 12–7–76..... 48388; 11–3–76

Mines Bureau—

Coal Mine Safety Research Advisory Committee, Washington, D.C. (open), 12–6 and 12–7–76.. 50355; 11–15–76

National Park Service—

Boston National Historical Park Advisory Commission, Boston, Mass. (open), 12–7–76..... 49682; 11–10–76

Cape Cod National Seashore Advisory Commission, South Wellfleet, Mass. (open), 12–10–76..... 50075; 11–12–76

Independence National Historical Park Advisory Commission, Philadelphia, Pa. (open), 12–10–76. 51667; 11–23–76

Western Regional Advisory Committee, San Francisco, Calif. (open), 12–10–76..... 50499; 11–16–76

Office of the Secretary—

Dickey/Lincoln School Transmission Project, Presque Island, Me. (open), 12–10–76..... 47980; 11–1–76

Dickey/Lincoln School Transmission Project, Bangor, Me. (open), 12–9–76..... 47980; 11–1–76

Dickey/Lincoln School Transmission Project, Augusta, Me. (open), 12–8–76..... 47980; 11–1–76

Dickey/Lincoln School Transmission Project, Groveton, N.H. (open), 12–7–76..... 47980; 11–1–76

Dickey/Lincoln School Transmission Project, Jackman, Me. (open), 12–6–76..... 47980; 11–1–76

JUSTICE DEPARTMENT

Law Enforcement Assistance Administration—

National Advisory Committee for Juvenile Justice and Delinquency Prevention, New York, N.Y. (open), 12–8 thru 12–10–76..... 51476; 11–22–76

LABOR DEPARTMENT

Federal Contract Compliance Programs Office—

Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs, Washington, D.C. (open), 12–10–76. 51624; 11–23–76

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Applications Steering Committee, Earth Dynamics Advisory Subcommittee, San Francisco, Calif. (open with restrictions), 12–9–76..... 50727; 11–17–76

NASA Research and Technology Advisory Council Committee on Aeronautical Propulsion, Edwards, Calif. (open), 12–6 thru 12–8–76..... 50875; 11–18–76

NASA Research and Technology Advisory Council Committee on Guidance, Control and Information Systems, Hampton, Va. (open with restrictions), 12–8 and 12–9–76..... 50727; 11–17–76

NATIONAL CREDIT UNION ADMINISTRATION

National Credit Union Board, Boston, Mass. (open), 12–7 and 12–8–76. 49897; 11–11–76

NATIONAL SCIENCE FOUNDATION

Ethics and Values in Science and Technology, Reston, Va. (open), 12–5–76. 49557; 11–9–76

Research Applications Policy Advisory Committee, Washington, D.C. (open), 12–7 and 12–8–76..... 50078; 11–12–76

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Washington, D.C. (partially open), 12–9 and 12–11–76.... 51484; 11–22–76

Advisory Committee on Reactor Safeguards, Subcommittee on Resolution of Generic Items, Washington, D.C. (partially open), 12–7–76..... 51483; 11–22–76

Advisory Committee on Reactor Safeguards; Reactor Safety Study Working Group, Washington, D.C. (partially open), 12–8–76.... 51482; 11–22–76

Advisory Committee on Reactor Safeguards, Subcommittee on the Clinch River Breeder Reactor, Washington, D.C. (partially open), 12–8–76. 51478; 11–22–76

Advisory Committee on Reactor Safeguards, Subcommittee on Regulatory Guides, Washington, D.C. (partially open), 12–8–76.... 51478; 11–22–76

SCIENCE AND TECHNOLOGY POLICY OFFICE

Intergovernmental Science, Engineering and Technology Advisory Panel, Washington, D.C. (open), 12–7–76.. 50879; 11–18–76

SECURITIES AND EXCHANGE COMMISSION

Advisory Committee on Replacement Cost Implementation, Washington, D.C. (open), 12–6–76..... 48425; 11–3–76

Corporate Disclosure Advisory Committee, Washington, D.C. (open), 12–6 and 12–7–76..... 48822; 11–5–76

SMALL BUSINESS ADMINISTRATION

San Diego District Advisory Council, San Diego, Calif. 12–9–76..... 50883; 11–18–76

STATE DEPARTMENT

International Development Agency—

Research Advisory Committee, Washington, D.C. (open), 12–9–76. 48172; 11–2–76

Office of the Secretary—

Overseas Schools Advisory Council, Washington, D.C., 12–8–76. 47504; 10–29–76

Study Groups 10 and 11 of the U.S. National Committee for the International Radio Consultative Committee, Washington, D.C. (open), 12–9–76.. 50884; 11–18–76

Fine Arts Committee, Washington, D.C. (open), 12–6 and 12–7–76.... 50066; 11–12–76

U.S. National Committee for International Telegraph and Telephone Consultative Committee (CCITT) Study Group 1, Washington, D.C. (open), 12–9–76..... 50368; 11–15–76

U.S. National Committee of the International Telegraph and Telephone Consultative Committee (CCITT) Study Group 5, Washington, D.C. (open), 12–8–76.... 50368; 11–15–76

Study Group 9 of the U.S. National Committee for the International Radio Consultative Committee, Washington, D.C. (open), 12–9–76..... 49915; 11–11–76

TRANSPORTATION DEPARTMENT

Coast Guard—

Chemical Transportation Industry Advisory Committee, Washington, D.C. (open), 12–9–76..... 50884; 11–18–76

Federal Aviation Administration—

Radio Technical Commission for Aeronautics (RTCA); Special Committee 125–MLS Implementation, Washington, D.C. (open), 12–7 thru 12–9–76..... 50885; 11–18–76

Urban Mass Transportation Administration—

Uniform system of accounts and records and reporting system, implementation; Washington, D.C., 12–7–76 ..... 50886; 11–18–76

Office of the Secretary—

Citizens' Advisory Committee on Transportation Quality, Washington, D.C. (open), 12–6 and 12–7–76..... 50886; 11–18–76

TREASURY DEPARTMENT

Fiscal Service—

Federal Consolidated Financial Statements Advisory Committee, Washington, D.C. (open), 12–8–76. 49922; 11–11–76

Office of the Secretary—

Small Business Advisory Committee on Economic Policy, Washington, D.C. (open), 12–6 and 12–7–76. 50748; 11–17–76

VETERANS ADMINISTRATION

Advisory Committee on Structural Safety of Veterans Administration Facilities, Washington, D.C. (open), 12–10–76. 50750; 11–17–76

Station Committee on Educational Allowances, Portland, Ore. (open), 12–8–76..... 48621; 11–4–76

Next Week's Public Hearings

ELECTRONIC FUND TRANSFERS NATIONAL COMMISSION

Hearings, Washington, D.C., 12–9 and 12–10–76..... 50750; 11–17–76

POSTAL RATE COMMISSION

Mail Classification Schedule; Legislative Changes, Washington, D.C., 12–6–76. 50739; 11–17–76

PRIVACY PROTECTION STUDY COMMISSION

Employment and personnel recordkeeping practices, hearings, Washington, D.C., 12–9 and 12–10–76..... 49684; 11–10–76

RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS, NATIONAL STUDY COMMISSION

Hearings, New York, N.Y. (open), 12–6 and 12–7–76..... 49683; 11–10–76

List of Public Laws

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

Table of Effective Dates and Time Periods—December 1976

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

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

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

A new table will be puiblished monthly in the first issue of each month. All January, February and March dates are in 1977.

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

AGENCY ABBREVIATIONS USED IN HIGHLIGHTS AND REMINDERS

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

USDA—AGRICULTURE DEPARTMENT

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

COMMERCE—COMMERCE DEPARTMENT

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

DOD—DEFENSE DEPARTMENT

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

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

HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT

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

HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

CA&RF—Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CP&D—Community Planning and Development, Office of Assistant Secretary
FDAA—Federal Disaster Assistance Administration
FHEO—Fair Housing and Equal Opportunity, Office of Assistant Secretary
FHC—Federal Housing Commissioner, Office of Assistant Secretary for Housing
FIA—Federal Insurance Administration
GNMA—Government National Mortgage Association
ILSRO—Interstate Land Sales Registration Office
NCA—New Communities Administration
NCDC—New Community Development Corporation

INTERIOR—INTERIOR DEPARTMENT

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

JUSTICE—JUSTICE DEPARTMENT

DEA—Drug Enforcement Administration
INS—Immigration and Naturalization Service
LEAA—Law Enforcement Assistance Administration
NIC—National Institute of Corrections

LABOR—LABOR DEPARTMENT

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

STATE—STATE DEPARTMENT

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

DOT—TRANSPORTATION DEPARTMENT

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

TREASURY—TREASURY DEPARTMENT

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

INDEPENDENT AGENCIES

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

rules and regulations

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

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

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1976 Issuances

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

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

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

Title	Price
1	$1.40
2 [Reserved]	
3A, 1975 Compilation	3.40
4	3.20
5	4.90
6	.95
7 Parts:	
0-45	5.80
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53-209	5.50
210-699	6.20
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900-944	3.90
945-980	2.70
981-999	2.40
1000-1059	4.00
1060-1119	4.50
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9	6.80
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300-end	7.50
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14 Parts:	
1-59	5.30
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15	5.40
16 Parts:	
0-149	6.50
150-end	6.80
Finding Aids	3.05

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

Title	Price
17	$6.00
18 Parts:	
1-149	4.85
150-end	$4.10
19	5.65
20 Parts:	
1-399	2.45
400-end	7.50
21 Parts:	
1-9	2.60
10-199	5.20
200-299	2.10
300-499	5.95
500-599	3.75
600-1299	2.75
1300-end	1.90
23	4.55
24 Parts:	
0-499	6.65
500-end	6.90
25	5.25
26 Parts:	
1 (§§ 1.0-1—1.169)	5.95
1 (§§ 1.170-1.300)	3.90
1 (§§ 1.301-1.400)	3.30
1 (§§ 1.401 to 1.500)	3.55
1 (§§ 1.501-1.640)	4.05
1 (§§ 1.641-1.850)	4.45
1 (§§ 1.851-1.1200)	6.05
1 (§§ 1.1201 to end)	6.95
2-29	4.05
30-39	3.45
40-299	5.40
300-499	3.60
600-end	2.20
27	7.70

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

Title	Price
28	$3.10
29 Parts:	
0-499	7.30
1900-1919	7.55
1920-end	4.05
30	4.80
31	5.65
32 Parts:	
1-39 (V.I) (Rev. 11/1/75)	5.80
(V.II) (Rev. 11/1/75)	7.40
(V.III) (Rev. 11/1/75)	5.10
40-399	6.50
400-589	5.20
590-699	3.10
700-799	7.85
800-999	6.05
1000-1399	2.20
1400-1599	3.65
1600-end	1.95
32A	2.90
33 Parts:	
1-199	6.20
200-end	5.85
35	3.50
36	3.40
37	2.20
38	7.20
39	2.75
40 Parts:	
0-49	3.15
50-59	6.80
60-99	5.70
100-399	4.50
400-end	6.70
41 Chapters:	
1-2	5.70
3-6	5.90
7	1.85
8	1.80
10-17	4.15
19-100	3.55
101-end	6.80
CFR Index	$3.20

CFR Unit (Rev. as of 10/1/76):

Title	Price
45 Parts:	
1-99	$3.45
46 Parts:	
1-29	2.15
30-40	2.20
70-89	2.10
90-109	1.95
110-139	1.90
49 Parts:	
1-99	2.05
1300-end	3.60

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amdt. No. 83]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

THE COTTON ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, § 401.136 of the Federal Crop Insurance Regulations for the 1969 and Succeeding Crop Years contained in 7 CFR Part 401, is revised effective beginning with the 1977 crop year to read as follows:

§ 401.136 The cotton endorsement.

The provisions of the Cotton Endorsement for the 1977 and Succeeding Crop Years are as follows:

1. *Insured crop.* The crop insured shall be American Upland lint cotton. Insurance shall not attach on acreage on which it is determined by the Corporation that cotton was (a) planted following the same year a small grain crop which reached the heading State, (b) planted on new ground acreage, or (c) planted in excess of the allotment, permitted acreage, or any other acreage limitation established under any program administered by the Secretary of Agriculture but destroyed by natural causes or by the insured and not considered as cotton under the provisions of such program.

2. *Insured skip-row acreage.* In the case of skip-row planting, the acreage insured shall be the acreage occupied by the rows of cotton and eliminating the skipped-row portions, as determined by the Corporation.

3. *Production guarantee.* The production guarantees per acre shown on the county actuarial table (hereinafter called "actuarial table") are progressive as follows: (1) First stage—after it is too late to plant cotton until the first blooms are shed, (2) Second stage—after the first blooms are shed and until acreage quali-

fies for the third stage, or (3) Third stage—after harvest of at least 20 percent of the pound guarantee per acre for this stage and to the end of the insurance period, except that, and notwithstanding section 6(b) of this endorsement or any other provisions of the contract, acreage on which the Corporation determines the cotton crop has been damaged to the extent that normally farmers would not further care for the crop, shall be deemed to have been destroyed at the time of such damage even though the cotton crop on such acreage was further cared for or harvested. The pound guarantee applicable to such acreage shall be that established for the stage reached by the crop at the time of such damage as determined by the Corporation.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the cotton is planted and with respect to any portion of the crop shall cease upon removal from the field, or upon being housed or upon either disposal or transfer of interest in unharvested cotton after harvest was commenced, but in no event shall insurance remain in effect later than the applicable date set forth below immediately following the beginning of the normal harvest period:

Alabama:	
Randolph, Clay, Talladega, Shelby, Tuscaloosa, and Pickens Counties, and all Alabama counties lying south thereof.	Nov. 30.
All other Alabama counties	Dec. 15.
Arkansas, Missouri, and South Carolina.	Do.
Arizona and California	Jan. 31.
Florida	Nov. 30.
Georgia:	
Burke, Jefferson, Washington, Baldwin, Jones, Monroe, Lamar, Pike, Meriwether, and Troup Counties, and all Georgia counties lying south thereof.	Do.
All other Georgia counties	Dec. 15.
Louisiana	Nov. 30.
Mississippi:	
Noxubee, Winston, Attala, Holmes, Yazoo, and Issaquena Counties, and all Mississippi counties lying thereof.	Do.
All other Mississippi counties. ties.	Dec. 15.
Texas:	
Jackson, Victoria, Goliad, Bee, Live Oak, Atascosa, Medina, Uvalde, and Kinney Counties, and all Texas counties lying South thereof.	Sept. 30.
Wichita, Archer, Young Stephens, Callahan, Runnels, Tom Green, Irion, Crockett, and Terrell Counties, and all Texas counties lying north and west thereof.	Dec. 31.
All other Texas counties	Nov. 30.
Kentucky, North Carolina, New Mexico, Oklahoma, Tennessee, and Virginia.	Dec. 31.

5. *Claims for Loss.* (a) Any claim for loss on a unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss. The Corporation shall have the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) It shall be a condition precedent to the payment of any loss that the insured establish the production of the insured crop on the unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of cotton on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in (3) by the insured interest: *Provided*, That if for the unit the insured fails to report all of his interest or insurable acreage, the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 3 of the policy, the amount of loss shall be reduced proportionately. The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all harvested production and any appraisals made by the Corporation for unharvested or potential production, poor farming practices, or uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That the production to be counted for any acreage of cotton (1) which comprises an insurance unit or any portion thereof and is not eligible for the production guarantee for the third stage shall be the amount by which the appraised and harvested production for such acreage exceeds the difference between the production guarantee applicable for such acreage and the production guarantee applicable for the third stage, except as to the acreage referred to in the following items (2) and (3); (2) which is abandoned or put to another use without prior written consent of the Corporation shall be the production guarantee provided for such acreage; or (3) which is damaged solely by an uninsured cause shall be not less than the production guarantee provided for such acreage.

(d) The cotton stalks on any acreage with respect to which a loss is claimed shall not be destroyed until the Corporation makes an inspection. For any acreage on which the stalks have been destroyed prior to inspection, the Corporation shall have the right to make an appraisal on such acreage of not less than the third-stage guarantee.

(e) Notwithstanding paragraph (c) of this section, the total production to be counted for any unit shall not include any harvested production destroyed due to insurable causes occurring within the insurance period before being housed or removed from the field.

(f) Notwithstanding any provision of this section for determining the production to be counted, such production shall be reduced when, due solely to insured causes, the quality of the cotton produced is such that, on the date the final notice of loss is given by the insured, the price quotation for cotton of like quality (price quotation "A") at the applicable spot market, as determined by the Corporation, is less than 75 percent of price quotation "B". Price quotation "B" shall be that day's spot market price quotation at the same market for cotton of the grade, staple length, and micronaire reading shown on the actuarial table for this purpose. In such case, the pounds of production to be counted shall be determined by multiplying the actual number of pounds of such production by price quotation "A", and dividing the result by 75 percent of price quotation "B". This reduction for quality shall not be made if the Corporation determines that quality damage could have been prevented or reduced by following recognized good farming practices, including timely harvesting.

6. *Meaning of Terms.* For purposes of insurance on cotton.

(a) "Cotton" means only a crop of American Upland cotton and does not include such cotton if planted primarily for experimental purposes.

(b) "Harvest" means the removal of seed cotton from the open cotton boll or the severance of the open cotton boll from the stalk by either manual or mechanical means.

(c) "New ground acreage" in all states except Arizona, California, and New Mexico, means acreage on which it was necessary to remove or deaden timber and remove undergrowth to carry out established cultural practices. Pasture land, other than woodland pasture, cleared of underbrush and brought into cultivation will not be considered new ground acreage. In Arizona, California, and New Mexico, "new ground acreage" means any acreage which has not been planted to a crop in any one of the previous three crop years, except that acreage in tame hay or rotation pasture during the previous crop year shall not be considered new ground acreage.

(d) "Sharecropper" or "share tenant" means a person other than an owner-operator or tenant-operator who works cotton under supervision of a farm operator and is entitled to receive a share of the crop or proceeds therefrom and includes a person employed on the farm of an owner-operator or tenant-operator who receives for his labor the entire interest of such owner-operator or tenant-operator in the cotton crop, or proceeds therefrom, produced on a specified acre-

age of such farm (for the purpose of the contract the owner-operator or tenant-operator of the farm shall be considered to have an interest in such acreage).

(e) "Tenant-operator" or "tenant" means a person who rents land from another person for a share of the crop, or proceeds therefrom, produced on such land and is responsible for farm management with respect to the production of cotton on such acreage whether produced by his own or other person's labor.

(f) "Owner-operator" means a person who owns land and is responsible for farm management with respect to the production of cotton on such acreage whether produced by his own or other person's labor.

(g) "Spot market" means a market so designated by the Secretary of Agriculture by regulation (7 CFR 27.93) pursuant to 26 U.S.C. 4862.

7. *Cancellation and termination for indebtedness dates.* (a) For each year of the contract the cancellation date shall be the December 31 (September 30 in Aransas, Refugio, Bee, Live Oak, McMullen, LaSalle, and Dimmit Counties, Texas, and all Texas Counties lying south thereof) immediately preceding the beginning of the crop year for which the cancellation is to become effective.

(b) For each year of the contract the termination date for indebtedness shall be the following applicable date immediately preceding the beginning of the crop year for which the termination is to become effective.

Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and South Carolina.	Apr. 10
Arizona and California	Mar. 31.
Oklahoma	Apr. 30.
Texas:	
Childress, Cottle, King, Stonewall, Fisher, Scurry, Borden, Dawson, and Gaines Counties, and all Texas Counties lying north and west thereof.	Apr. 30.
Aransas, Refugio, Bee, Live Oak, McMullen, LaSalle, and Dimmit Counties, and all Texas Counties lying south thereof.	Jan. 31.
Calhoun, Goliad, Jackson, and Victoria Counties.	Feb. 28.
Reeves, Ward, Pecos, and Terrell Counties, and all Counties lying south and west thereof.	Apr. 15.
All other Texas Counties	Mar. 31.
All other States	Apr. 15.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

The foregoing amendment will effect some changes in the provisions of the current Cotton Endorsement in order to clarify the Corporation's position and to assure the continuation of a viable cotton crop insurance program. Specifically, the foregoing amendment would eliminate subsection 2 of § 401.136, the provision of the current endorsement which permits a reduction of 4 percent in the annual premium for each full 100 acres on the insurance unit up to a maximum of 20 percent. The Corporation is of the opinion that this reduction is not justifiable in view of the existing provisions for premium discount provisions for favorable insuring experience. In addition, the foregoing amendment (1) More clearly defines the Corporation's position with regard to the determination of insured acreage of any skip-row planting pattern as only the acreage occupied by the rows and eliminating any acreage occupied by the skipped portion; (2) Provides for the Corporation to have the right to make an appraisal of not less than the third stage guarantee on any acreage upon which the stalks have been destroyed prior to inspection; and, (3) Provides for an editorial revision of the table of dates for termination for indebtedness, condensing those states with the same termination dates.

It is desirable that the foregoing amendment be made effective with the 1977 crop year. Notification of any changes must be given to insureds by December 15, 1976, and sufficient time should be allowed to rewrite and print the revised cotton endorsement.

Accordingly, it is found and determined that compliance with the procedure for notice of proposed rule making and public participation would be impracticable and contrary to the public interest. Therefore, these regulations are issued without compliance with such procedure, and were adopted by the Board of Directors on November 10, 1976.

Said amendment shall become effective December 1, 1976.

The Federal Crop Insurance Corporation 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.

PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

Approved on November 26, 1976.

RICHARD E. BELL,
Acting Secretary.

[FR Doc.76-35360 Filed 11-30-76;8:45 am]

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

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Temporary Changes in Minimum Grade Standards for Packed Raisins

Notices were published in the October 15 and October 29, 1976 issues of the FEDERAL REGISTER (41 FR 45575 and 47491), regarding proposals to temporarily change the minimum grade standards for certain varietal types of packed raisins. The changes are pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989; 41 FR 32412), hereinafter referred to collectively as the "order". The order regulates the handling of raisins produced from grapes grown in California and is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposals were recommended by the Raisin Administrative Committee.

Interested persons were afforded an opportunity to submit written data, views, or arguments on the proposals. Written comments were received from two persons within the time prescribed in the October 15 notice. The written comments received recommended that the tolerance for capstems on imported raisins be increased from 50 to 80 capstems per 500 grams to relieve the expected raisin shortage. Since the comments pertained to imported raisin requirements they were not relevant to the October 15 and 29 proposals and were not considered in making the changes in the minimum grade standards hereinafter set forth.

Section 989.59(a) prescribes minimum standards for packed raisins. Section 989.59(b) provides that the standards for any varietal type then in effect may be changed by the Secretary, on the basis of a recommendation by the Committee or other pertinent information, if he finds that to do so would tend to effectuate the declared policy of the act. Paragraph (b) also authorizes the Secretary, upon recommendation of the Committee, to prescribe minimum standards for any varietal type. The minimum standard for packed natural (sun-dried) Thompson Seedless, natural (sun-dried) Muscat, natural (sun-dried) or artificially dehydrated Sultana, Golden Seedless, Sulfur Bleached, Valencia, and Zante Currant raisins, are prescribed in § 989.59(a)(2). The minimum standards for packed Dipped Seedless raisins are prescribed in § 989.212 of Subpart—Supplementary Regulations (7 CFR 989.201-989.231).

Rains and poor drying conditions during the month of September seriously damaged California's 1976 raisin crop. Although the full extent of the rain damage is still unknown, it is estimated that this crop will be substantially less than domestic and foreign market needs. In addition, cool weather and rain earlier in the season delayed the proper development of sugar in the raisin grapes. Also, when grapes are rained on while drying in the field, there is a sugar loss. This loss of sugar further reduced the maturity of the 1976 raisin crop.

Producers and handlers are making special efforts to recondition the rain damaged crop to recover the maximum quantity of raisins acceptable for human consumption. However, it is expected that mechanical damage sustained by the raisins will be greater than normal due to additional washing and more intensive reconditioning procedures required to accomplish this objective.

The temporary changes in the minimum grade standards for packed raisins, hereinafter set forth, will end November 30, 1977, and will aid in the recovery of raisins acceptable for human consumption from the 1976 production. Also, since the changes are less restrictive, they will help make more raisins available to consumers than would be available without the temporary relaxation in the standards.

After consideration of all relevant matter presented, including that in the notices, the Committee's recommenda-

tions, and other available information, it is hereby found that the changes in the minimum grade standards for certain varietal types of raisins, and contained in § 989.202 hereinafter set forth, would tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action temporarily relaxes the current minimum grade standards for certain packed raisins in order to permit and facilitate the recovery of raisins suitable for human consumption; (2) it is necessary that this action become effective promptly to allow handlers to maximize the quantity of raisins available for human consumption as fast as possible; (3) handlers are aware of this action and need no additional time to operate under the less restrictive requirements; and (4) no useful purpose would be served by delaying the effective time.

Therefore, the temporary changes in the minimum grade standards for certain varietal types are set forth in § 989.202 in Subpart—Supplementary Regulations and read as follows:

§ 989.202 Changes in minimum grade standards for certain packed raisins for the period ending November 30, 1977.

Pursuant to § 989.59(b), the requirements set forth in § 989.59(a)(2) for natural (sun-dried) Thompson Seedless, natural (sun-dried) Muscat, natural (sun-dried) or artificially dehydrated Sultana, Golden Seedless, Sulfur Bleached, and Valencia raisins, and the requirements set forth in § 989.212 for Dipped Seedless raisins, shall be U.S. Grade C as defined in the U.S. Standards for Grades of Processed Raisins (7 CFR 52.1841–52.1858; 41 FR 34757) except that the tolerances prescribed for moldy and damaged raisins shall be changed to five percent, and 15 percent, respectively, and the total tolerance for discolored, damaged, or moldy raisins shall be changed to 20 percent. Pursuant to § 989.59(b), the requirement set forth in § 989.59(a)(2) for Zante Currant raisins shall be U.S. Grade B as defined in such standards, except that the tolerance prescribed for moldy and damaged raisins shall be changed to five percent and 15 percent, respectively, and the total tolerance for discolored, damaged, or moldy raisins shall be changed to 20 percent. In addition, for natural (sun-dried) Thompson Seedless, Golden Seedless, Sulfur Bleached, and Dipped Seedless raisins, the term "with not less than 55 percent, by weight, of the raisins that are well matured or reasonably well matured" shall not be applicable. These changes shall terminate November 30, 1977.

Dated November 26, 1976, to become effective December 1, 1976.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division.

[FR Doc.76-35359 Filed 11-30-76;8:45 am]

PART 999—SPECIALTY CROPS—IMPORT REGULATIONS

Revision of Certain Requirements for Imported Raisins

The Department is temporarily relaxing the current grade requirements (7 CFR 999.300(b)) on imported raisins, and making minor editorial changes in these requirements. The raisin import regulation is effective pursuant to the requirements of section 8e (7 U.S.C. 608e–1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

Section 8e requires the Secretary of Agriculture to issue, after reasonable notice, grade requirements on imported raisins which are the same as, or comparable to, those imposed on domestic raisins under the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989; 41 FR 32412), regulating the handling of raisins produced from grapes grown in California (hereinafter collectively referred to as the "order"). Temporary relaxations are being made in the grade requirements for certain varietal types of packed raisins under the order, including natural (sun-dried) Thompson Seedless, Muscat, and Zante Currant raisins. These relaxations pertain to the tolerances for mold, damaged raisins, the total tolerances for discolored, damaged, and moldy raisins, and the maturity level for seedless raisins, including natural (sun-dried) Thompson Seedless raisins, and will terminate November 30, 1977. Notices of these changes were published in the October 15 and 29, 1976, issues of the FEDERAL REGISTER (41 FR 45575 and 47491). Therefore, similar relaxations must be made in the grade requirements for imported Thompson Seedless, Muscat, and Currant Raisins. These, too, will terminate November 30, 1977.

Two comments were received on the proposed relaxation published in the October 15, 1976 issue of the FEDERAL REGISTER. Both commentators recommended that the tolerance for capstems on imported raisins be increased from the current tolerance of 50 capstems per 500 grams to relieve the expected raisin shortage in the United States. This tolerance is applicable only to imported Thompson Seedless raisins. One commentator proposed increasing the tolerance to 80 capstems per 500 grams; the other proposed increasing the tolerance to 70–80 capstems per 17.6 ounces.

The capstem tolerance for imported Thompson Seedless raisins is less restrictive than the tolerance of 35 capstems per 16 ounce effective under the order for natural (sun-dried) Thompson Seedless raisins produced in California. The capstem tolerance for imported raisins is equivalent to 45 capstems per 16 ounces and was made less restrictive to recognize foreign drying and processing techniques (37 FR 5282; March 14, 1972), and that these techniques differ from those in the United States. In the March 14, 1972, action, it was also determined that grade standards for imported raisins, including the capstem tolerance previously mentioned, are the same as, or are comparable to, those in effect pursuant to the order. This determination is as valid today as it was then. In view of these considerations the proposals for increased tolerances for capstems are denied.

Heavy rains and poor drying conditions during the 1976 domestic raisin harvest seriously damaged the crop and supplies are expected to be below market needs. The temporary relaxations in the domestic and import grade requirements should make more raisins available to consumers and the trade.

The amendment, as hereinafter set forth, also contains minor editorial changes in the import grade requirements to recognize recent Departmental action which combined the U.S. Grade Standards for processed raisins with those for dried currant raisins (7 CFR Part 52; 41 FR 34751).

Based on the foregoing, and all other relevant information, it is hereby found that the revision of the import grade requirements and minor editorial changes, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rulemaking procedure, and that good cause exists for not postponing the effective time for this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), and for making it effective on the date hereinafter specified, in that: (1) The requirements of section 8e of the act make this action mandatory; (2) this action temporarily relaxes the quality requirements on raisins offered for importation and conforms with a simultaneous relaxation of the grade requirements on domestic raisins under this part and Order No. 989, as amended (7 CFR Part 989; 41 FR 32412), and makes minor editorial changes; (3) compliance with this amendment will not require any special preparation by importers which cannot be completed by the effective date; and (4) this action relaxes restrictions on the importation of raisins.

Therefore, § 999.300 is amended as follows:

§ 999.300 [Amended]

1. The citation "(§§ 52.1841–52.1852 of this title)" in subparagraph (1) of § 999.300(b), is changed to "§§ 52.1841–52.1858 of this title)".

2. Paragraph (4) of § 999.300(b) is revised; and a new paragraph (5) is added as follows:

* * * * * *

(b) * * *

(4) With respect to Currant Raisins, the requirements of U.S. Grade B as defined in the said standards.

(5) Until November 30, 1977, with respect to Thompson Seedless, Muscat, and Currant Raisins, the tolerance for moldy and damaged raisins shall be five percent and 15 percent, respectively, and the total tolerance for discolored, damaged, and moldy raisins shall be 20 percent. Also, the requirement in U.S. Grade

C that not less than 55 percent of the raisins must be well-matured or reasonably well-matured shall not apply to Thompson Seedless raisins.

* * * * *

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

Dated November 26, 1976, to become effective December 1, 1976.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division.

[FR Doc.76-35358 Filed 11-30-76;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Tobacco Loan Program; 1976 Crop—Cigar Tobacco, Loan Rate Schedules

On October 15, 1976 there was published in the FEDERAL REGISTER (41 FR 45575) a notice of proposed rulemaking setting forth the proposed price support grade loan rate schedules for 1976-crop cigar tobacco. Interested persons were given the opportunity to submit, not later than November 15, 1976, data, views and recommendations pertaining to the proposed grade loan rates.

No unfavorable comments have been received. Accordingly, the revision of 7 CFR 1464.22 through 1464.27 containing the proposed loan rates is hereby adopted without change as set forth below. The material previously appearing under §§ 1464.22 through 1464.27 remains applicable to the crop to which each refers.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c); secs. 101, 106, 401, 403, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1445, 1421, 1423))

Effective Date: December 1, 1976.

Signed at Washington, D.C. on: November 22, 1976.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

By revising §§ 1464.22–1464.27 to read as follows:

§ 1464.22 1976 Crop—Ohio Filler Tobacco, Types 42–44, Loan Schedule.[1]

Grade:	*Loan rate**
Crop run (stripped together):	
X1	58.5
X2	53.5
X3	48.5
X4	43.5
Nondescript:	
N	36

*Dollars per hundred pounds, farm sales weight.

§ 1464.23 1976 Crop—Connecticut Valley Broadleaf Tobacco, Type 51 Loan Schedule.[2]

Grade:	*Loan rate**
Binders:	
B1	99
B2	90
B3	79
B4	69
B5	61
Nonbinders:	
X1	48

*Dollars per hundred pounds, farm sales weight.

§ 1464.24 1976 Crop—Connecticut Valley Havana Seed Tobacco, Type 52, Loan Schedule.[2]

Binders:	*Loan rate**
B1	95
B2	87
B3	76
B4	67
B5	61
Nonbinders:	
X1	48

*Dollars per hundred pounds, farm sales weight.

§ 1464.25 1976 Crop—New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54, Loan Schedule.[1]

Grade:	*Loan rate**
Crop run:	
X1	61
X2	55
X3	48
Farm fillers:	
Y1	42.5
Y2	40.5
Y3	38.5
Nondescript:	
N1	35
N2	30

§ 1464.26 1976 Crop—Northern Wisconsin Tobacco, Type 55, Loan Schedule.[1]

Grade:	*Loan rate**
Binders:	
B1	77
B2	71
B3	66
Strippers:	
C1	62
C2	56
C3	50
Crop run:	
X1	61
X2	55
X3	49.5
Farm fillers:	
Y1	41
Y2	39
Y3	36
Nondescript:	
N1	34.5
N2	29

*Dollars per hundred pounds, farm sales weight.

[1] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco graded "S" (scrap) or designated "No-G" (no grade). The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

[2] Tobacco is eligible for loan only if consigned by the original produced. No loan is authorized for tobacco graded "N1" or "N2" (nondescript) or "S" (scrap) or designated "No-G" (no grade). The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

§ 1464.27 1976 Crop—Puerto Rican Tobacco, Type 46, Loan Schedule.[1]

Grade:	*Loan rate**
Price block I (C1F and C1P)	62
Price block II (X1F, X1P, and X1S)	56
Price block III (X2T, X2F, X2P, and X2S)	47.5
Price block IV (N)	25.5

*Dollars per hundred pounds, farm sales weight.

[FR Doc.76-35287 Filed 11-30-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRTION

[Rev. 5, Amdt. 7]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Financing Acquisition of Farm Land

On September 8, 1976, a notice of proposed rulemaking concerning the adoption of a new § 107.904 was published in the FEDERAL REGISTER (41 FR 37817) authorizing, subject to prior written SBA approval, SBIC financing of farm land acquisitions.

Information and effective date. Interested parties were afforded an opportunity to submit comments on or before October 8, 1976. Two comments were received and individually answered by SBA. One requested SBICs to be limited to a specially lower maximum interest rate of 3 percent per annum, payable dependent on the crop yield. The other comment, which misconceived the enabling purpose of § 107.904, objected to its supposed prohibition against SBIC financing of farm land purchases.

After due consideration of all relevant circumstances, including the comments received, SBA has determined that new § 107.904, as proposed and as hereinafter set forth, shall be adopted without change.

The new regulatory provision is being made effective as of the September 8, 1976 publication date of the proposal. As explained in the advance notice, this is intended to preclude speculative or passive farm land investments during the notice period.

Part 107 has been amended by adding a new § 107.904 reading as follows:

§ 107.904 Financing of farm land purchases.

Without prior written SBA approval, a Licensee shall not, after September 8, 1976, provide financing to a small concern for the acquisition of farm land. For purposes of this section, farm land shall mean land which is or is intended to be used for agricultural or forestry purposes, such as the production of food, fiber or wood, or is so taxed or zoned.

(Catalog of Federal Domestic Assistance Programs No. 59.011—Small Business Investment Companies.)

Dated: November 19, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-35266 Filed 11-30-76;8:45 am]

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 315—CERTIFICATION AND ADJUSTMENT ASSISTANCE FOR FIRMS AND COMMUNITIES

Certification of Eligibility to Apply for Adjustment Assistance

On June 30, 1975, the Secretary of Commerce delegated his authority under Chapters 3 and 4 of Title II of the Trade Act of 1974 to the Assistant Secretary of Commerce for Domestic and International Business and the Assistant Secretary of Commerce for Economic Development. Pursuant to this delegation the Domestic and International Business Administration (DIBA) assumed responsibility for the certification of eligibility of firms and communities to apply for adjustment assistance and published final regulations governing the certification procedure in the FEDERAL REGISTER on April 3, 1975 (40 FR 14921). The Economic Development Administration (EDA) was authorized to provide technical and financial adjustment assistance to firms and communities which were certified to apply for such assistance. Regulations setting forth the requirements pursuant to which eligible applicants could receive adjustment assistance were published by EDA in the July 11, 1975 FEDERAL REGISTER (40 FR 29265). Further amendments appeared in the FEDERAL REGISTER on September 26, 1975 (40 FR 44308).

The Secretary of Commerce has recently redelegated the certification function from the Domestic and International Business Administration to the Economic Development Administration, thus combining all authority for the administration of the trade adjustment assistance program into a single agency. Accordingly, the Economic Development Administration hereby revises 13 CFR Part 315 in order to incorporate regulations for the certification of eligibility of firms and communities to apply for adjustment assistance. The EDA certification regulations are essentially the same as those published by DIBA. The major modification concerns an expansion of the hearing rules to provide additional guidance on those proceedings. Other technical changes, including the renumbering of all sections, have been made where necessary.

In that the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration and because a delay in implementing these regulations would be contrary to the public interest, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

Consideration has been given as to whether matters set forth in these regulations constitute a major proposal with an inflationary impact within the meaning of OMB Circular A-107 and interpretative guidelines as issued by the Department of Commerce. It has been determined that these regulations do not constitute action requiring an inflationary impact statement.

13 CFR Part 315 is hereby revised to read as follows:

Subpart A—General Provisions

Sec.
315.1 Purpose.
315.2 Definitions.
315.3 General requirements.

Subpart B—Certification of Eligibility of Firms To Apply for Adjustment Assistance

315.20 Scope.
315.21 Categories of firms requesting certification.
315.22 Content of petitions.
315.23 Acceptance of petitions.
315.24 Initiation of investigation.
315.25 Request for public hearing.
315.26 Notice of hearing.
315.27 Conduct of hearing.
315.28 Criteria for certification.
315.29 The record.
315.30 Decision of the Deputy Assistant Secretary for Economic Development Planning.
315.31 Appeals.
315.32 Revocation of certification.

Subpart C—Adjustment Assistance for Firms

315.50 Scope.
315.51 Application for assistance.
315.52 Approval of applications.
315.53 Types of adjustment assistance.
315.54 Technical assistance.
315.55 Financial assistance.
315.56 Eligibility for financial assistance.
315.57 Interest rates.
315.58 Priorities.
315.59 Limitations.
315.60 Operating reserves.
315.61 Fees.
315.62 Administration of financial assistance.
315.63 Delegation of functions to SBA.
315.64 Transitional provisions.
315.65 Employment of expediters or administrative employees; compensation of persons engaged by or on behalf of applicants.
315.66 Environmental considerations.

Subpart D—Study of Firms in an Industry Which Is the Subject of an Investigation of Injury or Threat of Injury by the International Trade Commission

Sec.
315.80 EDA study.
315.81 Information on adjustment assistance programs.

Subpart E—Certification of Eligibility of Communities to Apply for Adjustment Assistance

315.90 Scope.
315.91 Petitions for certification.
315.92 Form and content of petition.
315.93 Acceptance of petitions.
315.94 Initiation of investigation.
315.95 Request for public hearing.
315.96 Notice of hearing.
315.97 Conduct of hearing.
315.98 Criteria for certification.
315.99 The record.
315.100 Decision of the Deputy Assistant Secretary for Economic Development Planning.
315.101 Appeals.
315.102 Revocation of certification.

Subpart F—Adjustment Assistance for Communities

315.120 Scope.
315.121 Secretary's representatives—preprogram assistance.
315.122 Trade Impacted Area Councils.
315.123 Administrative expense grants.
315.124 Application for assistance.
315.125 Types of assistance.
315.126 Limitations.
315.127 Redevelopment areas and OEDP.
315.128 Use of loan guarantees.
315.129 Loan guarantee requirements.
315.130 Agreement to cover liability arising under loan guarantees.
315.131 Priorities.
315.132 Employee stock ownership plan.
315.133 Loan (Trust) agreement.
315.134 Allocation of securities.
315.135 Liquidation and administration of loans, guarantees and evidences of indebtedness.
315.136 Community Adjustment Assistance Fund.
315.317 Environmental requirements.
315.138 Other requirements.

AUTHORITY: Sec. 701, Pub. L. 89-136 (August 26, 1965), 42 U.S.C. 3212 et seq. 79 Stat. 570; and, Department of Commerce Organization Order 10-4 (April 1, 1970) as amended (40 FR 56702 as amended at 40 FR 58878). Sec. 251-274, Pub. L. 93-618 (January 3, 1975), 19 U.S.C. 2341-2374, 88 Stat. 2030-2040.

Subpart A—General Provisions

§ 315.1 Purpose.

The purpose of this part is to set forth regulations implementing the responsibilities of the Secretary of Commerce under Chapters 3 and 4 of Title II, Trade Act of 1974, as delegated to the Assistant Secretary for Economic Development ("Assistant Secretary"). The Assistant Secretary has the duties of certifying firms and communities as eligible to apply for adjustment assistance, providing technical and financial adjustment assistance to eligible recipients, and studying domestic industries that are being investigated by the International Trade Commission, pursuant to Title II, to determine the number of firms in each domestic industry and the extent the existing programs may facilitate the adjustment of firms in the industry.

§ 315.2 Definitions.

(a) General Definitions: (1) *Commission* means the Tariff Commission of the United States of America or after January 3, 1975, the U.S. International Trade Commission, as the context requires.

(2) *Confidential business information* consists of any information that concerns or relates to trade secrets, operations and commercial or financial information, including, but not limited to, the nature, amount or source of income, profits, losses or expenditures which are obtained from any firm and which are exempted from public disclosure under 5 U.S.C. 552(b) and 15 CFR Subtitle A, Part 4.

(3) *Director* means the Director of the Office of Planning and Program Support of the Economic Development Administration.

(4) *Firm* as it relates to Chapter 3 means any entity which is an individual proprietorship, partnership, joint venture, association, corporation (including a development corporation), business trust, cooperative, trustee in bankruptcy, or receiver under decree of any court, either (i) owning or controlling one or more production facilities, including, but not limited to, those involved with the conduct of manufacturing, processing, farming, fishing, or mining operations or (ii) exerting substantial economic control over one or more production facilities. When determined necessary by the Deputy Assistant Secretary for Economic Development Planning to prevent unjustifiable benefits, a firm, together with any predecessor or successor firm, or any affiliated firm controlled or substantially beneficially owned by substantially the same person or persons may be considered a single firm.

(5) *Person* means an individual, firm, trust or estate.

(6) *State* includes the States of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

(7) *TACD* means the Trade Act of Certification Division of the Economic Development Administration.

(8) *Trade Act* means the Trade Act of 1974, Pub. L. 93–618, 88 Stat. 1978, 19 U.S.C. 2101 et seq.

(9) *Trade Expansion Act* means the Trade Expansion Act of 1962, 76 Stat. 872, 19 U.S.C. 1801 et seq.

(b) Definitions relating to Chapter 4.

(1) *Community* means an Indian tribe or political subdivision of a State, including, but not limited to, any municipality, county, parish, local government agency or general purpose subdivision of such State.

(2) *Council* means a Trade Impacted Area Council for adjustment assistance.

(3) *Employee stock ownership plan* means a plan described in section 407(d)(6) of the Employee Retirement Income Security Act of 1974, section 4975(e)(7) of the Internal Revenue Code of 1954, and in section 102(5) of the Regional Rail Reorganization Act of 1973, which meets the requirements of Title I of the Employee Retirement Income Security Act of 1974 and of Part I of subchapter D of Chapter 1 of such code.

(4) *Equity Capital* means with respect to the recipient corporation, the sum of its money and other property (in an amount equal to the adjusted basis of such property but disregarding adjustments made on account of depreciation or amortization made during the period described in § 315.133(d)), less the amount of its indebtedness.

(5) *Qualified employer securities* means common stock issued by the recipient corporation or by a parent or subsidiary of such corporation with voting power and dividend rights no less favorable than the voting power and dividend rights on other common stock issued by issuing corporation and with voting power being exercised by the participants in the employee stock ownership plan after it is allocated to their plan accounts.

(6) *Qualified trust* means a trust established under an employee stock ownership plan and meeting the requirements of Title I of the Employee Retirement Income Security Act of 1974 and of Part I of subchapter D of Chapter 1 of the Internal Revenue Code of 1954.

(7) *Trade impacted area* means any area within U.S. Customs territory, the size and geographical limits of which have been determined by the Deputy Assistant Secretary for Economic Development Planning of the Economic Development Administration under section 271(e) of the Trade Act.

§ 315.3 General requirements.

Before any assistance can be extended under this Part, the Assistant Secretary must determine that:

(a) The project for which assistance is sought complies with the conditions set forth in the 13 CFR 309.9, 309.11, 309.14, 309.15, and Part 310 of these regulations.

(b) The recipients of such assistance and any "other parties" as defined in 15 CFR Subtitle A, Part 8 have executed assurances of compliance with Title VI of the Civil Rights Act of 1964, as amended.

(c) Each recipient of assistance shall agree to comply with all environmental requirements, to the maximum extent possible, as determined by the Assistant Secretary, including, but not limited to:

(1) The National Environment Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.);

(2) The Clean Air Act, as amended (42 U.S.C. 1857–1858a);

(3) The Federal Water Pollution Control Act, as amended (33 U.S.C. 1251–1376);

(4) The National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.);

(5) The Wild and Scenic Rivers Act, as amended (16 U.S.C. 1271–1287);

(6) The endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(7) The Historical and Archeological Data Preservation Act, as amended (16 U.S.C. 469 et seq.).

Subpart B—Certification of Eligibility of Firms To Apply for Adjustment Assistance

§ 315.20 Scope.

This subpart sets forth regulations regarding the certification of eligibility of firms to apply for adjustment assistance under Chapter 3 of Title II of the Trade Act of 1974.

§ 315.21 Categories of firms requesting certification.

Firms requesting certification of eligibility to apply for adjustment assistance under Subpart C shall be classified in one of two categories:

(a) Category I includes all firms:

(1) Which have been certified eligible to apply for trade adjustment assistance under the Trade Expansion Act, but which have neither applied for nor received adjustment assistance;

(2) For which the Commission has recommended a finding of eligibility to the President but with regard to which the President has not taken action under the Trade Expansion Act; and

(3) For which the Commission has reported a tie vote to the President, with an equal number of voting commissioners favoring and opposing qualification, but with regard to which the President has not taken action.

(b) Category II includes all firms which require a determination under the Trade Act, including firms which have filed a petition with the Commission under the Trade Expansion Act but for which no determinations have been made, and firms which file an original petition under the Trade Act.

§ 315.22 Content of petitions.

(a) Category I firms requesting certification do not need to file a new petition to be eligible for assistance under Subpart C.

(b) Any Category II firm seeking original certification under this subpart shall be required to complete a detailed petition form and provide such information as identification and description of the firm (including its legal form of organization; its economic history; major ownership interests in the firm; its officers, directors and management; any parent company, subsidiary or affiliate; and its production and sales facilities); a description of goods and services produced and sold by the firm and the imported articles which are like or directly competitive with those produced by the firm; supporting data relative to the firm's sales, production and employment; the firm's financial reports; and such other information as EDA may consider material to make a determination.

§ 315.23 Acceptance of petitions.

(a) *Place of filing.* Petitions for certification of eligibility to apply for adjustment assistance may be submitted for filing by personal delivery during normal U.S. Department of Commerce business hours or by registered mail to the Trade Act Certification Division, Room 6026, Office of Planning and Program Support, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230.

(b) *Conformity with regulations.* No document purporting to be a petition for certification of eligibility to apply for adjustment assistance shall be accepted

for filing unless such document is in substantial compliance with these regulations. Firms intending to submit petitions are encouraged to consult with the TACD prior to presenting such petitions for filing in order to avail themselves of guidance and assistance in the preparation and documentation of their petitions.

(c) *Confidential business information.* Business data which the petitioner or any other party desires to submit in confidence shall be submitted on separate sheets bearing at the top of each sheet the clear legend "Confidential Business Information." By submitting data identified as "Confidential Business Information," the petitioner or other party represents that such information is exempted from public disclosure, either by the Freedom of Information Act or by a specific statutory exemption. However, the TACD may refuse to accept as "confidential" any information which clearly is not intended to be protected under the law. Any information which the TACD refuses to accept as "confidential" may be submitted as nonconfidential, or may be withdrawn and will not be considered in the determination of the petition.

(d) *Review and acceptance.* EDA shall have five working days from the date on which it receives the petition to determine whether the petition has been properly prepared and can be accepted for filing. Immediately thereafter, the TACD shall notify the petitioner that the petition has been accepted or advise the petitioner that the petition has not been accepted for filing, and that the petition may be resubmitted when the specified deficiencies have been corrected. All petitions accepted for filing shall be stamped with the date on which accepted.

(e) *Publication in Federal Register.* A notice of acceptance of a petition for filing shall be published in the FEDERAL REGISTER. Such notice shall include the date of acceptance, the identity of the petitioner, the nature of its business and other pertinent information.

(f) *Withdrawal of Petitions.* A petition may be withdrawn by a petitioner if a written request is received by the TACD before a decision under § 315.30 is made on the petition. A petitioner who withdraws a petition may at any time thereafter submit a new petition in accordance with this section.

§ 315.24 Initiation of investigation.

(a) Upon the acceptance for filing of a petition, an investigation shall be initiated to determine, from the data and other information furnished by the petitioner and information available to EDA, whether the petitioner meets the criteria established in section 251(c) of the Trade Act and under this subpart for eligibility to apply for adjustment assistance. A report of this investigation shall become part of the record upon which a determination of the petitioner's eligibility to apply for adjustment assistance shall be made.

(b) The Deputy Assistant Secretary for Economic Development Planning may terminate an investigation at any time if he determines that the petition involved does not substantially comply with these regulations. He shall immediately notify the petitioner that the investigation has been terminated and shall specify the deficiencies in the petition causing the termination. The corrected petition may be resubmitted at any time and will be treated as a new petition.

§ 315.25 Request for public hearing.

(a) A public hearing will be held on any Category II petition accepted for filing, if such hearing is requested in writing by the petitioner. A request for a public hearing shall be filed with the Director and must be received within 10 working days after the publication in the FEDERAL REGISTER of the notice of filing of the petition under § 315.23(e).

(b) *Request by Other Party.* A public hearing will also be held on any petition, if requested in a timely manner by any person, organization or group demonstrating a substantial interest in the proceedings. A request for a public hearing by a party other than the petitioner shall be filed with the Director, and must be received within ten (10) working days after the publication in the FEDERAL REGISTER of the notice of filing of the petition under § 315.23(e). Such request must be in writing, delivered by hand or by registered mail, and must contain:

(1) The name, address and telephone number of the person, organization or group requesting the hearing;

(2) A complete statement of the relationship of the person, organization or group requesting the hearing to the petitioner or the subject matter of the petition and a statement of the nature of its interests in the proceeding, including how such interest may be affected by certification or noncertification of the petitioner's eligibility to apply for adjustment assistance; and

(3) A summary of the nature of the evidence or other information that it desires to submit at the public hearing.

For purposes of this section, a person, organization or group will be deemed to have a "substantial interest in the proceedings" if it has included sufficient information in its request to demonstrate to the satisfaction of the Director that it has a direct, material economic interest which will be, or may be, affected by certification or denial of certification of petitioner's eligibility to apply for adjustment assistance.

(c) *Denial of request by other party.* In the event of a denial of a request for a public hearing, a written notice thereof by the Deputy Assistant Secretary for Economic Development Planning shall be sent to the requesting party. Such notice shall specify the reasons upon which the denial is based. In view of the sixty day period under section 251(d) of the Trade Act for processing petitions for certification of eligibility to apply for adjustment assistance, there shall be no appeal from such a denial.

§ 315.26 Notice of hearing.

The Director shall publish notice of the public hearing in the FEDERAL REGISTER. The notice shall include the subject matter of the application, and the date, time and place at which the opportunity to be heard shall be afforded, and other pertinent information.

§ 315.27 Conduct of hearing.

(a) *Attendance at hearing.* Each person who wishes to be heard shall notify the Director within five (5) days after the date of the notice described in § 315.26 of his intention to attend and shall submit the numbers and names of the witnesses he wishes to present.

(b) *Presiding officer.* The presiding officer of the hearing shall be appointed by the Assistant Secretary.

(c) *Hearing rules.* (1) *Order of presentation.* (i) *Opening statements.* The petitioner and each other approved participant may make opening statements of a length within the discretion of the presiding officer. Such opening statements should concisely state what the participant intends to show. The petitioner shall have the opportunity to present his statement first.

(ii) *Petitioner's presentation.* Following the opening statements, the petitioner shall present his data and materials, oral or documentary.

(iii) *Protestant's presentation.* Following the petitioner's presentation, the persons protesting the petition shall present their data and materials, oral or documentary. The protestants may agree, with the approval of the presiding officer, to have one of their number make their presentation.

(iv) *Other interested persons.* Following the evidence of the petitioner and the protestant, the presiding officer at his discretion may recognize other interested persons who may present their views with respect to the petition under consideration.

(v) *Summary statements.* After all of the above presentations have been concluded, the participants may make short and concise summary statements reviewing their position. The petitioner shall present his concluding summary statement first.

(2) *Witnesses.* The obtaining and use of witnesses is the responsibility of the parties. All witnesses will be presented of their own volition, but any person appearing as a witness may be subject to questioning by any approved participant, or by the presiding officer. The refusal of a witness to answer questions may be considered in determining the weight to be accorded the testimony of that witness.

(3) *Evidence.* The presiding officer shall have the authority to exclude data or materials which he deems to be improper or irrelevent. Formal rules of evidence shall not be applicable to these hearings. Documentary material must be of a size consistent with ease of handling, transportation, and filing, and copies must be provided for each approved participant. While large exhibits may be used during the hearing, copies

of such exhibits must be provided by the party in reduced size for submission as evidence. Two copies of all such documentary evidence shall be furnished to the presiding officer, and one copy shall be furnished to such other persons as have a legitimate interest therein as determined by the presiding officer.

(4) *Procedural questions.* The presiding officer shall determine all procedural questions not governed by this part. The presiding officer shall have the authority to limit the number of witnesses to be used by any party, and to impose such time limitations as he shall deem reasonable.

(5) *Transcript.* A transcript of each proceeding shall be arranged for by the presiding officer. Interested parties may examine the transcripts and exhibits or other materials presented, and obtain copies thereof by making application in accordance with the public information procedures of 13 CFR Part 301, Subpart D, Disclosure of Information to the Public. Confidential business information shall not be a part of the transcripts.

(6) *Confidential business information.* Any confidential business information may be submitted by any approved participant directly to the presiding officer prior to the hearing. Such information shall be labeled "Confidential Business Information." For the purpose of the public record, a brief description of the nature of the information shall be submitted to the presiding officer during the hearing.

§ 315.28 Criteria for certification.

(a) A petitioning firm whose Category II petition has been accepted for filing will be certified eligible to apply for adjustment assistance if the Deputy Assistant Secretary for Economic Development Planning determines, under section 251(c) of the Trade Act, that:

(1) A significant number or proportion of the workers in such firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) Sales or production, or both, of such firm have decreased absolutely; and

(3) Increases of imports (absolute or relative to domestic production) of articles like or directly competitive with articles produced by such firm contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

(b) For purposes of this Part:

(1) A "significant number or proportion of workers" shall normally mean the equivalent of a total separation of five percent of the firm's work force or fifty workers, whichever is less. In computing such equivalent, partially separated workers shall be taken into account in proportion to their percentage of separation. With regard to agricultural operations that are sole proprietorships, the criterion may be met by an individual farmer;

(2) A "totally separated worker" means an employee who has been laid off or whose employment has been terminated by his employer for lack of work;

(3) "Partial separation" means a reduction in an employee's hours of work to eighty percent or less of the employee's average weekly hours or a reduction in the employee's weekly wage to eighty percent or less of the employee's average weekly wage;

(4) A group of workers shall be considered to be "threatened" with total or partial separation if there is reasonable evidence that such total or partial separation is imminent;

(5) The term "decreased absolutely" is used in reference to petitioner's sales or production irrespective of industry or market fluctuations and relative only to the previous performance of the firm;

(6) The terms "like" and "directly competitive" are not synonymous. "Like" articles are those articles which are substantially identical in inherent or intrinsic characteristics. "Directly competitive" articles are those articles which are not substantially identical in inherent or intrinsic characteristics, but are substantially equivalent for commercial purposes, i.e., are adapted to the same function or use and are essentially interchangeable; and

(7) The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause. Imports will be considered to have "contributed importantly" to total or partial separation or threat thereof, of a significant number or proportion of workers, and to a decline in sales or production, even if such imports were not the major factor in effecting such separation, threat thereof, and decrease. In determining whether imports contributed importantly among possible causes for separation or decreases, the influence of imports as a cause will be considered on the basis of the totality and interrelationship of all possible causes. If other factors were so dominant, acting singly or in combination, that the worker separation or decrease in sales or production would have been essentially the same irrespective of the influence of imports, then imports would not be determined to have contributed importantly.

(c) In all cases, although EDA will assist the petitioner to demonstrate his meeting the criteria for certification of eligibility to apply for adjustment assistance under paragraph (a) of this section, the burden of proof is upon the petitioner to establish his eligibility by the submission of probative evidence.

§ 315.29 The record.

The record shall consist of the petition for certification of eligibility to apply for adjustment assistance submitted by the applicant under § 315.22(b), any confidential business information submitted under § 315.23(c), the investigation report required by § 315.24 and such other relevant information that may be developed during the investigation, and, in the event that a public hearing is held, all evidence submitted pursuant to § 315.27(c)(3), the transcript described in § 315.27(c)(5) and confidential business information submitted under § 315.27(c)(6).

§ 315.30 Decision of the Deputy Assistant Secretary for Economic Development Planning.

(a) The Deputy Assistant Secretary for Economic Development Planning shall make a determination based on the record as soon as possible after all of the material constituting the record has been submitted. In no event may the period exceed sixty days from the date on which the petition was accepted for filing.

(b) The Deputy Assistant Secretary for Economic Development Planning shall either certify the petitioner eligible to apply for adjustment assistance or shall deny the petition and, in either event, shall promptly notify the petitioner in writing of his action. Notices of denials of petitions shall specify the reasons upon which the denial is based. Denials shall be either (1) on the merits or (2) procedural. If there is a procedural denial of a petition, the petitioner is entitled to resubmit its petition and any further evidence in support thereof at any time. If a petition is denied on the merits, the petitioner shall not be entitled to resubmit its petition for certification to apply for adjustment assistance within the twelve month period succeeding the date of the denial. All denials shall be on the merits, unless TACD determines that there exists an unusual circumstance, factual situation, or potential source of information that justifies an opportunity for the petitioner to resubmit its petition within a period of less than one year from the date of denial.

§ 315.31 Appeals.

Any petitioner may appeal to the Assistant Secretary from a denial of certification of eligibility to apply for adjustment assistance, provided that such appeal is received in writing and in triplicate by personal delivery or by registered or certified mail, by the Director, Office of Planning and Program Support, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, within sixty days from the date of the formal notice of denial of the petition issued under § 315.30. The appeal shall set forth the grounds upon which the appeal is based and a concise statement of the facts and circumstances or legal arguments asserted by the petitioner in support thereof. The decision of the Assistant Secretary shall be final within the Department and shall be provided in writing to the petitioner as promptly as practicable.

§ 315.32 Revocation of certification.

The Deputy Assistant Secretary for Economic Development Planning may terminate the certification of eligibility to apply for adjustment assistance of any firm pursuant to section 252(d) of the Trade Act or if it is later determined that there was not an adequate statutory basis for the firm to be certified as eligible to apply for adjustment assistance. Notice of such termination shall be published in the FEDERAL REGISTER and such termination shall take effect on the date specified

by the Deputy Assistant Secretary for Economic Development Planning.

Subpart C—Adjustment Assistance for Firms

§ 315.50 Scope.

This subpart sets forth the requirements and procedures pursuant to which eligible firms may receive adjustment assistance under Chapter 3 of Title II of the Trade Act of 1974.

§ 315.51 Application for assistance.

(a) A firm certified as eligible to apply for adjustment assistance may, at any time within two years after the date of such certification, file an application with the Assistant Secretary for adjustment assistance under this subpart. Applications shall be made on forms provided by the Assistant Secretary and shall contain such financial and supportive information as the Assistant Secretary may require.

(b) Such application, except in the case of an application for technical assistance to be used for preparing an adjustment proposal, shall include a proposal for the economic adjustment of such firm. The adjustment proposal shall contain the following information:

(1) *Material contribution to economic adjustment.* An adjustment proposal must demonstrate that the assistance sought therein will be a constructive aid to the firm in establishing a competitive position in the same or a different industry. If specifically requested by the Assistant Secretary, the firm certified as eligible to apply for adjustment assistance shall provide the following information in the manner and form prescribed by the Assistant Secretary:

(i) Data on productive capacity, raw material and energy supplies for current and proposed production of existing and proposed product lines;

(ii) Market plans and domestic market share data of existing and proposed product lines;

(iii) Projected statements of financial position, income and cash flow with underlying assumptions utilized in the preparation of such statements with respect to future period operations;

(iv) Data as to character, financial standing and capability of management, and additionally for the proprietor, partners or shareholders of closely-held entities;

(v) Latest financial position statements and federal tax returns of the firm as defined in § 315.2(a)(4) and parties noted in § 315.51(b)(1)(iv);

(vi) Certifications, plans, analyses and/or other relevant data if such are required by the Assistant Secretary for statutory findings that the firm's adjustment proposal complies with Pub. L. 90-480; the Clean Air Act, as amended; the Federal Water Pollution Control Act, as amended; the Flood Disaster Protection Act of 1973; the Wild and Scenic Rivers Act, as amended; the National Environmental Policy Act of 1969, as amended; the National Historic Preservation Act of 1966; the Civil Rights Act of 1964; Executive Order 11246; and the Davis-Bacon Act.

(2) *Consideration to the interests of workers.* An adjustment proposal must give adequate consideration to the interests of the workers of such firm adversely affected as the result of the serious injury or threat thereof to such firm. Among reasonable alternatives, adjustment proposals that provide for the rehiring of such workers who have been laid off due to the increased imports are preferred. Efforts by the firm to find new employment for such laid off workers or assistance rendered to such workers under Government programs will also be taken into account in evaluating a proposal.

(3) *Reasonable efforts by the firm to use its own resources.* An adjustment proposal must demonstrate that the firm will make maximum use of its own resources and that any funds requested are not otherwise available to the firm, from sources other than the Federal Government, on reasonable terms. The firm's own resources include the total resources available from all affiliated firms or related entities under the ownership and control of substantially the same persons. Under certain circumstances, as in the case of a closely held corporation, the firm's resources may extend to the personal resources of shareholders. A determination that such funds are not otherwise available to the firm, certified as eligible to apply for adjustment assistance, shall be made on the basis of the borrowing capability both of such firm as defined in § 315.2(a)(4) and/or the person or persons as defined in § 315.2(a)(5). Evidence as to the existence of such capability shall be made available to the Assistant Secretary in the form and manner as prescribed by the Assistant Secretary to apply specifically to the particular circumstances of each firm, as defined in § 315.2(a)(4).

(c) The Assistant Secretary may furnish technical assistance to any firm which has been certified as eligible to apply for adjustment assistance under this subpart in order to assist it in preparing a viable adjustment proposal.

§ 315.52 Approval of applications.

(a) An application for adjustment assistance will be accepted for filing only if it has been properly prepared and contains an adequate adjustment proposal and such other information as may be required by the Assistant Secretary under § 315.51. EDA shall have five working days from the date on which it receives the application to determine whether the application has been properly prepared and can be accepted for filing. Immediately after the five working days have elapsed, the Assistant Secretary shall notify the applicant that the application has been received, and advise the applicant that:

(1) The application has been accepted for filing; or

(2) The application may be resubmitted when the specified deficiencies have been corrected. If any deficiency has not been corrected by the firm within thirty days after written notification by the Assistant Secretary, the Assistant Secretary may terminate the firm's priority processing rights as provided for in § 315.58 and further require that such firm submit a new application.

(b) The Assistant Secretary shall make a final determination on the prospective project within 60 days after a proper application has been accepted for filing. However, if the Assistant Secretary discovers in subsequent reviews, after the firm's application has been accepted for filing, that the application contains misrepresentations and/or inaccuracies in any application document, then the Assistant Secretary reserves the right to apply on a retroactive basis the provisions contained in § 315.52(a)(2) above.

§ 315.53 Types of adjustment assistance.

Adjustment assistance under this subpart consists of technical assistance and financial assistance, which may be furnished singly or in combination.

§ 315.54 Technical assistance.

(a) The Assistant Secretary may provide a firm certified under Subpart B or under 15 CFR Part 350, on such terms and conditions as he determines to be appropriate, such technical assistance as in his judgment will carry out the purpose of this subpart with respect to such firm.

(b) Technical assistance may be provided under this subpart in order to assist a firm in—

(1) Developing a proposal for its economic adjustment;

(2) Implementing such a proposal; or

(3) Both.

(c) The Assistant Secretary shall furnish technical assistance under this section through existing agencies and through private individuals, firms, and institutions.

(d) The Federal share of technical assistance furnished through private individuals, firms, and institutions, including private consulting services, shall not exceed 75 percent of the total amount of the funds required.

(1) Firms applying for technical assistance are expected to share the cost of such assistance to the extent possible.

(2) The Assistant Secretary may waive all or part of the 25 percent non-Federal share at the time the technical assistance is provided if he determines—

(i) That the firm cannot afford to pay its share of the cost; and

(ii) There is adequate provisions for repayment of at least 25 percent of the total cost of the technical assistance.

§ 315.55 Financial assistance.

(a) The Assistant Secretary may provide to a firm certified under Subpart B or under 15 CFR Part 350, on such terms and conditions as he determines to be appropriate, such financial assistance in the form of direct loans or guarantees of loans as in his judgment will materially contribute to the economic adjustment of the firm.

(1) The assumption of an outstanding indebtedness of the firm, with or without recourse, shall be considered to be the making of a loan for purposes of this section.

(b) Loans or guarantees of loans shall be made under this subpart only for the purpose of making funds available to the firm—

(1) For acquisition, construction, installation, modernization, development, conversion, or expansion of land, plant, buildings, equipment, facilities or machinery; or

(2) To supply such working capital as may be necessary to enable the firm to implement its adjustment proposal.

§ 315.56 Eligibility for financial assistance.

(a) No financial assistance shall be provided under § 315.55 unless the Assistant Secretary determines:

(1) That the funds are not available from the firm's own resources;

(2) That in accordance with the provisions of § 315.51(b)(3) above, the firm has no reasonable access to financing through private sectors; and

(3) That there is reasonable assurance of repayment of the loan. For this purpose, the applicant shall comply with the provisions of 13 CFR § 306.9 except that the requirement in paragraph (a)(6) pertaining to the repayment of debt principal within three years shall not apply to Trade Act assistance.

(b) To the extent that loan funds can be obtained from private sources, with or without a guarantee, at the rate provided in § 315.57, no direct loan shall be provided to a firm under § 315.55.

§ 315.57 Interest rates.

(a) The rate of interest on loans which are guaranteed under this subpart shall be no higher than the maximum interest per annum that a participating financial institution may establish on guaranteed loans made pursuant to section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

(b) The rate of interest on direct loans made under this subpart shall be—

(1) A rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity that are comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 percent; plus

(2) An amount adequate in the judgment of the Assistant Secretary to cover administrative costs and probable losses under the program.

§ 315.58 Priorities.

The Assistant Secretary shall give priority to firms which are small within the meaning of the Small Business Act (and regulations promulgated in 13 CFR Chapter I, Part 121) in making direct loans and loan guarantees.

§ 315.59 Limitations.

(a) The Assistant Secretary shall make no loan or guarantee of a loan having a maturity in excess of 25 years, including renewals and extensions. Such limitations on maturities shall not, however, apply to—

(1) Securities or obligations received by the Assistant Secretary as claimant in bankruptcy or equitable reorganization, or as creditor in other proceedings attendant upon insolvency of the obligor; or

(2) An extension or renewal for an additional period not exceeding 10 years, if the Assistant Secretary determines that such extension or renewal is reasonably necessary for the orderly liquidation of the loan.

(b) No loan shall be guaranteed by the Assistant Secretary in an amount which exceeds 90 percent of the balance of the loan outstanding.

(c) The aggregate amount of loans made to any firm which are guaranteed under this subpart and which are outstanding at any time shall not exceed $3,000,000. The amount of loans made to any firm which may be guaranteed under this subpart shall be reduced by the aggregate amount of outstanding loans to such firm which are guaranteed by the Trade Expansion Act.

(d) The aggregate amount of direct loans made to any firm under this subpart which are outstanding at any time shall not exceed $1,000,000. The amount of direct loans which may be made to any firm under this subpart shall be reduced by the aggregate amount of direct loans made under the Trade Expansion Act which are outstanding.

§ 315.60 Operating reserves.

The Assistant Secretary shall maintain operating reserves with respect to anticipated claims under guarantees made under this subpart. Such reserves shall be considered to constitute obligations for purposes of section 1311 of the Supplemental Appropriation Act, 1955 (31 U.S.C. 200).

§ 315.61 Fees.

The Assistant Secretary shall charge a fee to a lender which makes a loan guaranteed under this subpart in such amount as is necessary to cover the cost of administration of such guarantee.

§ 315.62 Administration of financial assistance.

(a) In making and administering guarantees and loans under this subpart, the Assistant Secretary may—

(1) Require security for any such guarantee or loan, and enforce, waive, or subordinate such security;

(2) Assign or sell at public or private sale, or otherwise dispose of, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any evidence of debt, contract, claim, personal property or security assigned to or held by him in connection with such guarantees or loan;

(3) Collect, compromise, and obtain deficiency judgments with respect to all obligations assigned to or held by him in connection with such guarantees or loans until such time as such obligations may be referred to the Attorney General for suit or collection;

(4) Renovate, improve, modernize, complete, insure, rent, sell, or otherwise deal with, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by him in connection with such guarantees or loans;

(5) Acquire, hold, transfer, release, or convey any real or personal property or any interest therein whenever deemed necessary or appropriate, and execute all legal documents for such purposes; and

(6) Exercise all such other powers and take all such other acts as may be necessary or incidental to the carrying out of functions pursuant to this subpart.

(b) Any mortgage acquired as security under paragraph (a) of this section shall be recorded under applicable State law.

(c) All repayments of loans, payments of interest, and other receipts arising out of transactions entered into by the Assistant Secretary pursuant to this subpart, shall be available for financing functions performed under this subpart, including administrative expenses in connection with such functions.

§ 315.63 Delegation of functions to SBA.

In case of any firm which is small within the meaning of the Small Business Act (and regulations promulgated in 13 CFR Chapter I, Part 121) the Assistant Secretary may delegate all of his functions under this subpart to the Administrator of the Small Business Administration.

§ 315.64 Transitional provisions.

Any firm whose adjustment proposal was certified under section 311 of the Trade Expansion Act before the effective date of this Part may receive assistance at the level set forth in such certified proposal.

§ 315.65 Employment of expediters or administrative employees; compensation of persons engaged by or on behalf of applicants.

(a) No adjustment assistance under this Part shall be extended to any firm unless the owners, partners, or officers of the firm certify to the Assistant Secretary the names of any attorneys, agents, or other persons engaged by or on behalf of the firm for the purpose of expediting applications for such adjustment assistance, and the fee paid or to be paid to any such persons.

(b) No financial assistance under this Part shall be extended to any firm unless the owners, partners, or officers of the firm execute an agreement to refrain from employing, tendering any office or employment to, or retaining for professional services any person, who, on the date such financial assistance or any part thereof was provided, or within one year prior thereto, shall have served as an officer, attorney, agent, or employee occupying a position or engaging in activities which the Assistant Secretary shall

have determined involved discretion with respect to the provision of such financial assistance. Such agreement will be binding on the applicant for a period of two years after the financial assistance is rendered.

§ 315.66 Environmental considerations.

(a) *The National Environmental Policy Act.* (1) Since the Trade Act of 1974 requires applications for adjustment assistance to firms to be processed within 60 days of their acceptance, EDA will not be able to prepare environmental impact statements for those projects which may significantly affect the quality of the human environment. However, to the fullest extent possible within this time period, EDA will analyze a project's potential environmental impacts and give appropriate consideration to environmental impacts in making its final decision.

(2) In order that EDA may conduct its environmental analysis of proposed projects, applicants shall include the following materials with their application, except with respect to subsections (iii) and (iv) if such materials are not available in which case the applicant must so certify:

(i) A description of those elements of the proposed project which will have an impact on the environment, the nature of the environment which will be affected; and data on the expected environmental impact;

(ii) Alternatives to the proposed project;

(iii) Any environmental analysis previously conducted by local, State, and Federal agencies; and

(iv) Evidence of public reaction to the project, such as transcripts of local public hearings held on the proposal.

(3) EDA will independently review and analyze environmental information submitted by applicants.

(i) Where appropriate, EDA, within the 60 day limit, may seek the views of other government agencies which have jurisdiction by law or special expertise with respect to any environmental impact involved.

(ii) If a project appears to be highly controversial for environmental reasons and there is a need to further understand the basis of the controversy, EDA may, within the 60 day limit, request the views of concerned residents through a newspaper notification or a public information meeting held near the project site.

(4) EDA shall deny an application if, after consideration of the benefits of a project against any environmental costs, it concludes that the environmental costs exceed the benefits. EDA may deny any application solely on the basis that its environmental impact analysis discloses that unacceptable adverse impacts will or are likely to result. EDA, where necessary, may condition approval of a project upon the adoption of specified measures designed to mitigate any adverse environmental impacts.

(b) *The National Historic Preservation Act.* (1) Applicants shall include with their applications either a statement of their State Historic Preservation Officer's views of the proposed project or shall certify that their State Historic Preservation Officer was provided with a detailed project description and request for comments prior to application's submission to EDA.

(2) If necessary, EDA will attempt to complete the coordination of proposed projects with the Advisory Council on Historic Preservation. EDA will use the results of this coordination process, even though completion of this process may not be possible, as a factor in making a final decision on the project.

Subpart D—Study of Firms in an Industry Which Is the Subject of an Investigation of Injury or Threat of Injury by the International Trade Commission.

§ 315.80 EDA study.

(a) *Initiation of the Study.* Upon notification by the Commission of the commencement of an investigation under section 201 of the Trade Act with respect to injury to a domestic industry occurring as a result of the increased importation of articles into the United States that are like or directly competitive with articles produced by the domestic industry, the Assistant Secretary shall immediately cause a study to be undertaken under section 264 of the Trade Act of:

(1) The number and identity of firms in the domestic industry producing the like or directly competitive article which have been or are likely to be certified eligible to apply for adjustment assistance under section 251 of the Trade Act and this part, and

(2) The extent to which the orderly adjustment of firms in the domestic industry to import competition may be facilitated through the use of existing programs.

(b) *Report.* Upon completion of the study described in paragraph (a) of this section, and within fifteen days of the date on which the Commission makes its report to the President of the United States under section 201 of the Trade Act the Assistant Secretary shall report to the President the findings and conclusions of the study. As soon thereafter as practicable the Assistant Secretary shall make his report public (with the exception of confidential business information that is exempted by law from public disclosure).

§ 315.81 Information on adjustment assistance programs.

Upon a report of the Commission to the President of an affirmative finding of injury or threat of injury to an industry under section 201(b) of the Trade Act, the Assistant Secretary shall make available to firms in such industry, to the extent feasible, information about programs that may facilitate their orderly adjustment to import competition and shall, through the agencies of the Department designated by him, provide assistance in the preparation and processing of petitions and applications for such assistance.

Subpart E—Certification of Eligibility of Communities to Apply for Adjustment Assistance

§ 315.90 Scope.

This subpart sets forth regulations regarding the certification of eligibility of communities to apply for adjustment assistance under Chapter 4 of Title II of the Trade Act of 1974.

§ 315.91 Petitions for certification.

A petition for certification of eligibility for adjustment assistance may be filed by a community or group of communities, or on behalf of a community by the Governor of the State in which such community or group of communities are located.

§ 315.92 Form and content of petition.

Any community or group of communities seeking certification under this subpart shall be required to complete a petition form, which shall provide, among other matters, identification of and information on its officials, data on its demography, information concerning the total sales, employment and production of firms within the community, and the firms or subdivisions of firms within the community that have been import-impacted or have transferred to a foreign country. For each firm so identified, information shall be required concerning the goods and services produced and sold by the firm and the imported articles which are like or directly competitive with those produced; the firm's sales, production and employment; and such other information as EDA may consider material to make a determination.

§ 315.93 Acceptance of petitions.

(a) *Place of filing.* Community petitions for certification of eligibility to apply for adjustment assistance may be submitted for filing by personal delivery during normal U.S. Department of Commerce business hours or by registered mail to the appropriate Regional Office of the Economic Development Administration. The petitioner will submit four copies of the petition (Form ED–437) to the Regional Office and one copy to the Trade Act Certification Division, Room 6026, Office of Planning and Program Support, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230.

(b) *Conformity with regulations.* No document purporting to be a community petition for certification of eligibility to apply for adjustment assistance shall be accepted for filing unless such document is in substantial compliance with these regulations. Communities intending to submit petitions are encouraged to consult with the appropriate Regional Office prior to presenting such petitions for filing in order to avail themselves of guidance and assistance in the preparation and documentation of their petitions.

(c) *Confidential business information.* Business data which the petitioner or any other party desires to submit in confidence shall be submitted on separate sheets bearing at the top of each sheet

the clear legend "Confidential Business Information." By submitting data identified as "Confidential Business Information," the petitioner or other party represents that such information is exempted from public disclosure, either by the Freedom of Information Act or by a specific statutory exemption. However, the TACD may refuse to accept as "confidential" any information which clearly is not intended to be protected under the law. Any information which the TACD refuses to accept as "confidential" may be submitted as nonconfidential, or may be withdrawn and will not be considered in the determination of the petition.

(d) *Review and acceptance.* EDA shall have seven working days from the date on which it receives the community petition to determine whether the petition has been properly prepared and can be accepted for filing. Immediately thereafter, the TACD shall notify the petitioner that the petition has been accepted, or advise the petitioner that the petition has not been accepted for filing, and that the petition may be resubmitted when the specified deficiencies have been corrected. All petitions accepted for filing shall be stamped with the date on which accepted.

(e) *Publication in Federal Register.* A notice of acceptance of a petition for filing shall be published in the FEDERAL REGISTER. Such notice shall include the date of acceptance, the identity of the petitioner, the community or communities on whose behalf the petition has been filed, the basis of the petition, and any other pertinent information.

(f) *Withdrawal of petitions.* A petition may be withdrawn by a petitioner if a written request is received by the TACD before a decision under § 315.100 is made on the petition. A petitioner who withdraws a petition may at any time thereafter submit a new petition in accordance with this section.

§ 315.94 Initiation of investigation.

(a) Upon the acceptance for filing of a petition, an investigation shall be initiated to determine, from the data and other information furnished by the petitioner and information available to EDA, whether the community or communities meet the criteria established in section 271(c) of the Trade Act and under this subpart for eligibility to apply for adjustment assistance. In addition, the geographic boundaries of the Trade Impacted Area or Areas in which such community or communities are located shall be determined. A report of this investigation shall become part of the record upon which a determination of the eligibility of the community or communities to apply for adjustment assistance shall be made.

(b) The Deputy Assistant Secretary for Economic Development Planning may terminate an investigation at any time if he determines that the petition involved does not substantially comply with these regulations. He shall immediately notify the petitioner that the investigation has been terminated and shall specify the deficiencies in the petition causing the termination. The corrected petition may be resubmitted at any time and will be treated as a new petition.

§ 315.95 Request for public hearing.

(a) A public hearing will be held on any petition accepted for filing, if such hearing is requested in writing by the petitioner. A request for a public hearing shall be filed with the Director and must be received within 10 working days after the publication in the FEDERAL REGISTER of the notice of filing of the petition under § 315.93(e).

(b) *Request by other party.* A public hearing will also be held on any petition, if requested in a timely manner by any person, organization or group, or representative of a community not included in the petition who has demonstrated that it has substantial interest in the proceedings. A request for a public hearing by a party other than the petitioner shall be filed with the Director, and must be within ten (10) working days after the publication in the FEDERAL REGISTER of the notice of filing of the petition under § 315.93(e). Such request must be in writing, delivered by hand or by registered mail, and must contain:

(1) The name, address and telephone number of the person, organization or group, or of the legal representative or senior administrative officer of the community requesting the hearing;

(2) A complete statement of the relationship of the person, organization or group, or representative of a community requesting the hearing to the petitioner or the subject matter of the petition and a statement of the nature of its interest in the proceedings, including how such interest may be affected by certification or non-certification of the petitioner's eligibility to apply for adjustment assistance; and

(3) A summary of the nature of the evidence or other information that it desires to submit at the public hearing.

For purposes of this section, a person, organization or group, or representative of a community not included in the petition, will be deemed to have a "substantial interest in the proceedings" if it has included sufficient information in its request to demonstrate to the satisfaction of the Director that it has a direct, material, economic interest which will be, or may be, affected by certification or denial of certification of petitioner's eligibility to apply for adjustment assistance.

(c) *Denial of request by other party.* In the event of a denial of a request for a public hearing, a written notice thereof from the Deputy Assistant Secretary for Economic Development Planning shall be sent to the requesting party. Such notice shall specify the reasons upon which the denial is based. In view of the sixty day period under section 271(d) of the Trade Act for processing petitions for certification of eligibility to apply for adjustment assistance, there shall be no appeal from such a denial.

§ 315.96 Notice of hearing.

The Director shall publish notice of the public hearing in the FEDERAL REGISTER. The notice shall include the subject matter of the application, and the date, time and place at which the opportunity to be heard shall be afforded, and other pertinent information.

§ 315.97 Conduct of hearing.

(a) *Attendance at hearing.* Each person who wishes to be heard shall notify the Director within five (5) days after the date of the notice described in § 315.96 of his intention to attend and shall submit the number and names of witnesses he wishes to present.

(b) *Presiding officer.* The presiding officer of the hearing shall be appointed by the Assistant Secretary.

(c) *Hearing Rules.* (1) *Order of presentation.* (i) *Opening statements.* The petitioner and each other approved participant may make opening statements of a length within the discretion of the presiding officer. Such opening statements should concisely state what the participant intends to show. The petitioner shall have the opportunity to present his statement first.

(ii) *Petitioner's presentation.* Following the opening statements, the petitioner shall present his data and materials, oral or documentary.

(iii) *Protestant's presentation.* Following the petitioner's presentation, the persons protesting the petition shall present their data and materials, oral or documentary. The protestants may agree, with the approval of the presiding officer, to have one of their number make their presentation.

(iv) *Other interested persons.* Following the evidence of the petitioner and the protestant, the presiding officer in his discretion may recognize other interested persons who may present their views with respect to the petition under consideration.

(v) *Summary statements.* After all the above presentations have been concluded, the participants may make short and concise summary statements reviewing their position. The petitioner shall present his concluding summary statement first.

(2) *Witnesses.* The obtaining and use of witnesses is the responsibility of the parties. All witnesses will be presented of their own volition, but any person appearing as a witness may be subject to questioning by any approved participant, or by the presiding officer. The refusal of a witness to answer questions may be considered in determining the weight to be accorded the testimony of that witness.

(3) *Evidence.* The presiding officer shall have the authority to exclude data or materials which he deems to be improper or irrelevant. Formal rules of evidence shall not be applicable to these hearings. Documentary material must be of a size consistent with ease of handling, transportation, and filing, and copies must be provided for each approved participant. While large exhibits may be used during the hearing, copies of such exhibits must be provided by the party in reduced size for submission as evidence. Two copies of all such documentary evidence shall be furnished to the

presiding officer, and one copy shall be furnished to such other persons as have a legitimate interest therein as determined by the presiding officer.

(4) *Procedural questions.* The presiding officer shall determine all procedural questions not governed by this part. The presiding officer shall have the authority to limit the number of witnesses to be used by any party, and to impose such time limitations as he shall deem reasonable.

(5) *Transcript.* A transcript of each proceeding shall be arranged for by the presiding officer. Interested parties may examine the transcripts and the exhibits or other materials presented, and obtain copies thereof by making application in accordance with the public information procedures of 13 CFR Part 301, Subpart D, Disclosure of Information to the Public. Confidential business information shall not be a part of the transcripts.

(6) *Confidential business information.* Any confidential business information may be submitted by any approved participant directly to the presiding officer prior to the hearing. Such information shall be labelled "Confidential Business Information." For the purpose of the public record, a brief description of the nature of the information shall be submitted to the presiding officer during the hearing.

§ 315.98 Criteria for certification.

(a) The community or group of communities included in the petition will be certified eligible to apply for adjustment assistance if the Deputy Assistant Secretary for Economic Development Planning determines, under section 271(c) of the Trade Act, that such community or group of communities are located in a Trade Impacted Area in which:

(1) A significant number or proportion of the workers have become totally or partially separated, or are threatened to become totally or partially separated;

(2) Sales or production, or both, of firms or subdivisions of firms located in such Trade Impacted Area have decreased absolutely; and

(3) Increases of imports (absolute or relative to domestic production) of articles like or directly competitive with articles produced by firms or subdivisions of firms located in such Trade Impacted Area, or the transfer of firms or subdivisions of firms located in such Trade Impacted Area to foreign countries, have contributed importantly to such total or partial separation, or threat thereof, and to the decline in sales and/or production.

(b) For purposes of this Part:

(1) A "totally separated worker" means an employee who has been laid off or whose employment has been terminated by his employer for lack of work.

(2) "Partial separation" means a reduction in an employee's hours of work to eighty percent or less of the employee's average weekly hours or a reduction in the employee's weekly wage to eighty percent or less of the employee's average weekly wage.

(3) A group of workers shall be considered to be "threatened" with total or partial separation if there is reasonable evidence that such total or partial separation is imminent.

(4) The term "subdivision of firm" means an establishment in a multi-establishment firm which produces a domestic article with which imported articles are like or directly competitive or a distinct part or section thereof whether or not the firm has more than one establishment wherein the articles are produced.

(5) The term "decreased absolutely" is used in reference to the sales or production of the firm(s) or subdivision(s) thereof located in the Trade Impacted Area irrespective of industry or market fluctuations and relative only to the previous performance of the firm(s) or subdivision(s) thereof.

(6) The terms "like" and "directly competitive" are not synonymous: "Like" articles are those articles which are substantially identical in inherent or intrinsic characteristics. "Directly competitive" articles are those articles which are not substantially identical in inherent or intrinsic characteristics, but are substantially equivalent for commercial purposes, i.e., are adapted to the same function or use and are essentially interchangeable.

(7) The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause. Imports will be considered to have "contributed importantly" to total or partial separation or threat thereof, of a significant number or proportion of workers, and to a decline in sales or production, even if such imports were not the major factor in effecting such separation, threat thereof, and decrease. In determining whether imports contributed importantly among possible causes for separation or decreases, the influence of imports as a cause will be considered on the basis of the totality and interrelationship of all possible causes. If other factors were so dominant, acting singly or in combination, that the worker separation or decrease in sales or production would have been essentially the same irrespective of the influence of imports, then imports would not be determined to have contributed importantly.

(c) In all cases, although EDA will assist the petitioner to demonstrate his meeting the criteria for certification of eligibility to apply for adjustment assistance under paragraph (a) of this section, the burden of proof is upon the petitioner to establish the eligibility of such community or communities for adjustment assistance by the submission of probative evidence.

§ 315.99 The record.

The record shall consist of the petition for certification of eligibility to apply for adjustment assistance submitted by the applicant under § 315.92, any confidential business information submitted under § 315.93(c), the investigation report required by § 315.94, and such other relevant information that may be developed during the investigation, and, in the event that a public hearing is held, all evidence submitted pursuant to § 315.97(c), the transcript described in § 315.97(c)(5) and confidential business information submitted under § 315.97(c)(6).

§ 315.100 Decision of the Deputy Assistant Secretary for Economic Development Planning.

(a) The Deputy Assistant Secretary for Economic Development Planning shall make a determination based on the record as soon as possible after all of the material constituting the record has been submitted. In no event may the period exceed sixty days from the date on which the petition was accepted for filing.

(b) The Deputy Assistant Secretary for Economic Development Planning shall certify eligible for adjustment assistance the community or communities located in any Trade Impacted Area which he has determined meet the criteria of section 271(c) of the Trade Act. To the extent that any petitioning community or communities, or parts thereof, is not located in a Trade Impacted Area, the certification of eligibility for adjustment assistance of such community or communities or parts thereof will be denied. The Deputy Assistant Secretary for Economic Development Planning shall promptly notify the petitioner in writing of his decision. Notices of denials in whole or in part of petition shall specify the reasons upon which the denial is based. If any community is denied certification of eligibility for adjustment assistance, it shall not be entitled to resubmit its petition for certification of eligibility for adjustment assistance within the twelve month period succeeding the date of formal notice of the denial of certification of its eligibility.

§ 315.101 Appeals.

Any petitioner may appeal to the Assistant Secretary from a denial of certification of eligibility to apply for adjustment assistance, provided that such appeal is received in writing and in triplicate by personal delivery or by registered or certified mail, by the Director, Office of Planning and Program Support, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, within sixty days from the date of the formal notice of denial of the petition issued under § 315.100. The appeal shall set forth the grounds upon which the appeal is based and a concise statement of the facts and circumstances or legal arguments asserted by the petitioner in support thereof. The decision of the Assistant Secretary shall be final within the Department and shall be provided in writing to the petitioner as promptly as practicable.

§ 315.102 Revocation of certification.

The Deputy Assistant Secretary for Economic Development Planning may terminate the certification of eligibility to apply for adjustment assistance of any community pursuant to section 271(f) of the Trade Act. Notice of such termination shall be published in the FEDERAL

REGISTER and such termination shall take effect on the date specified by the Deputy Assistant Secretary for Economic Development Planning.

Subpart F—Adjustment Assistance for Communities

§ 315.120 Scope.

This subpart sets forth the requirements and procedures pursuant to which eligible communities may receive adjustment assistance under Chapter 4 of Title II of the Trade Act of 1974.

§ 315.121 Secretary's representatives—preprogram assistance.

Within 60 days after a community or communities are certified under 13 CFR Part 315, the Assistant Secretary shall send his representatives to the trade impacted area in which such community is located to—

(a) Inform officials of communities and other residents of such area about benefits available to them under this subpart; and

(b) Assist the officials and residents in establishing a Trade Impacted Area Council for Adjustment Assistance for such area.

§ 315.122 Trade Impacted Area Councils.

(a) The Assistant Secretary shall establish a Council for each trade impacted area in which one or more communities are certified under Subpart E.

(b) The Council shall—

(1) Develop a proposal for an adjustment assistance plan for the economic rejuvenation of certified communities in its trade impacted area; and

(2) Coordinate community action under the adjustment assistance plan, as approved by the Assistant Secretary.

(c) The Council shall include representatives of certified communities and representatives of labor, industry and the general public (including appropriate minority representation) located in the trade impacted area covered by the Council.

(d) If an appropriate entity for purposes of performing the functions specified in paragraph (b) of this section already exists in such area, then the Assistant Secretary may designate such entity as the Council for such area.

§ 315.123 Administrative expense grants.

(a) Upon application by a Council established or designated under § 315.122, the Assistant Secretary is authorized to make grants to such Council for maintaining an appropriate professional and clerical staff.

(b) No grant shall be made to a Council to maintain staff after the period which ends two years after the date on which such Council is established or designated.

§ 315.124 Application for assistance.

(a) A Council established or designated under § 315.122 may file an application with the Assistant Secretary for adjustment assistance under this subpart.

(b) Such application shall include the Council's proposal for an adjustment assistance plan for the communities in its impacted area. Such proposal shall contain the following:

(1) An identification of each adjustment need of the area for which assistance is sought. This should be an explanation of anticipated or existing economic problems and their impact on the eligible recipient.

(2) A description of each activity planned to meet each need. This explanation should include all activities that the eligible recipient has taken or plans to take regardless of whether funding is sought for them under this subpart and should indicate how each activity will contribute to the solution of economic problems.

(3) An explanation of the method of carrying out each planned activity. This should be an explanation for each activity of the amount of funds spent or needed, how each activity was or will be financed and brought into operation, and how each activity is or will be operated. The cost for each activity proposed to be funded under this subpart should be broken down into construction or start up costs, and operating costs. A plan should clearly indicate how assistance under this subpart, if made by the Assistant Secretary, would be used.

(4) A statement regarding the goals of each planned activity.

(5) Evidence that the plan is not inconsistent with locally approved comprehensive plans for the jurisdiction affected, whenever such plans exists; and that A-95 requirements have been met.

(6) An identification and analysis of the potential environmental impacts of the planned activities, including identifiable projects.

(c) The Assistant Secretary shall make a determination as soon as possible after the date on which an application is filed.

§ 315.125 Types of assistance.

Adjustment assistance under this subpart consists of—

(a) All forms of assistance, other than loan guarantees, which are provided to a redevelopment area under the Public Works and Economic Development Act of 1965, as amended; and

(b) The loan guarantee program described in this subpart.

§ 315.126 Limitations.

No adjustment assistance may be extended to a community in a trade impacted area under this subpart unless—

(a) The Assistant Secretary approves the adjustment assistance plan submitted to him under § 315.124(b).

(b) The assistance is consistent with the adjustment assistance plan and related to the accomplishment of the purpose and objectives of such plan.

§ 315.127 Redevelopment areas and OEDP.

For purposes of the Public Works and Economic Development Act of 1965:

(a) A trade impacted area, for which an adjustment assistance plan has been approved under § 315.124, shall be treated as a redevelopment area, except that—

(1) No loan guarantees may be made to any person under such Act; and

(2) No loan or grant may be made to any recipient in such an area after September 30, 1980.

(b) Approval of an adjustment assistance plan submitted under § 315.124 shall be treated as approval of an overall economic development program under section 202(b)(10) of such Act.

§ 315.128 Use of loan guarantees.

The Assistant Secretary is authorized to guarantee loans for—

(a) The acquisition, construction, installation, modernization, development, conversion, or expansion of land, plant, buildings, equipment, facilities, or machinery; and

(b) Working capital.

§ 315.129 Loan guarantee requirements.

Loans guaranteed by the Assistant Secretary under this subpart must meet the following requirements:

(a) The loan must be made by a private lending institution to a private borrower in connection with projects in trade impacted areas.

(b) The loan guarantee shall be subject to the same terms and conditions to which loan guarantees are subject under section 202 of the Public Works and Economic Development Act of 1965, as amended (and regulations promulgated in 13 CFR Part 306), including records and audit requirements and penalties, except that—

(1) No new loan guarantee may be made under this section after September 30, 1982;

(2) A loan guarantee may be made for the entire amount of the outstanding unpaid balance of such loan; and

(3) No more than 20 percent of the amount of loan guarantees made under this section by the United States may be made in one State.

§ 315.130 Agreement to cover liability arising under loan guarantees.

(a) The State and/or community in which an applicant for a loan guarantee is located may enter into an agreement with the Assistant Secretary to cover any liability which arises on such guarantees.

(b) The agreement shall be signed by:

(1) The Governor of the State; or

(2) The authorized representative of the community; or

(3) The Governor of the State and the authorized representative of the community in which an applicant for a loan guarantee is located.

(c) The agreement shall provide that such State and/or such community will pay not to exceed one-half of the amount of any liability which arises on such loan guarantee.

§ 315.131 Priorities.

When considering whether to guarantee a loan to a corporation which is otherwise qualified under this subpart, the Assistant Secretary shall give prefer-

ence to a corporation which agrees to fulfill the following requirements:

(a) Twenty-five percent of the principal amount of the loan shall be paid by the lender to a qualified trust established under an employee stock ownership plan established and maintained by:

(1) The recipient corporation;

(2) A parent or subsidiary of such corporation; or

(3) Several corporations including the recipient corporation.

(b) The employee stock ownership plan meets the requirements of § 315.132.

(c) The agreement among the recipient corporation, the lender, and the qualified trust relating to the loan meets the requirements of § 315.133.

§ 315.132 Employee stock ownership plan.

The governing instrument of an employee stock ownership plan must provide that:

(a) The amount of the loan paid to the qualified trust under § 315.131(a) will be used to purchase qualified employer securities;

(b) The qualified trust will repay to the lender the amount of such loan, together with the interest thereon, out of amounts contributed to the trust by the recipient corporation; and

(c) The qualified trust will, from time to time as it repays the loan and the interest thereon, allocate qualified employer securities among the individual accounts of participants and their beneficiaries in accordance with § 315.134.

§ 315.133 Loan (Trust) Agreement.

The agreement among the recipient corporation, the lender, and the qualified trust shall:

(a) Be unconditionally enforceable by any party against the others, jointly and severally;

(b) Provide that the liability of the qualified trust to repay loan amounts paid to the qualified trust may not, at any time, exceed an amount equal to the amount of contributions required under § 315.132(b) which are actually received by such trust;

(c) Provide that amounts received by the recipient corporation from the sale of qualified employer securities to the qualified trust under § 315.132(a) will be used exclusively by the recipient corporation for the purposes for which it may use that portion of the loan paid directly to it by the lender;

(d) Provide that the recipient corporation may not reduce the amount of its equity capital during the one year period beginning on the date on which the qualified trust purchases qualified employer securities under § 315.132(a); and

(e) Provide that the recipient corporation will make contributions to the qualified trust of not less than such amounts as are necessary for such trust to timely repay the principal and interest on the amount of the loan received by the trust. Such contributions shall be made without regard to whether they are deductible by the corporation under section 404 of the Internal Revenue Code of 1964 and without regard to any other amounts the recipient corporation is obligated under law to contribute to or under the employee stock ownership plan.

§ 315.134 Allocation of securities.

(a) At the close of each plan year, an employee stock ownership plan shall allocate a portion of the qualified employer securities to the accounts of participating employees. The ratio that the portion of the securities allocated bears to the cost of all the qualified employer securities purchased under § 315.132(a) shall be substantially the same as the ratio that the amount of loan principal and interest repaid by the qualified trust during the year bears to the total amount of the loan principal and interest payable by such trust during the term of the loan.

(b) The ratio that the portion of qualified employer securities allocated to the individual account of a participant during one plan year bears to the total amount of all such securities allocated to all participants in the plan shall be substantially the same as the ratio that the amount of compensation paid to such participant bears to the total amount of compensation paid to all such participants during that year.

§ 315.135 Liquidation and administration of loans, guarantees and evidences of indebtedness.

In the event that the Assistant Secretary determines it is necessary or desirable to take actions to protect or further the interests of EDA in connection with guarantees made under this subpart, the Assistant Secretary may:

(a) Assign or sell at public or private sale or otherwise dispose of for cash or credit, in his discretion and upon such terms and conditions as he shall determine to be reasonable, any evidence of debt, contract, claim, personal or real property, or security assigned to or held by him in connection with financial assistance extended under the Act;

(b) Collect or compromise all obligations assigned to or held by him in connection with EDA financial assistance projects until such time as such obligations may be referred to the Attorney General for suit or collection; and

(c) Take any and all other actions determined by him to be necessary or desirable in purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with or realizing on loans or guarantees made or evidences of indebtedness purchased under the Act.

§ 315.136 Community Adjustment Assistance Fund.

(a) A revolving fund to be known as the Community Adjustment Assistance Fund shall consist of—

(1) Such amounts as may be deposited in it pursuant to the authorization in section 274(b) of the Trade Act; and

(2) Any collections, repayments of loans, or other receipts received under the program established in § 315.125 of this subpart.

(b) Amounts in the fund may be used only to carry out the provisions of §§ 315.121–315.124 and § 315.126(a).

§ 315.137 Environmental requirements.

Applicants for assistance under this subpart must conform to the requirements of 13 CFR 309.18, "Environmental requirements."

§ 315.138 Other requirements.

Any assistance which is provided under this subpart, excluding loan guarantees, is subject to all of the requirements imposed by the Public Works and Economic Development Act of 1965, as amended, all regulations and amendments published pursuant to that Act, and all terms and conditions that apply to the same kinds of assistance provided to eligible recipients through the Economic Development Administration.

Effective date: This interim regulation becomes effective on December 1, 1976.

The Economic Development Administration has determined that this document does not contain a major proposal requiring the preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular No. A–107.

Dated: November 23, 1976.

JOHN W. EDEN,
Assistant Secretary
for Economic Development.

[FR Doc.76–35292 Filed 11–30–76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–975; Amdt. No. 1]

PART 253—COMMISSIONS FOR SALE OF AIR TRANSPORTATION

Number of Copies and Place of Filing Schedules; Provision of Requested Copies

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., November 26, 1976.

Effective: December 1, 1976.

Adopted: November 26, 1976.

By ER–961, July 16, 1976, the Board enacted Part 253, requiring each air carrier and each foreign air carrier to file, and to maintain on file, a currently effective schedule showing the commissions and all other forms of compensation which it pays for the sale of air transportation originating in the United States. Section 253.4 of that Part provides that an original and two copies of any filed schedule shall be submitted, addressed to the Board's Secretary.

Experience with § 253.4 has demonstrated that the volume of filings has been such as to impose an unusual administrative burden on the office of the Board's Secretary. Since the Board's Docket Section is better equipped to handle the logging and distributing of large numbers of documents, we are amending § 253.4 to provide that filings be addressed to the Docket Section.

Experience has also demonstrated the need of a third copy of each schedule for use of the Board's staff. These additional copies have until now been made here at the Board, but it would obviously be more efficient for the carrier to submit an additional copy, since it would merely have to prepare one more copy than it is already required to prepare and submit. We are therefore amending the section to require the submission of an original and three copies.

Because these amendments create no significant additional burden for any member of the public, and relate to filing procedures, we find that notice and public procedure thereon are unnecessary and that they may become effective immediately.

In the light of the foregoing, the Civil Aeronautics Board hereby amends § 253.4 of Part 253 of its Economic Regulations (14 CFR Part 253), effective December 1, 1976, to read as follows:

§ 253.4 Number of copies and place of filing schedules; provision of requested copies.

(a) Each carrier shall submit an original and three copies of any schedule which it files under § 253.3, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

(b) Each carrier shall provide a copy of its currently filed schedule to any person requesting it.

(Secs. 102, 204, 401(e), 402(e), 403(b), 407, 411, 1002, 1102, Federal Aviation Act of 1958, as amended, (72 Stat. 740, 743, 754, as amended by 76 Stat. 143, 82 Stat. 867), 757, 758 (as amended by 74 Stat. 445), 766 (as amended by 83 Stat. 103), 769, 788, 797 (49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1377, 1381, 1482, 1502).)

By the Civil Aeronautics Board.

JAMES R. DERSTINE,
Acting Secretary.

[FR Doc.76-35346 Filed 11-30-76;8:45 am]

Title 16—Commercial Practices

CHAPTER 1—FEDERAL TRADE COMMISSION

[Docket C-2843]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Sherry Manufacturing Company, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.30 Composition of goods; § 13.30–75 Textile Fiber Products Identification Act; § 13.45 Content; § 13.73 Formal regulatory and statutory requirements; § 13.73–90 Textile Fiber Products Identification Act; § 13.175 Quality of product or service; § 13.205 Scientific or other relevant facts; § 13.270 Trademark registration or use. Subpart—Concealing, obliterating or removing law required and informative marking: § 13.523 Textile fiber product tags or identification. Subpart—Misbranding or mislabeling: § 13.1185 Composition; § 13.1185–80 Textile Fiber Products Identification Act; § 13.1200 Content; § 13.1212 Formal Regulatory and statutory requirements; § 13.1212–80 Textile Fiber Products Identification Act; § 13.1295 Quality or grade; § 13.1320 Scientific or other relevant facts. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 Composition; § 13.1605 Content; § 13.1623 Formal regulatory and statutory requirements; § 13.1623–80 Textile Fiber Products Identification Act; § 13.1715 Quality; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 Composition; § 13.1850 Content; § 13.1852 Formal regulatory and statutory requirements; 13.1852–70 Textile Fiber Products Identification Act; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts. Subpart—Packaging or labeling of consumer commodities unfairly and/or deceptively: § 13.2100 Packaging or labeling of consumer commodities unfairly and/or deceptively; § 13.2100–5 Labeling; § 13.2100–5(a) Formal regulatory and/or statutory requirements.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70)

In the Matter of Sherry Manufacturing Company, Inc., a Corporation, and Quentin Sandler, Individually and as an Officer of Said Corporation.

Consent order requiring a Miami, Fla., textile fiber products manufacturer, among other things to cease misrepresenting the quality of its products; misbranding and mislabeling its textile fiber products; and removing required labels from items without substituting other specified labels.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I

It is ordered That respondents Sherry Manufacturing Company, Inc., a corporation, its successors and assigns, and its officers, and Quentin Sandler, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, selling or distributing of towels or any other article of merchandise in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

A. Offering for sale, selling or distributing any such product which is less than first quality without clearly and conspicuously marking thereon the word "irregular" or "second" in such degree of permanency as to remain on the product until consummation of the sale to the consumer and of such conspicuousness as to be easily observed and read by the purchasing public.

B. Using any advertisement or promotional material in connection with the offering for sale of any such product which is less than first quality unless it is clearly and conspicuously disclosed therein that such article is an "irregular" or "second" as the case may be.

C. Misrepresenting in any manner the quality of such product.

II

It is further ordered, That respondents Sherry Manufacturing Company, Inc., a corporation, its successors and assigns, and its officers, and Quentin Sandler, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name and amount of the constituent fibers contained therein;

2. Failing to affix a stamp, tag, label or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act; and

3. Using a fiber trademark on labels affixed to textile fiber products without the generic name of the fiber appearing in immediate conjunction therewith in type or lettering of equal size and conspicuousness.

B. Falsely and deceptively advertising textile fiber products by making any representations, by disclosure or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label or other means of identification under sections 4(b) (1) and (2) of the

[1] Copies of the Complaint, Decision and Order filed with the original document.

Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

C. Causing or participating in the removal of labels required by the Textile Fiber Products Identification Act, without substituting therefor labels or other means of identification in the manner prescribed by section 5(b) of said Act.

III

It is further ordered That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. In addition, for a period of ten (10) years from the effective date of this order, the respondent shall promptly notify the Commission of each affiliation with a new business or employment. Each such notice shall include the respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this order.

It is further ordered That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Commissioner Dole did not participate by reason of absence.

The Decision and Order was issued by the Commission October 1, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-35258 Filed 11-30-76;8:45 am]

[Docket 8998]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Soundtrack Chevell Industries, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; § 13.15–20 Business methods and policies; § 13.15–30 Connections or arrangements with others; § 13.15–195 Nature; § 13.15–245 Prospects; § 13.15–250 Qualifications and abilities; § 13.15–265 Service; § 13.42 Connection of others with goods; § 13.60 Earnings and profits; § 13.105 Individual's special selection or situation; § 13.143 Opportunities; § 13.160 Promotional sales plans; § 13.175 Quality of product or service; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.250 Success, use or standing; 13.275 Undertakings, in general; § 13.285 Value. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirments; § 13.533–20 Disclosure; § 13.533–40 Furnishing information to media; § 13.533–45 Maintain records. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records. Subpart—Misrepresenting oneself and goods—Business status, advantages, or connections: § 13.1370 Business methods, policies, and practices; § 13.1395 Connections and arrangements with others; § 13.1490 Nature; § 13.1515 Organization and operation; § 13.1535 Qualifications; § 13.1553 Services. Subpart—Misrepresenting oneself and goods—Goods: § 13.-1615 Earnings and profits; § 13.1663 Individual's special selection or situation; § 13.1685 Nature; § 13.1697 Opportunities in product or service; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1755 Success, use, or standing; § 13.1765 Undertakings, in general; § 13.-1175 Value. Subpart—Misrepresenting oneself and goods—Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.-1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1935 Earnings and profits; § 13.1985 Individual's special selection or situation; § 13.2015 Opportunities in product or service; § 13.2063 Scientific or other relevant facts; § 13.-2090 Undertakings, in general.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

In the Matter of Soundtrack Chevell Industries, Inc. a corporation, and individuals known as William F. Temple, Gene Temple, and Helen Temple, individually and as officers, or former officers, of said corporation, and Lonnie Temple, individually and as a former salesman of said corporation.

Consent order requiring the dissolution of a Dallas, Texas, talent promoting agency, and, among other things requiring two of its officers to cease engaging in the talent promotion business in the future. Further, the order requires respondents to cease misrepresenting the nature and extent of services provided; misrepresenting the means by which clients are selected, the sums spent on client promotion, respondents' ability to obtain financial gains for their clients, and the size and power of any company with which they are associated. Respondents must provide a ten-day cooling-off period for any future service contract; notify all advertising media utilized by them that they are under a Commission order; and take steps to assure that employees and salesmen abide by the provisions of the order.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I. DEFINITIONS

For purposes of this Order the following definitions shall apply:

A. "Future Services" shall include any arrangement whereby one party pays or contracts to pay a sum of money in the belief that he may receive, as a result of such arrangement, the delivery or performance, at least partly in the future, of any service, benefit, promotion, course of instruction, sum of money, or similar thing of value; the term shall include, but shall not be limited to, any arrangement whereby one party pays or contracts to pay a sum of money in the belief that he may receive a financial gain as a result of such arrangement.

B. "Client" shall mean any person who has entered into an agreement with respondents requiring the payment of money to respondents.

II

A. *It is ordered*, That the officers, and William F. Temple and Helen Temple, individually and as officers, or former officers, of said corporation, directly or through any corporation, subsidiary, division or other device, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from offering to engage in or engaging in the management or promotion of persons desiring careers as professional singers or entertainers.

III

A. *It is further ordered* That respondents, William F. Temple and Helen Temple, individually and as officers, or former officers, of Soundtrack Chevelle Industries, Inc., in connection with the advertising or offering of future services in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Representing directly or indirectly, by any means, except as required by this Order, that individual clients or prospective clients may obtain financial gains as a result of contracting with respondents.

2. Misrepresenting, directly or indirectly, by any means:

(A) Respondents' ability to obtain financial gains for their clients;

(B) The character, nature and extent of services actually provided by respondents;

(C) The procedures used by respondents in selecting those persons who are offered contracts;

(D) The size, market position and capabilities of any company with which respondents are associated; and

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[1] Copies of the Complaint and Decision and Order filed with the original document.

(E) Respondents' intent to invest in any client a sum of money greater than the sum of money paid or agreed to be paid by such client.

3. Failing to provide each client or customer with a written contract and two copies thereof at the time such contract is signed by the client or customer.

4. Entering any transaction which shall become binding on the client or consumer prior to midnight of the tenth day, excluding Sundays and legal holidays, after the date of signing the contract.

5. Failing to print clearly and conspicuously on the contract or other instrument in 12-point bold face type on the top of the first page of all contracts or other instruments required to be given the client or customer by paragraph 3 preceding the following language.

NOTICE REQUIRED BY THE FEDERAL TRADE COMMISSION

YOU ARE ENTITLED TO RECEIVE TWO COPIES OF THIS CONTRACT. YOU HAVE TEN (10) DAYS, EXCLUDING SUNDAYS AND LEGAL HOLIDAYS, AFTER SIGNING THIS CONTRACT IN WHICH TO DETERMINE WHETHER TO CONTINUE THIS CONTRACT OR CANCEL IT WITH FULL REFUND. YOU MAY CANCEL THIS CONTRACT FOR ANY REASON DURING THAT TIME. IF YOU DO DECIDE TO CANCEL, YOU ARE ENTITLED TO RECEIVE A FULL REFUND WITHIN TEN (10) DAYS AFTER THE NOTICE OF CANCELLATION IS RECEIVED. YOU MAY USE ANY REASONABLE METHOD TO NOTIFY (NAME OF RESPONDENT), BUT FOR YOUR OWN CONVENIENCE, YOU MAY WISH TO USE CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED, OR A TELEGRAM. HOWEVER, YOU MAY ALSO CANCEL THE CONTRACT AND OBTAIN YOUR REFUND BY SIGNING AND DATING THIS NOTICE AND RETURNING IT TO (NAME OF RESPONDENT) AT (ADDRESS).

I HEREBY CANCEL THIS CONTRACT.

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(DATE) (YOUR SIGNATURE)

6. Failing to cancel any contract for which a notice of cancellation was sent by any reasonable means within the ten (10) day grace period above-mentioned, or failing to refund any money paid by clients or customers within ten (10) days after the date of receipt of such notice of cancellation.

7. Negotiating any promissory note, installment payment agreement or other instrument of indebtedness to a finance company or other third party prior to midnight of the tenth day, excluding Sundays and legal holidays, after the date of execution of the contract by the client or customer.

8. Failing, in all pamphlets, brochures and other promotional materials used in connection with a respondent's business to make the following disclosures in the manner and form provided for herein.

At the time respondents submit advertising to any radio or television station, they shall provide a copy of the following notice to each such station:

"NOTICE

(Name of respondent) is under a Federal Trade Commission order to cease and desist from unfair and deceptive acts and practices. Your attention is directed to an agreement between the Federal Trade Commission and the Federal Communications Commission dated April 27, 1972."

9. Failing to maintain for a period of three (3) years after any advertisements are disseminated, records disclosing:

(A) The date or dates each advertisement was published; and

(B) The name and address of the newspapers, other publications or broadcast media disseminating said advertisement.

B. *It is further ordered* That respondents and each of them:

1. Disclose in writing to every client or prospective client in connection with any future service contract:

(A) The percentage of respondents' clients, who as a result of contracting with respondents, have received earnings greater than the consideration paid by such clients to respondents.

(B) The number of respondents' clients who, as a result of contracting with respondents, have received earnings greater than the consideration paid by such clients to respondents.

Each disclosure hereinabove required shall be made clearly and conspicuously on a separate document. The disclosures shall be delivered to the relevant party or parties prior to the signing of any contract. Each disclosure shall include an appropriate place for the signature of all parties to the contract, including respondents. Prior to entering into a contract respondents shall submit each disclosure to any and all prospective parties to the contract and obtain the signature of any and all parties to the contract including respondents on each disclosure statement. Respondents shall retain a signed and dated copy of each such disclosure acknowledging receipt of said disclosures by any and all parties to the contract, other than respondents, and retain said disclosure statements for a period of three (3) years.

C. *It is further ordered* That respondents cease and desist from:

1. Including in any contract or other document any waiver, limitation or condition on the right of a client to cancel an agreement or receive a refund under any provision of this order.

2. Misrepresenting the right of a client to cancel an agreement or receive a refund under any provision of this order or any applicable statute or regulation.

3. Making any representations or taking any action which is inconsistent with or detracts from the effectiveness of this order.

D. *It is further ordered* That the individual respondents not engage in any course of conduct which contravenes the refund rights of clients or prospective clients provided by this Order. The establishment and maintenance of escrow accounts with financial institutions insured by the Federal Deposit Insurance Corporation or a similar institution will be deemed to satisfy this paragraph of the Order.

E. *It is further ordered* That respondents, upon receipt of a complaint from a client alleging facts that indicate this Order may have been violated and requesting a refund or cancellation of the contract, refund all monies paid by such clients where respondents determine, after a good faith investigation, that one or more of the paragraphs of this Order may have been violated in connection with such client's transaction with respondents; *provided, however*, That in the event respondents refund any money pursuant to this paragraph of the Order, the sole fact of such refund shall not be admissible against respondents in any proceeding brought to recover penalties for alleged violation of any other paragraph of this Order; *and further provided*, That this paragraph shall not be applicable to transactions in which the contract was entered into prior to the date this Order became final.

F. *It is further ordered:* 1. That respondents deliver, by hand or by certified mail, a copy of this Order to each of their present or future salesmen, independent brokers, employees or any other person who sells or promotes the respondents' future service arrangements;

2. That respondents provide each person so described in sub-paragraph 1 above with a form returnable to respondents, clearly stating an intention to be bound by and conform sales practices to the requirements of this Order and retain such form for a period of three (3) years after employment of such person is terminated;

3. That respondents inform each person described in subparagraph 1 above that respondents shall not use any such person, or the services of any such person, until such person agrees to and files notice with respondents to be bound by the provisions contained in this Order;

4. That in the event such person will not agree to file such notice with respondents and be bound by the provisions of this Order, respondents shall not use such person, or the services of such person;

5. That respondents institute a program of continuing surveillance adequate to reveal whether the sales practices of each of said persons described in subparagraph 1 conform to the requirements of this Order; and

6. That respondents discontinue dealing with any person described in subparagraph 1 of this Order who engages in the acts or practices prohibited by this Order; *provided, however*, That violation of any provision of this Order by persons described in sub-paragraph 1 shall not be deemed a violation of this Order by respondents unless respondents, upon knowledge of such violation, fail to take within a reasonable time, a corrective action to insure that such acts or practices are terminated; *and*

provided further, That in the event remedial action is taken, the sole fact of such action shall not be admissible against respondents in any proceeding brought to recover penalties for alleged violation of any other paragraph of this Order.

A. *It is further ordered*, That each individual respondent named herein promptly notify the Commission of discontinuance of any business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

B. *It is further ordered*, That respondents Soundtrack Chevell Industries, Inc., Wiliam F. Temple and Helen Temple shall within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

Commissioner Dole not participating by reason of absence.

The Decision and Order was issued by the Commission October 7, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-35259 Filed 11-30-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 33-5767]

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

Registration of Securities To Be Offered or Sold Pursuant to Certain Employee Benefit Plans

The Securities and Exchange Commission today adopted amendments to Form S-8 (17 CFR 239.16b) under the Securities Act of 1933 ("Securities Act") (15 U.S.C. 77a et seq.) for the registration of securities to be offered or sold to employees of the issuer, pursuant to certain employee benefit plans, through a prospectus containing a description of the plan and certain additional information and accompanied or preceded by a copy of the issuer's annual report to shareholders. Form S-8 is a short registration form available for offers of securities made to employees of the issuer, and to employees of certain of its affiliates. These amendments in proposed form were published for public comment in Securities Act Release No. 5723 (July 2, 1976) (41 FR 30273) and, except for the three areas of major revision as discussed in this release, are adopted substantially as proposed. The three areas in which major revision is made are: (1) the use of the Form S-8 prospectus for reoffers; (2) the conditions governing the availability of the form; and (3) the need for an opinion of counsel concerning compliance with the Employee Retirement Income Security Act ("ERISA"). This action is being taken concurrently with the publication for comment of proposed Rule 480 (17 CFR 230.480) and amendments to Rule 459 (17 CFR 230.459) under section 6, 8 and 19(a) of the Securities Act to provide a means by which certain post-effective amendments to registration statements on Form S-8 would become effective automatically not less than 20 days after the date of filing without affirmative action by the Commission. See Proposed Rules in this issue at page 52701.[1] The Commission is also requesting comments on the feasibility of permitting delivery to NASD member market makers of certain prospectuses, including those used in connection with reoffers and resales of securities registered on Form S-8, on account of transactions in securities which are traded over-the-counter.[2]

During the past several months, the Commission has accelerated its program to further integrate, streamline and update the corporate disclosure system it administers under the Securities Act and the Securities Exchange Act of 1934 ("Exchange Act"). The adoption of new Form S-8 is an important step in which final amendments have been adopted under this program. Other aspects of this program, on which the Commission has invited public comment, include: proposed amendments to broaden the availability of Forms S-7 (17 CFR 239.26) and S-16 (17 CFR 239.27) under the Securities Act, Securities Act Release No. 5728 (July 26, 1976) (41 FR 32540); proposals to adopt a new registration form to allow a shorter prospectus to be used in connection with certain business combination transactions, Securities Act Release No. 5744 (October 4, 1976) (41 FR 43876); proposed amendments to the rules governing tender offers, including steps to allow persons making tender offers to communicate information to offerees in a more efficient and understandable form, Securities Act Release No. 5731 (August 6, 1976) (41 FR 33004); and proposals to amend Forms 8-K (17 CFR 249.308) and 10-Q (17 CFR 249.308a) under the Exchange Act to reduce the number of current reports required to be filed on Form 8-K, Securities Exchange Act Release No. 12619 (July 19, 1976) (41 FR 29784). It has also been announced that the Commission is reviewing the procedures available to small issuers to raise capital, and that proposals may be published soon to solicit comments on how these procedures may be simplified.

BACKGROUND AND GENERAL DESCRIPTION

On July 2, 1976, the Commission published proposed amendments to Form S-8 under the Securities Act to reduce the cost and burden of preparing the form, and to improve the quality of disclosure provided to investors in registration statements prepared pursuant to the form as well as resolve certain interpretative questions which have arisen under its use.

ADOPTION OF AMENDMENTS

The Commission has considered all of the approximately 160 letters of comment received on these proposals and has determined to adopt the amendments to Form S-8 substantially as proposed, with several significant modifications. The Commission is of the opinion that the modified and, in some instances, simplified disclosure requirements of the new form, together with the wider availability of the form, will provide information of material importance to investors which is better suited to their needs than the present form, with certain corresponding benefits to registrants. The issues raised by the commentators indicated that three major changes in the proposals were necessary and these changes are discussed below.

A. THE RULE AS TO USE OF FORM S-8

The proposals contained five conditions to the use of Form S-8, three of which retained the substance of the four conditions to the use of Form S-8 now in effect. These conditions required quarterly withdrawal, payout within 30 days of termination, no general obligations on the employee's credit, certain mandatory purchases of securities and limitations on transfer of options or rights. The Commission believes that the classification of plans in accordance with their character in establishing eligibility for use of Form S-8 is no longer necessary. These conditions, which are in effect regulatory and not disclosure-oriented, are not necessary for the protection of investors, the public interest, in light of the purposes of the Securities Act, the substantial disclosure requirements under the Exchange Act (15 U.S.C. 78a et seq., as amended by Pub. L. 94-29 (June 4, 1975)), the regulatory protections provided by ERISA, and the disclosure requirements of Form S-8, as amended. For these reasons, the Commission is of the opinion that the requirements, particularly as to the adverse tax ramifications of proposed General Instructions A(a) (1) and (2), as applied to the varied types of plans now eligible to use the form, would impose a burden without a corresponding benefit to investors. In fact, in some situations, specifically as to the quarterly withdrawal and termination payout provisions in proposed General Instructions A(a)(1) and A(a)(2), the effect of compliance with the requirements would have detrimental tax consequences to the employee-participant. Accordingly, the proposed conditions have been deleted from General Instruction A and, with corresponding changes in wording and form, have been incorporated as disclosure items under new Item 1(f).

The effect of these changes will be to make the short Form S-8 more widely available and to allow registrants greater flexibility in modifying their plans with-

[1] See Securities Act Release No. 5758, (November 22, 1976).

[2] Ibid.

out running the risk that a given provision or modification thereto would cause Form S–8 to be unavailable.

B. REOFFERS OR RESALES OF SECURITIES ACQUIRED PURSUANT TO A REGISTRATION STATEMENT ON FORM S–8

An overwhelming majority of the commentators urged deletion or drastic modification and clarification of the proposed General Instruction E which would have prohibited the use of the Form S–8 prospectus for reoffers or resales of securities acquired pursuant to a registration statement on Form S–8 by an affiliate of the issuer or any other person who may be deemed an underwriter of the securities. After considering these comments, the Commission has determined to make significant revisions in the procedures by which an affiliate of the issuer may make registered reoffers and resales of securities acquired pursuant to a registration statement on Form S–8. These provisions, which are discussed in greater detail later, will be closely monitored by the Commission to determine whether they are appropriate.

The Commission has also reconsidered the impact which the foregoing proposed amendment would have had and has concluded that the reference to "underwriters" should be deleted from General Instruction E and that the limitation thus would be applicable only to affiliates, as defined in Rule 405 (17 CFR 230.405) of the Securities Act. Accordingly, General Instruction E, as adopted, prohibits use of the Form S–8 prospectus for reoffers or resales of securities acquired pursuant to a registration statement on Form S–8 by an affiliate of the issuer; but reoffers or resales of the securities by such persons may be made pursuant to a separate prospectus of the type used on Form S–16, filed with the registration statement on the Form S–8, under certain conditions.

The deletion of the term "underwriter" from General Instruction E is intended to confirm and clarify that, apart from affiliates, recipients of securities pursuant to a registration statement on Form S–8 generally are not subject to any presumption as to their status as "underwriters" as defined in Section 2(11) of the Act.

1. *Registered reoffers and resales by affiliates.* The Commission believes that the present procedures with respect to the use of Form S–8 prospectuses for registered reoffers do not provide adequate notice to the public or to the Commission with respect to the registered reoffer of securities; there is presently no requirement to identify selling security holders nor to indicate the amount of securities proposed to be sold, nor even to indicate that the reoffer procedure is being used. Such a procedure is not permitted in connection with secondary offerings registered on any other registration form, and, in view of the fact that such affiliates are subject to certain liabilities under section 15 of the Act for failure to disclose adverse material developments of which they become aware through their status as controlling persons, the Commission believes that these inadequacies must be corrected. Moreover, existing Undertaking C(a) has been criticized since it provides uneven treatment as between reoffer transactions in listed securities and those traded only in the over-the-counter market. Accordingly, under new General Instruction E, the prospectus to be delivered to employees of the issuer, its parents or subsidiaries, would contain the traditional Form S–8 type information describing the employee benefit plan and the issuer. Any prospectus used for the public reoffer or resale by affiliates of the issuer would not contain information concerning the employee benefit plan but would be required to contain the information called for by either Form S–16 (17 CFR 239.27) or Form S–1 (17 CFR 239.11).

For the reoffer prospectus, if the issuer meets the Rule as to the Use of Form S–7 (17 CFR 239.26), or if the amount of securities proposed to be reoffered or resold does not exceed, during any six month period, a specified amount, calculated at the date of filing the prospectus, and determined by reference to Rule 144(e) (17 CFR 230.144) then the resales could be made pursuant to a prospectus containing Form S–16 information. However, subparagraph 1(b) of Instruction E makes clear that the amount limitation applies in the aggregate to the proposed reoffer or resale by each person affiliated with the issuer and by any other person with whom he acts in concert for the purpose of such sales. If the conditions of subparagraphs 1(a) or (b) are not met, then the reoffer prospectus shall contain the information specified by Form S–1.

This approach, subject to the described volume limits, will allow all registrants who file a registration statement on Form S–8 to use Form S–16 prospectus for registered reoffers by affiliates of securities acquired pursuant to that registration statement. This result is realized whether or not the registrant otherwise satisfies the conditions to the use of Form S–7. Thus, reoffers pursuant to new General Instruction E(1)(b), although comparable in many respects to reoffers pursuant to Rule 144, are nonetheless somewhat less onerous than those under the rule due to the fact that the other requirements of Rule 144 need not be met. In particular, it may be noted that securities included in an effective prospectus on Form S–16, pursuant to General Instruction E(1)(b), may be offered and sold virtually at any time the seller desires, without the need for compliance with the procedures which have developed among selling security holders, issuers, brokers, transfer agents and counsel relative to compliance with Rule 144. Also, these transactions need not comply with other provisions of the rule, such as the two year holding period or manner of sale ("brokers' transactions") requirements of paragraphs (d), (f) and (g) of Rule 144. At the same time, it should be noted that in making a registered reoffer pursuant to a prospectus, rather than an unregistered reoffer pursuant to Rule 144, the seller does become subject to certain possible liabilities under section 11 of the Act.

Since Instruction E requires that the reoffer prospectus, whether on Form S–1 or Form S–16, be filed as a post-effective amendment to the registration statement, it might be possible under a single registration statement, simultaneously or otherwise, to have two different prospectuses effective[3]—one containing Form S–8 information for delivery to employees, and the other containing Form S–16 or Form S–1 information to be delivered by affiliates in connection with public reoffers and resales. Consequently, there would be no need to "reregister" the securities proposed to be reoffered by affiliates, or to pay any new filing fee.

2. *Unregistered Reoffers and Resales.* Neither the proposed amendments nor the amendments as adopted alter the existing procedures concerning the use of Rule 144 for reoffers or resales of securities acquired pursuant to a Form S–8 registration statement. The following discussion is included to clarify procedures in connection with Rule 144 and to set forth the manner in which they affect the operation and use of Form S–8. Generally, the interpretations which follow represent the present views of the Commission's staff.

Rule 144 provides a method of unregistered resale for securities acquired in non-public offerings and for securities held by affiliates of the issuer. Eligibility for use of Rule 144 is generally limited to persons holding "restricted securities" of the issuer; and to affiliates of the issuer, whether or not securities are "restricted." Rule 144(a) defines "restricted securities" as meaning any securities acquired directly or indirectly from the issuer, or from an affiliate of such issuer, in a transaction or chain of transactions not involving any public offering.[4]

Persons who acquire securities pursuant to a bona fide public offering registered on Form S–8, and who are not affiliates of the issuer at the time of their proposed reoffer, generally would be entitled to make unregistered public reoffers and resales in reliance upon the ex-

[3] Rule 429 (17 CFR 230.429) under the Securities Act will allow securities previously registered under an earlier registration statement to be offered and sold through the delivery of a prospectus filed as part of a subsequent registration statement, including those on new Form S–8.

[4] Recently, the Commission approved the reversal of the position stated in Securities Act Releases No. 5223 (January 11, 1972) (37 FR 591) and 5243 (April 12, 1972) regarding the status of securities acquired pursuant to an employee's stock ownership plan. Formerly, it had been the position of the Commission that securities acquired by employees of an issuer pursuant to a stock bonus or similar plan were always "restricted securities" for purposes of Rule 144. The Commission has reversed that position respecting employee stock ownership plan shares in the hands of non-affiliate employees. (See Securities Act Release No. 5750, October 8, 1976) (41 FR 45632).

emption set forth in Section 4(1) of the Act.[5] If the affiliate's securities are not included in a current reoffer prospectus, he may rely on Rule 144 to make reoffers and resales, and, in this situation, the application of the two-year holding period specified in Rule 144(d) depends on whether the offering on Form S–8 involved a "public offering." If it was a public offering, the affiliate need not meet the two year holding period prior to his reoffer or resale under Rule 144.

C. OPINION OF COUNSEL AND DISCLOSURES CONCERNING COMPLIANCE WITH APPLICABLE REQUIREMENTS OF ERISA

A number of commentators urged that, due to the complexity and newness of ERISA, the lack of final regulations interpreting and administering the statute, and the possible exposure of the attorney to significant civil liability and Commission enforcement action in the event of an erroneous opinion, the proposed requirement in Instruction 3 of the Instructions as to Exhibits which would require, as an exhibit to the registration statement, an opinion of counsel concerning the plan's compliance with the applicable requirements of that Act, would impose an impossible burden on the issuer without a corresponding benefit to investors. Accordingly, the reference in Instruction 3 to an opinion of counsel concerning the plan's compliance with the applicable provisions of ERISA and the rules and regulations thereunder has been modified. If the plan is subject to ERISA, Instruction 3 requires as an exhibit to the registration statement one of three things: (1) an opinion of counsel which states that the written plan document(s) comply with the applicable requirements of that Act; (2) a copy of the Internal Revenue Service determination letter that the plan is qualified under Section 401 of the Internal Revenue Code; or (3) an opinion of counsel, relying on the earlier determination letter, that any amendments to the plan adopted after issuance of the determination letter comply with the requirements of the Code pertaining to such amendments.

Proposed Item 1(e) would have required information concerning the applicability of ERISA to the plan and a brief discussion of its impact on the plan and plan participants. Again, the Commission recognizes that the complexity of, and lack of experience with, ERISA might have made such a requirement burdensome. Accordingly, the Item has been revised to require a brief indication of the ERISA provisions to which the plan is subject, and, if the plan is subject to ERISA, an identification of any protective provisions of Titles I and IV of that Act not applicable, along with a statement that such protections will not be extended to participants in the plan.

D. INCORPORATION IN REGISTRATION STATEMENT OF SUMMARY PLAN DESCRIPTIONS PREPARED PURSUANT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

As noted in Securities Act Release No. 5723 (July 2, 1976) (41 FR 30273) the Commission generally, in the interests of avoiding unnecessary costs and duplication of effort on the part of the issuer, will permit issuers to substitute summary plan descriptions[6] for any comparable disclosures required by Form S–8, by including a copy of the summary plan description as part of the S–8 prospectus, in lieu of all or part of certain items of information required by the form. Initially, the Commission's staff will monitor this practice to determine whether Form S–8 should be amended to permit ERISA summary plan descriptions to be substituted for the disclosure called for by specific items of Form S–8.

E. RULE 153

Several commentators suggested that an equivalent to Rule 153 (17 CFR 230.-153) should be made available for securities of reporting companies quoted on the National Association of Securities Dealers Automated Quotation System. They urged that existing practices pertaining to delivery of prospectuses be followed with respect to resales by affiliates of securities acquired under Form S–8 and that brokers only be required to make actual delivery of a prospectus with respect to solicited transactions. The Commission generally agrees in broad terms with the expansion of Rule 153 but will defer any such implementation pending careful study and consideration of the impact of such an amendment and invitation for public comment which was issued today in Securities Act Release No. 5768. (See Proposed Rules in this issue at p. 52701).

OPERATION OF AMENDMENTS

The amended Form S–8 will be applicable to registration statements filed on that form after December 31, 1976. Also, any post-effective amendment filed after such date to a registration statement on Form S–8 shall comply with the amended form. Any registration statement filed on Form S–8 prior to that date, including pre-effective amendments thereto filed after such date, may rely upon the provisions of the existing Form S–8, or, at the registrant's option, upon the proposed amended form as set forth in Securities Act Release No. 5723. Registrants desiring to comply with the form as amended herein may do so voluntarily immediately.

A significant portion of the commentators urged that employee benefit plans registered on Form S–8 prior to the adoption of these amendments should receive "grandfather" treatment with respect to post-effective amendments, including the availability of the Form S–8 prospectus for resales to the public as discussed above. The Commission has considered the impact which the foregoing amendments would have and has concluded that the disclosure to the public of the information required by the amended form is necessary and appropriate in the public interest, and that the benefits of these new procedures will outweigh any additional burdens which may be imposed on issuers. Moreover, there appears to be adequate lead time before the mandatory effective date of the revised form to enable employee benefit plans presently registered on Form S–8 to come into compliance with the amended form. The adopted amendments do not require registrants with current registration statements on Form S–8 to file updating amendments any sooner than they otherwise would do so pursuant to Section 10(a)(3) of the Act.[7] Moreover, the Commission believes that since some registration statements now on Form S–8 contemplate the sale of securities thereunder for periods of years, the administration of the registration requirements of the Act is significantly improved and simplified by establishing a time in the proximate future after which all new registration statements on Form S–8, and post-effective amendments thereto, will be subject to uniform requirements and procedures. Accordingly, the amended form does not permit securities presently registered on Form S–8 to be reoffered pursuant to the Form S–8 prospectus beyond the periods described above.

Because these changes generally represent a relaxation of the proposed provisions, the Commission believes that none of these modifications need be republished for comment pursuant to the Administrative Procedure Act. Accordingly, the Commission hereby adopts the amended Form S–8 pursuant to the Securities Act of 1933, particularly sections 6, 7, 10 and 19(a) thereof. The text of the form as amended follows.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 22, 1976.

[5] Section 4(1) provides an exemption from the registration requirements for "transactions by any person other than an issuer, underwriter or dealer." With respect to the availability of Rule 144 at various stages of the registration process, see Securities Act Release No. 5306 (September 26, 1972).

[6] Issuers are required, pursuant to sections 102 and 104 of Title I of ERISA, to prepare and to furnish the plan participants and beneficiaries, as well as the Secretary of Labor, summary plan descriptions which meet the requirements of section 102 and the proposed regulations with respect to form and content. As of the date of this release, the Department of Labor has not adopted these regulations (published for comment at 40 FR 24642 (June 9, 1975)) in final form but has allowed employers to comply with the proposed regulations. See 41 FR 16857 and April 21, 1976 Press Release (VSDL–76–706).

[7] Note should be made of Guide 3 under the Securities Act and its discussion of Rules 401 (17 CFR 230.401) and 432 (17 CFR 230.432) on the applicability of amended rules and forms to previously filed statements.

Form S-8 (17 CFR 239.16b) is amended to read as follows:

§ 239.16b Form S-8, for registration under the Securities Act of 1933 of securities to be offered to employees pursuant to certain plans.

SECURITIES AND EXCHANGE COMMISSION

FORM S-8 REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

(Exact name of issuer as specified in its charter)

(State or other jurisdiction of incorporation or organization)

(I.R.S. Employer Identification No.)

(Address of Principal Executive Offices) (Zip Code)

(Full title of the plan)

(Name and address of agent for service)

Telephone number, including area code, of agent for service:

Calculation of registration fee

Title of securities to be registered	Amount to be registered	Proposed minimum offering price per share	Proposed maximum aggregate offering price	Amount of registration fee

SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

FORM S-8—FOR REGISTRATION UNDER THE SECURITY ACT OF 1933 OF SECURITIES TO BE OFFERED TO EMPLOYEES PURSUANT TO CERTAIN PLANS

GENERAL INSTRUCTIONS

A. *Rule as to Use of Form S-8.* Any issuer which at the time of filing a registration statement on this Form has been subject to the requirement to file reports pursuant to section 13 or 15 (d) of the Securities Exchange Act of 1934 for the prior 90 days, and has filed all reports and other materials required to be filed by such requirements during the preceding 12 months (or for such shorter period that the registrant was required to file such reports and materials), and in the case of a company subject to section 15(d), has furnished or prior to the effective date of the registration statement will furnish an annual report to security holders for its last fiscal year containing substantially the information required by Rule 14a-3 (17 CFR 240.14a-3) under the Securities Exchange Act of 1934, may use this Form for registration under the Securities Act of 1933 ("the Act") of the following securities:

(a) Securities of such issuer to be offered to its employees, or to employees of its subsidiaries or parents, pursuant to any employee benefit plan. (See General Instruction B defining "plan").

(b) Interests in the above plans, if such interests constitute securities and are required to be registered under the Act. (See Securities Act Release No. 4790 (July 13, 1965) (30 FR 9059) and Section 3(a)(2) of the Act.)

B. *Application of General Rules and Regulations.* Before undertaking the preparation of the registration statement, reference should be made to the General Rules and Regulations under the Act, particularly Regulation C (17 CFR 230.400-494). Regulation C contains general requirements regarding the preparation and filing of the registration statement. The definitions contained in Rule 405 (17 CFR 230.405) of Regulation C should be especially noted. For purposes of this Form the term "employee" is defined as any director, trustee, officer or other employee. The term "issuer" as used in this Form means the person whose securities are to be offered pursuant to the plan. As used in General Instruction A to this Form, the term "plan" shall include any purchase, savings, option, bonus, appreciation, profit sharing, thrift, incentive, pension or similar plan.

C. *Documents Comprising The Registration Statement.* The registration statement shall consist of the facing sheet of the Form, the prospectus, the required undertakings, signatures, consents of experts, exhibits and any other information or documents filed as part of the registration statement.

D. *Preparation of Prospectus.* The prospectus shall contain the information called for by all of the items of the Form, and negative answers to any items may be omitted.

The information required should be presented in a clear, concise and understandable fashion. Avoid unnecessary and irrelevant details, repetition or the use of unnecessary technical language.

E. Unavailability of the Form S-8 Prospectus for Reoffers or Resales.

The Form S-8 prospectus will not be available for reoffers or resales of securities acquired pursuant to this registration statement by affiliates of the issuer, as defined in Rule 405 under the Act. However, such affiliates may reoffer or resell such securities pursuant to a separate prospectus, filed with the registration statement on this Form S-8, prepared in the following manner:

(1) Such prospectus may be prepared in accordance with the requirements of Form S-16 (17 CFR 239.27) if:

(a) The issuer, at the time of filing such prospectus, satisfies the conditions set forth in the Rule as to the Use of Form S-7 (17 CFR 239.26); or

(b) The amount of securities proposed to be reoffered or resold pursuant to the prospectus, by each person affiliated with the issuer, and any other person with whom he is acting in concert for the purpose of selling securities of the issuer, does not exceed, during any six month period, the amount specified in Rule 144(e) (17 CFR 230.144e), calculated as of the date of filing such prospectus.

(2) Such prospectus shall be prepared in accordance with the requirements of Form S-1 (17 CFR 239.11) under the Act, if subparagraph (1), above, does not permit the use of a prospectus on Form S-16.

NOTES.—1. The information in a prospectus used for reoffers or resales shall be updated through an amended prospectus filed in accordance with section 10(a)(3) of the Act. The information responding to Item 5 of Form S-16 and Item 19, Instruction 3 of Form S-1 may be updated more frequently through the filing of a post-effective amendment, or through a supplement to the prospectus filed pursuant to Rule 424(c) [17 CFR 230.424(c)] under the Act, to reflect new volume limitations and additional amounts of securities proposed to be offered.

2. Registered securities may be included in a reoffer prospectus if they have been acquired by the selling security holder pursuant to the plan, or if it is reasonably expected that they will be so acquired within 16 months after the effective date of the prospectus.

3. The term "plan" as used in General Instruction E shall be the same as is set forth in Rule 144(a)(2) under the Act.

INFORMATION REQUIRED IN THE PROSPECTUS

Item 1. *General Information Regarding the Plan.* (a) Give the title of the plan, the name, address and phone number of the issuer whose securities are to be offered pursuant to the plan, and the name of each company whose employees are entitled to participate in the plan.

Instruction. If employees of all subsidiaries and parents of the issuer are entitled to participate in the plan, a statement to that effect will suffice without naming each. However, if each such employer is not named in the prospectus, an exhibit should be filed naming them.

(b) State the general purpose of the plan, when it was created, the parties thereto, the manner of its creation, its duration, and any provisions for its modification, earlier termination or extension.

(c) Describe briefly any tax effects which may accrue to employees as a result of participation in the plan, the tax effects, if any, upon the issuer, and state whether or not the plan is qualified under section 401(a) of the Internal Revenue Code.

(d) State as of the latest practicable date, the approximate number of employees participating in the plan and the number eligible to participate.

(e) Briefly indicate whether the plan is subject to any provisions of the Employee Retirement Income Security Act of 1974 ("ERISA"), and identify those provisions to which it is subject. If the plan is subject to some but not all of the principal protective provisions of Titles I and IV of that Act, briefly describe the protective provisions not applicable and state whether such protections will be extended to participants of the subject plan by the registrant.

(f) In situations in which participation in the plan may involve unusual risks to the participant, for example, when the plan imposes a substantial restriction on the ability of a participant to withdraw his contributions, or when participation in the plan may obligate the participant's general credit in connection with purchases on a margin basis, prominent disclosure of such risks should be set forth in the prospectus. Item 2. Securities to be Offered and Employees Who May Participate in the Plan.

(a) State the title and total amount of securities to be offered pursuant to the plan. Indicate the source of any limitation on the amount of securities to be offered.

(b) Describe briefly any restrictions on resale of the securities purchased under the plan which may be imposed upon the employee-purchaser.

(c) Indicate each class or group of employees who may participate in the plan and state the basis upon which the eligibility of employees to participate therein is to be determined.

(d) With respect to the plan, state the maximum and minimum amounts of securities which may be purchased by or issued to, or options which may be granted to, (1) any director or executive officer, (2) any other officer, and (3) any employee or the basis for determining such amounts.

Instruction. The term "executive officer" means the president, secretary, treasurer, any vice president in charge of a principal business function (such as sale, administration or finance) and any other officer who perform similar policy making functions for the registrant.

Item 3. Purchase of Securities Pursuant to the Plan.

State the period of time within which employees may elect to participate in the plan, the price at which the securities may be purchased or the basis upon which such price is to be determined.

Instructions. 1. If the securities are to be offered pursuant to options, state when the options become exercisable, the exercise price, the basis for determining such price, whether and under what circumstances such price may be modified and by whom, the maximum amount which may be exercised in any year, whether such amounts are cumulative, and the period during which all options must be exercised.

2. Indicate whether adjustment will be made for changes in the securities resulting from stock dividens, stock splits and similar changes.

3. Where the total market value of securities called for by all outstanding options as of the specified date referred to in this item does not exceed $10,000 for any specified officer or director, or $30,000 for all officers and directors as a group, or for all option holders as a group, this item need not be answered with respect to options held by such person or group.

Item 4. *Payment for Securities Offered.* (a) State when and the manner in which employees are to pay for the securities purchased pursuant to the plan. If payment is to be made by payroll deductions or other installment payments, state the percentage of wages or salaries or other basis for computing such payments, and the time and manner which an employee may alter the amount of such deduction or payment.

(b) State the nature and frequency of any reports to be made to participating employees as to the amount and status of their accounts.

Instruction. If the plan is one under which credit is extended to finance the acquisition of securities and Regulation G or T is applicable, it should be noted whether the respective requirements of Regulation G [12 CFR 207] or T [12 CFR 220] have been met.

Item 5. *Contributions Under the Plan.* (a) If contributions are to be made under the plan by the issuer or any employer, state who is to make such contributions, when they are to be made and the nature and amount of each contribution. If such contributions are not a fixed amount, state the basis for computing contributions. If the issuer has discretion concerning such contributions, or if contributions are measured other than by reference to the employees' contributions, provide information for the past five fiscal years describing the amount of the issuer's contributions.

(b) State the amount each employee is required or permitted to contribute or, if not a fixed amount, the percentage of wages or salaries or other basis of computing contributions.

Items 6. *Withdrawal From the Plan—Assignment of Interest.* (a) Describe the terms and conditions under which a participating employee may (1) withdraw from the plan and terminate his interest therein, or (2) withdraw funds or investments held for his account without terminating his interest in the plan.

(b) State whether, and the terms and conditions upon which, the plan permits an employee to assign or hypothecate his interest in the plan.

Item 7. *Defaults Under the Plan.* State separately every event of default under the plan with which a participating employee or employer may be charged and describe fully the consequences thereof, including any forfeiture or penalty which may be thereby incurred.

Item 8. *Administration of the Plan.* (a) Give the name and complete address of the persons who administer the plan and state the capacity in which they act (such as trustee or managers) and the functions which they perform. State the nature of any material relationship between the administrators and the employees, the issuer or its affiliates.

(b) Describe the manner in which the administrators of the plan are selected, their term of office and the manner in which they may be removed from office.

(c) State the annual amount of compensation, if any, received by the administrators of the plan from assets of the plan.

Item 9. *Investment of Funds.* (a) If participating employees may direct all or any part of the assets under the plan to two or more investment media, describe the provisions of the plan with respect thereto and set forth in tabular form, where appropriate, for each of the past five years (or such lesser period as each such investment medium has been available) financial data which, in the opinion of the issuer, will enable such employees to make informed investment decisions concerning such investment media.

(b) If any person other than a participating employee has discretion with respect to the investment of all or any part of the assets of the plan in one or more investment mediums, name such person and describe the policies followed and to be followed with respect to the type and proportion of securities or other property in which the funds of the plan may be invested.

(c) State whether asests are to be purchased under the plan in the open market or otherwise. If they are not to be purchased in the open market, then state from whom they are to be purchased and describe the fees, commissions or other charges paid. If the employer or any of its affiliates, or any person having a material relationship with the employer or any of its affiliates, directly or indirectly, receives any part of the aggregate purchase price (including fees, commissions or other charges), explain.

NOTE.—If the plan is not qualified under Section 401 of the Internal Revenue Code of 1954, as amended, consideration should be given to the applicability of the Investment Company Act of 1940. See Securities Act Release No. 4790 (July 13, 1965).

Item 10. *Charges and Deductions and Liens Therefor.* (a) Describe all charges and deductions, other than taxes, which may be made against employees participating in the plan or against funds, securities or other property held under the plan and indicate who will receive, directly or indirectly, any part thereof. Such description should include charges and deductions which may be made upon the termination of an employee's interest in the plan, or upon partial withdrawals from the employee's account thereunder.

(b) State whether or not under the plan, or pursuant to any contract in connection therewith, any person has or may create a lien on any funds, securities or other property held under the plan. If so, describe fully the circumstances under which the lien was or may be created.

Item 11. *Financial Statements of the Plan.* The following financial statements shall be furnished for any plan the interests in which are being registered hereunder.

(a) An audited statement of financial condition as of the end of the latest two fiscal years of the plan (or such lesser period as the plan has been in existence).

(b) An audited statement of income and changes in plan equity for each of the latest two fiscal years of the plan (or such lesser period as the plan has been in existence).

Instructions. 1. If audited financial statements substantially meeting the above requirements have been furnished to all employees who receive a copy of the prospectus, or will be furnished to all such employees concurrently with the prospectus, such financial statements may be incorporated in the prospectus by reference, provided copies of the report or other documents containing such financial statements are filed as exhibits to the registration statement.

2. The statements required by this item shall be prepared and audited in accordance with the applicable provisions of Article 6C, Regulation S–X (17 CFR Part 210) and shall be accompanied by the schedules specified in that Regulation.

3. Notwithstanding Rule 6.34(a) of Regulation S–X, Schedule 1 need be filed only for the most recent period for which each statement of financial condition is filed.

NOTE.—Reference is made to Item 49, Securities Act Release No. 4936 (33 FR 18617), as amended.

Item 12. *Capital Stock to be Registered.* If capital stock is to be registered, state the title of the class and furnish the following information. (a) Outline briefly (1) dividend rights; (2) voting rights; (3) liquidation rights; (4) pre-emptive rights; (5) conversion rights; (6) redemption provisions; (7) sinking fund provisions; and (8) liability to further calls or to assessment by the issuer.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the issuer while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions. 1. Only a brief summary of the pertinent provisions from an investment standpoint is required. A complete legal description of the provisions refererd to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resume is required.

2. If the rights evidenced by the securities to be registered are materially limited or qualified by the rights of any other class of securities, include such information regarding such other securities as will enable investors to understand the rights evidenced by securities to be registered.

Item 13. *Other Securities to be Registered.* If securities other than capital stock are to be registered, outline briefly the rights evidenced thereby.

Instruction. Information comparable to that called for by Item 12 and the instructions thereto shall be furnished.

General note to Items 14, 15, 17, and 18: Instructions 1 to Items 14, 15, and 18 permit incorporation by reference in the prospectus of information included in the issuer's annual report to security holders which substantially meets the requirements of these items. Portions of the annual report not so specifically incorporated are not deemed filed for purposes of the act. Reference is made to undertaking A(a) requiring the issuer to transmit its annual report to each employee to whom the prospectus is sent.

Item 14. *Summary of Operations of the Issuer.* Furnish in comparative columnar form a summary of operations for the issuer, or for the issuer and its subsidiaries consolidated, or both, as appropriate, for (a) each of the last five fiscal years of the issuer

(or for the life of the issuer and its predecessors, if less), and (b) any additional fiscal years necessary to keep the summary from being misleading.

Instructions. 1. If the annual report of the issuer to its security holders for its last fiscal year includes a summary of operations substantially meeting the above requirements and Management's Discussion and Analysis of the Summary of Earnings, when applicable, such summary and discussion may be incorporated by reference in the prospectus, provided copies of the report containing such information are filed as an exhibit to the registration statement.

2. Subject to appropriate variation to conform to the nature of the business, the following items shall be included: net sales or operating revenues; cost of goods sold or operating expenses (or gross profit); interest charges; income taxes; net income before extraordinary items; extraordinary items, and net income.

3. If a period or periods reported on include operations of a business prior to the date of acquisition or for other reasons differ from reports previously issued for any period, the summary shall be reconciled as to sales or revenues and net income in the summary or by footnote with the amounts previously reported.

4. If appropriate, the summary shall be prepared to show earnings applicable to common stock. Per share earnings and dividends declared for each period of the summary shall be included and the basis of the computation stated together with the number of shares used in the computation.

5. In cases of delay between the fiscal year end and effectiveness of the registration statement, more recent financial data, including interim earnings when such information has been published or issued to security holders, should be included, but need not be covered by the accountant's opinion.

NOTE.—Reference is made to Guide 22, Securities Act Release No. 4936 (33 FR 18617), as amended.

Item 15. *Market Prices of the Issuer's Securities and Dividend Policy.* Identify the principal market in which securities of the class to be offered are traded, and state the high and low sales prices for such securities (or, in the absence of such information, the range of bid and asked quotations) and the dividends paid on such securities for each quarterly period during the issuer's two most recent fiscal years. State the source of the quotations.

Instructions. 1. Information in the issuer's most recent annual report to security holders may be incorporated by reference in response to this item, provided copies of the report containing such information are filed as an exhibit to the registration statement.

2. In connection with securities traded over-the-counter, state whether the prices represent quotations between dealers without adjustments for markup, markdown or commissions and that such prices do not necessarily represent actual transactions in the stock of the company.

Item 16. *Description of Certain Significant Developments in the Last Three Years.* If within the past three years there has been any bankruptcy, receivership or similar proceeding or any material reorganization, capital readjustment or succession or the acquisition or disposition of any material amount of assets, otherwise than in the ordinary course of business, involving the issuer or any of its significant subsidiaries, describe briefly the nature and results of such events upon the business of the issuer.

Item 17. *Financial Statement of the Issuer.* Include the audited financial statements of the issuer required to be included in the annual report which the issuer has filed or is required to file for its last fiscal year pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934. If the issuer includes in its annual report certified financial statements of the issuer and its subsidiaries consolidated, the latter shall be furnished in lieu of the financial statements of the issuer. No schedules need be included.

Instruction. If the annual report of the issuer to its security holders for its last fiscal year includes audited financial statements substantially meeting the above requirements, such statements may be incorporated by reference in the prospectus. If such financial statements are incorporated by reference in the prospectus, copies of the annual report shall be filed as an exhibit of the registration statement and the accountant's certificate shall be manually signed on one of such copies.

NOTE.—Reference is made to Guide 23, Securities Act Release No. 4936 (33 FR 18617), as amended.

Item 18. *The Issuer's Business and Management.* (a) Include a description of the business done by the issuer and its subsidiaries during the fiscal year which will, in the opinion of management, indicate the general nature and scope of the business of the issuer and its subsidiaries. Include information as comprehensive as that required by Item 1(c)(1) of Form 10–K (17 CFR 249.311) regarding the issuer's lines of business and by Item 1(c)(2) of Form 10–K regarding its classes of similar products and services. (b) Identify each of the issuer's directors and executive officers, and indicate the principal occupation or employment of each such person and the name and principal business of any organization by which such person is so employed.

Instruction. Information in the issuer's most recent annual report to security holders may be incorporated by reference in response to this item, provided copies of the report containing such information are filed as an exhibit to the registration statement.

Item 19. *Parents of Registrant.* List all parents of the issuer showing the basis of control and, as to each parent, the percentage of voting securities owned or other basis of control by its immediate parent, if any.

Instruction. Include the issuer and show the percentage of its voting securities owned or other basis of control by its immediate parent. If any parent is a resident of, or a corporation or other organization formed under the laws of, any foreign country, give the name of such country for each such foreign parent, and, if it is a corporation or other organization, state briefly the nature of the organization.

NOTE.—Reference is made to Rule 405 (17 CFR 230.405) and Rule 410 (17 CFR 230.410) to Regulation C (17 CFR 230.400–404).

PART II. INFORMATION NOT REQUIRED IN PROSPECTUS UNDERTAKINGS

A. *To Transmit Certain Material.* (a) The undersigned issuer hereby undertakes to deliver or cause to be delivered with the prospectus to each employee to whom the prospectus is sent or given, a copy of the issuer's annual report to stockholders for its last fiscal year, unless such employee otherwise has received a copy of such report in which case the issuer shall state in the prospectus that it will furnish a copy of such report on request of the employee. If the last fiscal year of the issuer has ended within 120 days prior to the use of the prospectus, the annual report for the preceding fiscal year may be so delivered, but within such 120 day period the prospectus will be updated through the filing of a post-effective amendment to reflect the financial information for the last fiscal year, and the annual report for the last fiscal year will be furnished to each such employee.

(b) The undersigned issuer hereby undertakes to transmit or cause to be transmitted to all employees participating in the plan, who do not otherwise receive such material as stockholders of the issuer, of the time and in the manner such material is sent to its stockholder, copies of all reports, proxy statements and other communications distributed to its stockholders generally.

B. *Undertaking to File Prospectuses as Amendments.* The undersigned issuer hereby undertakes that every prospectus which purports to meet the requirements of Section 10(a)(3) of the Act will be filed as part of an amendment to the registration statement and will not be used until such amendment has become effective, and that the effective date of each such amendment shall be deemed the effective date of the registration statement with respect to securities sold pursuant to such prospectus after such amendment has become effective.

SIGNATURES

The Issuer. Pursuant to the requirements of the Securities Act of 1933, the issuer has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of _____, and State of _____, on this_____ day of _____ 19_____.

_____
(Issuer)

By _____
(Signature and Title)

Pursuant to the requirements of the Securites Act of 1933, this registration statement has been signed below by the following persons in the capacities and on the dates indicated.

(Signature)	(Title)	(Date)

The Plan. Pursuant to the requirements of the Securities Act of 1933, the plan has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of _____, and State of _____, on the _____ day of _____, 19_____.

_____
(The Plan)

By _____
(Signature and Title)

Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed below by the following persons in the capacities and on the date indicated.

(Signature)	(Title)	(Date)

Instruction. 1. The registration statement shall be signed by the issuer and, where there is created under the plan an unincorporated association, a trust, committee or other legal entity, by such association, trust, committee or other legal entity, their respective principal executive officers, principal accounting officers and by at least the majority of the respective board of directors or persons performing similar functions.

2. The name of each person who signs the registration statement shall be typed or printed beneath his signature. Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the registration statement.

INSTRUCTIONS AS TO EXHIBITS

Subject to the rules as to incorporation by reference, the exhibits specified below shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may

bear the designation given in the previous filing.

1. Copies of the plan as presently in effect.

2. Copies of all constituent instruments (other than the plan itself) defining the rights of employees who participate in the plan.

3. An opinion of counsel as to the legality of the interests and the securities to be registered, indicating whether they will when sold be legally issued, fully paid and non-assessable. If the plan is subject to the requirements of ERISA, either (i) an opinion of counsel which confirms compliance of the provisions of the written documents constituting the plan with the requirements of that Act pertaining to such provisions, or (ii) a copy of the Internal Revenue Service determination letter that the plan is qualified under Section 401 of the Internal Revenue Code, or (iii) an opinion of counsel, attaching a copy of the determination letter, that any amended provisions of the plan adopted subsequent to such determination comply with the requirements of that Act pertaining to such provisions.

4. Copies of all summaries of the plan or other written communication intended to be used in connection with the offer or sale of the securities to be registered.

5. Copies of any waivers or undertaking required by Note (a) to Rule 460 (17 CFR 230.460). (See also Guide No. 46 in Securities Act Release No. 4963 (33 FR 18617).)

6. Copies of the issuer's annual report to security holders for its last fiscal year incorporated by reference pursuant to Items 14, 15, 17, and/or 18. Such report, except for those portions thereof which are incorporated by reference in the registration statement, is to be furnished for the information of the Commission and is not to be deemed "filed" as part of the registration statement. It the financial statements in the report have been incorporated by reference in the registration statement, the accountants' certificate shall be manually signed in one copy.

7. Copies of the exhibit called for by the Instructions to Item 1(a), if applicable.

(Secs. 6, 7, 10, 19(a), 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; 15 U.S.C. 77f, 77g, 77j 77s(a).)

[FR Doc.76-35297 Filed 11-30-76;8:45 am]

[Rel. No. IC-9482; File No. S7-554]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Separate Accounts of Life Insurance Companies Funding Certain Variable Life Insurance Contracts; Corrections

In FR Doc. 76-31281 appearing in the FEDERAL REGISTER of Wednesday, October 27, 1976, the following corrections should be made:

1. On page 47029, second column, last paragraph, fifteenth line, the phrase "the manner or" should be corrected to be "the manner of."

2. On page 47031, second column, first full paragraph, first line, the word "account" should be corrected to "accountant."

3. On page 47032, third column, first full paragraph, first line, the rule reference, "6c-2," should be corrected to "6c-3."

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 22, 1976.

[FR Doc.76-35227 Filed 11-30-76;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-2433]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for City of Conroe, Montgomery County, Texas

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Conroe, Montgomery County, Texas under § 1917.9 of Title 24 of the Code of Federal Regulations.

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

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the bulletin board in the Municipal Building, 505 West Davis Street, Conroe.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
West Fork, West Branch Alligator Creek.	Cartwright Rd	219	30	35
	Upstream side, Interstate 45	205	110	60
	Upstream side of Wilson Rd	199	90	240
	Upstream side of Semands Ave	190	60	280
	Oaklawn Dr. (extended)	185	40	260
West Branch Alligator Creek.	Upstream side of Cartwright Rd	232	120	180
	Windswept Dr	225	40	15
	Hillcrest Dr	211	35	45
	Northpine Dr	206	35	45
	Wilson Rd	198	115	60
	Upstream side Semands Ave	192	250	135
	Center line of Interstate 45 (north crossing).	186	235	175
	100 ft downstream from point of confluence of West Fork, West Branch Alligator Creek, and West Branch Alligator Creek.	185	265	240
	Center line of Interstate 45 (south crossing).	183	135	85
Alligator Creek	Center line of Cartwright Rd	235	65	95
	South Woody Creek Dr	227	75	75
	Pacific St	211	75	35
	North Thompson St	203	145	50
	North Robertson St	195	65	75
	Center line of Interstate 75	185	35	55
	Bettes St. (extended)	182	140	120
	Austin St. (extended)	180	400	790
	Cable St. (extended)	180	835	615
	Center line of Interstate 45	174	135	145
	Santa Fe RR	169	215	
Live Oak Branch	Live Branch Rd	196	200	160
	Center line of State Highway 105	185	185	135
	Greenway Dr	182	135	165
North Fork Stewarts Creek.	Hilbig Rd	216	135	105
Stewarts Creek	East Semands St. (extended)	188	110	75
	Dallas St	184	240	295
	Airport Rd	181	185	55
	Upstream side of East Davis St	179	400	485
	F Ave	175	1,120	230
	Silverdale Dr. (extended)	168	435	300
Possum Branch	Airport Rd	181	125	175
	East Phillips St	188	350	145
	Upstream side of Santa Fe RR	187	425	580
	F Ave	177	335	190
Silverdale Creek	Wagers St	187	100	85
	Silverdale Dr	185	120	145
Grand Lake Creek	Mallies St. (extended)	176	20	80
	Jewel St. (extended)	170	80	100
	Center line of Interstate Highway 45	166	235	200
	Gladstell St	164	270	10

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

Issued: October 26, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-35095 Filed 11-30-76;8:45 am]

[Docket No. FI-2434]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for City of San Angelo, Tom Green County, Texas

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.-10)), hereby gives notice of his final determinations of flood elevations for the City of San Angelo, Tom Green County, Texas under § 1917.9 of Title 24 of the Code of Federal Regulations.

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

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.-10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Main Lobby in City Hall Plaza, San Angelo, Texas.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr. flood boundary facing downstream	
			Left	Right
South Concho River	Atchison, Topeka, and Santa Fe RR	1,847	120	130
	Chadbourne St.	1,819	50	300
	Ben Ficklin Dam	1,833	400	770
	East Ave. L	1,814	640	280
Red Arroyo	U.S. Highway 67	1,882	1,160	220
	Knickerbocker Rd.	1,856	530	260
	Atchison, Topeka, and Santa Fe RR	1,852	180	120
	South Abe St.	1,835	180	810
	Chadbourne St.	1,823	70	440
North Concho River	East 29th St.	1,848	110	1,070
	East 14th St.	1,835	200	220
	Caddo St.	1,829	40	20
	Beauregard Ave.	1,823	100	0
	Chadbourne St.	1,813	100	40
	Atchison, Topeka, and Santa Fe RR	1,806	20	60
Concho River	Bell St.	1,803	180	80
	Woodruff St (extended)	1,801	220	140
East Angelo Draw	39th St.	1,873	200	150
	East 28th St.	1,861	260	220
	Hughes St.	1,848	380	180
	Harris Ave. (extended)	1,823	380	500
South Fork of Red Arroyo.	Corporate limits	1,877	200	300
	Forest trail	1,872	380	460
	College Hills Blvd	1,870	1,780	1,200
	Dam	1,911	220	140
	State Highway 306	1,886	240	540
Brentwood Park Arroyo.	Howard St.	1,870	90	320
	North Monroe St.	1,853	100	160
	South Madison St. (extended)	1,850	140	130
West Branch	Confluence with South Fork of Red Arroyo.	1,892	680	360
	1,600 ft upstream from confluence with South Fork Red Arroyo.	1,900	240	180
	3,200 ft upstream from confluence with South Fork Red Arroyo.	1,910	230	280

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

Issued: October 26, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-35096 Filed 11-30-76;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 670-76]

PART 42—NONDISCRIMINATION; EQUAL EMPLOYMENT OPPORTUNITY; POLICIES AND PROCEDURES

Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs

On July 29, 1976, a document was published in the FEDERAL REGISTER (41 FR 31550) proposing Subpart F, Part 42, Title 28, Code of Federal Regulations. The proposed regulations set forth minimum requirements for implementation by Federal agencies of Title VI of the Civil Rights Act of 1964, (42 U.S.C. 2000d-d-4). The proposal was based upon Executive Order 11764 which delegates to the Attorney General authority to coordinate and assist agency enforcement of Title VI, to prescribe standards and procedures regarding such enforcement, and to issue necessary regulations and orders. All comments submitted with respect to the proposed regulations were given due consideration.

As a result of comments received, the following changes are made in the regulations. In addition, typographical errors are corrected.

1. The designation of racial/ethnic categories in § 42.402(e) is revised to conform with the recommendation of the Office of Management and Budget Ad Hoc Committee on Racial/Ethnic Categories.

2. Section 42.403 is amended by addition of a provision pointing out the obligation of each federal agency to list in an appendix to its Title VI regulation the statutes authorizing federal financial assistance to which the regulation applies.

3. The first complaint reporting date set forth in § 42.408(d) is changed to January 1, 1977, since final publication of these regulations makes the original date of October 1, 1976 inapplicable.

4. Section 42.412(b) is amended to reflect the existing practice of routinely submitting Department of Justice interagency survey reports to the Office of Management and Budget.

Accordingly, with these changes and additions, it is hereby ordered that the proposed Subpart F is adopted as set forth below.

Dated: November 23, 1976.

EDWARD H. LEVI,
Attorney General.

Subpart F—Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs

Sec.
42.401 Purpose and application.
42.402 Definitions.
42.403 Agency regulations.
42.404 Guidelines.
42.405 Public dissemination of Title VI information.
42.406 Data and information collection.
42.407 Procedures to determine compliance.
42.408 Complaint procedures.
42.409 Employment practices.
42.410 Continuing state programs.
42.411 Methods of resolving noncompliance.
42.412 Coordination.

Sec.
42.413 Interagency cooperation and delegations.
42.414 Federal agency staff.
42.415 Federal agency Title VI enforcement plan.

AUTHORITY: This subpart is issued pursuant to Executive Order 11764 (39 FR 2575).

§ 42.401 Purpose and application.

The purpose of this subpart is to insure that federal agencies which extend financial assistance properly enforce Title VI of the Civil Rights Act of 1964 and similar provisions in federal grant statutes. Enforcement of the latter statutes is covered by this subpart to the extent that they relate to prohibiting discrimination on the ground of race, color or national origin in programs receiving federal financial assistance of the type subject to Title VI. Responsibility for enforcing Title VI rests with the federal agencies which extend financial assistance. In accord with the authority granted the Attorney General under Executive Order 11764, this subpart shall govern the respective obligations of federal agencies regarding enforcement of Title VI. This subpart is to be used in conjunction with the 1965 Attorney General Guidelines for Enforcement of Title VI, 28 CFR 50.3.

§ 42.402 Definitions.

For purpose of this subpart:

(a) "Title VI" refers to Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d to 2000d–4. Where appropriate, this term also refers to the civil rights provisions of other federal statutes to the extent that they prohibit discrimination on the ground of race, color or national origin in programs receiving federal financial assistance of the type subject to Title VI itself.

(b) "Agency" or "federal agency" refers to any federal department or agency which extends federal financial assistance of the type subject to Title VI.

(c) "Program" refers to programs and activities receiving federal financial assistance of the type subject to Title VI.

(d) "Assistant Attorney General" refers to the Assistant Attorney General, Civil Rights Division, United States Department of Justice.

(e) Where designation of persons by race, color or national origin is required, the following designations shall be used:

(1) *Black, not of Hispanic Origin.* A person having origins in any of the black racial groups of Africa.

(2) *Hispanic.* A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race.

(3) *Asian or Pacific Islander.* A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

(4) *American Indian or Alaskan Native.* A person having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

(5) *White, not of Hispanic Origin.* A person having origins in any of the original people of Europe, North Africa, or the Middle East. Additional subcategories based on national origin or primary language spoken may be used where appropriate, on either a national or a regional basis. Subparagraphs (1) through (5), inclusive, set forth in this section are in conformity with the OMB Ad Hoc Committee on Race/Ethnic Categories' recommendations. To the extent that said designations are modified by the OMB Ad Hoc Committee, subparagraphs (1) through (5), inclusive, set forth in this section shall be interpreted to conform with those modifications.

(f) "Covered employment" means employment practices covered by Title VI. Such practices are those which (1) Exist in a program where a primary objective of the federal financial assistance is to provide employment, or (2) Cause discrimination on the basis of race, color or national origin with respect to beneficiaries or potential beneficiaries of the assisted program.

§ 42.403 Agency regulations.

(a) Any federal agency subject to Title VI which has not issued a regulation implementing Title VI shall do so as promptly as possible and, no later than the effective date of this subpart, shall submit a proposed regulation to the Assistant Attorney General pursuant to paragraph (c) of this section.

(b) Any federal agency which becomes subject to Title VI after the effective date of this subpart shall, within 60 days of the date it becomes subject to Title VI, submit a proposed regulation to the Assistant Attorney General pursuant to paragraph (c) of this section.

(c) Regarding issuance or amendment of its regulation implementing Title VI, a federal agency shall take the following steps:

(1) Before publishing a proposed regulation or amendment in the FEDERAL REGISTER, submit it to the Assistant Attorney General, Civil Rights Division;

(2) After receiving the approval of the Assistant Attorney General, publish the proposed regulation or amendment in the FEDERAL REGISTER for comment;

(3) After final agency approval, submit the regulation or amendment, through the Assistant Attorney General, to the Attorney General for final approval. (Executive Order 11764 delegates to the Attorney General the function, vested in the President by section 602 of Title VI, 42 U.S.C. 2000d–1, of approving Title VI regulations and amendments to them.)

(d) The Title VI regulation of each federal agency shall be supplemented with an appendix listing the types of federal financial assistance, i.e., the statutes authorizing such assistance, to which the regulation applies. Each such appendix shall be kept up-to-date by amendments published, at appropriate intervals, in the FEDERAL REGISTER. In issuing or amending such an appendix, the agency need not follow the procedure set forth in paragraph (c) of this section.

§ 42.404 Guidelines.

(a) Federal agencies shall publish Title VI guidelines for each type of program to which they extend financial assistance, where such guidelines would be appropriate to provide detailed information on the requirements of Title VI. Such guidelines shall be published within three months of the effective date of this subpart or of the effective date of any subsequent statute authorizing federal financial assistance to a new type of program. The guidelines shall describe the nature of Title VI coverage, methods of enforcement, examples of prohibited practices in the context of the particular type of program, required or suggested remedial action, and the nature of requirements relating to covered employment, data collection, complaints and public information.

(b) Where a federal agency determines that Title VI guidelines are not appropriate for any type of program to which it provides financial assistance, the reasons for the determination shall be stated in writing and made available to the public upon request.

§ 42.405 Public dissemination of Title VI information.

(a) Federal agencies shall make available and, where appropriate, distribute their Title VI regulations and guidelines for use by federal employees, applicants for federal assistance, recipients, beneficiaries and other interested persons.

(b) State agency compliance programs (see § 42.410) shall be made available to the public.

(c) Federal agencies shall require recipients, where feasible, to display prominently in reasonable numbers and places posters which state that the recipients operate programs subject to the nondiscrimination requirements of Title VI, summarize those requirements, note the availability of Title VI information from recipients and the federal agencies, and explain briefly the procedures for filing complaints. Federal agencies and recipients shall also include information on Title VI requirements, complaint procedures and the rights of beneficiaries in handbooks, manuals, pamphlets and other material which are ordinarily distributed to the public to describe the federally assisted programs and the requirements for participation by recipients and beneficiaries. To the extent that recipients are required by law or regulation to publish or broadcast program information in the news media, federal agencies and recipients shall insure that such publications and broadcasts state that the program in question is an equal opportunity program or otherwise indicate that discrimination in the program is prohibited by federal law.

(d) (1) Where a significant number or proportion of the population eligible to be served or likely to be directly affected by a federally assisted program (e.g., affected by relocation) needs service or information in a language other than English in order effectively to be informed of or to participate in the program, the recipient shall take reasonable

steps, considering the scope of the program and the size and concentration of such population, to provide information in appropriate languages to such persons. This requirement applies with regard to written material of the type which is ordinarily distributed to the public.

(2) Federal agencies shall also take reasonable steps to provide, in languages other than English, information regarding programs subject to Title VI.

§ 42.406 Data and information collection.

(a) Except as determined to be inappropriate in accordance with paragraph (f) of this section or § 42.404(b), federal agencies, as a part of the guidelines required by § 42.404, shall in regard to each assisted program provide for the collection of data and information from applicants for and recipients of federal assistance sufficient to permit effective enforcement of Title VI.

(b) Pursuant to paragraph (a) of this section, in conjunction with new applications for federal assistance (see 28 CFR 50.3 (c) II A) and in any applications for approval of specific projects or significant changes in applications for continuation or renewal of assistance (see 28 CFR 50.3(c) II B), and at other times as appropriate, federal agencies shall require applicants and recipients to provide relevant and current Title VI information. Examples of data and information which, to the extent necessary and appropriate for determining compliance with Title VI, should be required by agency guidelines are as follows:

(1) The manner in which services are or will be provided by the program in question, and related data necessary for determining whether any persons are or will be denied such services on the basis of prohibited discrimination;

(2) The population eligible to be served, by race, color and national origin;

(3) Data regarding covered employment, including use or planned use of bilingual public-contact employees serving beneficiaries of the program where necessary to permit effective participation by beneficiaries unable to speak or understand English;

(4) The location of existing or proposed facilities connected with the program, and related information adequate for determining whether the location has or will have the effect of unnecessarily denying access to any persons on the basis of prohibited discrimination;

(5) The present or proposed membership, by race, color and national origin, in any planning or advisory body which is an integral part of the program;

(6) Where relocation is involved, the requirements and steps used or proposed to guard against unnecessary impact on persons on the basis of race, color or national origin

(c) Where additional data, such as demographic maps, the racial composition of affected neighborhoods or census data, is necessary or appropriate, for understanding information required in paragraph (b) of this section, federal agencies shall specify, in their guidelines or in other directives, the need to submit such data. Such additional data should be required, however, only to the extent that it is readily available or can be compiled with reasonable effort.

(d) Pursuant to paragraphs (a) and (b) of this section, in all cases, federal agencies shall require:

(1) That each applicant or recipient promptly notify the agency upon its request of any lawsuit filed against the applicant or recipient alleging discrimination on the basis of race, color or national origin, and that each recipient notify the agency upon its request of any complaints filed against the recipient alleging such discrimination;

(2) A brief description of any applicant's or recipient's pending applications to other federal agencies for assistance, and of federal assistance being provided at the time of the application or requested report;

(3) A statement by any applicant describing any civil rights compliance reviews regarding the applicant conducted during the two-year period before the application, and information concerning the agency or organization performing the review; and periodic statements by any recipient regarding such reviews;

(4) A written assurance by any applicant or recipient that it will compile and maintain records required, pursuant to paragraphs (a) and (b) of this section, by the agency's guidelines or other directives.

(e) Federal agencies should inquire whether any agency listed by the applicant or recipient pursuant to paragraph (d)(2) of this section has found the applicant or recipient to be in noncompliance with any relevant civil rights requirement.

(f) Where a federal agency determines that any of the requirements of this section are inapplicable or inappropriate in regard to any program, the basis for this conclusion shall be set forth in writing and made available to the public upon request.

§ 42.407 Procedures to determine compliance.

(a) *Agency staff determination responsibility.* All federal agency staff determinations of Title VI compliance shall be made by, or be subject to the review of, the agency's civil rights office. Where federal agency responsibility for approving applications or specific projects has been assigned to regional or area offices, the agency shall include personnel having Title VI review responsibility on the staffs of such offices and such personnel shall perform the functions described in paragraphs (b) and (c) of this section.

(b) *Application review.* Prior to approval of federal financial assistance, the federal agency shall make written determination as to whether the applicant is in compliance with Title VI (see 28 CFR 50.3(c) II A). The basis for such a determination under "the agency's own investigation" provision (see 28 CFR 50.3 (c) IIA(2)), shall be submission of an assurance of compliance and a review of the data submitted by the applicant. Where a determination cannot be made from this data, the agency shall require the submission of necessary additional information and shall take other steps necessary for making the determination. Such other steps may include, for example, communicating with local government officials or minority group organizations and field reviews. Where the requested assistance is for construction, a pre-approval review should determine whether the location and design of the project will provide service on a nondiscriminatory basis and whether persons will be displaced or relocated on a nondiscriminatory basis.

(c) *Post-approval review.* (1) Federal agencies shall establish and maintain an effective program of post-approval compliance reviews regarding approved new applications (see 28 CFR 50.3(c) II A), applications for continuation or renewal of assistance (28 CFR 50.3(c) II B) and all other federally assisted programs. Such reviews are to include periodic submission of compliance reports by recipients to the agencies and, where appropriate, field reviews of a representative number of major recipients. In carrying out this program, agency personnel shall follow agency manuals which establish appropriate review procedures and standards of evaluation. Additionally, agencies should consider incorporating a Title VI component into general program reviews and audits.

(2) The results of post-approval reviews shall be committed to writing and shall include specific findings of fact and recommendations. A determination of the compliance status of the recipient reviewed shall be made as promptly as possible.

(d) *Notice to assistant attorney general.* Federal agencies shall promptly notify the Assistant Attorney General of instances of probable noncompliance determined as the result of application reviews or post-approval compliance reviews.

§ 42.408 Complaint procedures.

(a) Federal agencies shall establish and publish in their guidelines procedures for the prompt processing and disposition of complaints. The complaint procedures shall provide for notification in writing to the complainant and the applicant or recipient as to the disposition of the complaint. Federal agencies should investigate complaints having apparent merit. Where such complaints are not investigated, good cause must exist and must be stated in the notification of disposition. In such cases, the agency shall ascertain the feasibility of referring the complaint to the primary recipient, such as a state agency, for investigation.

(b) Where a federal agency lacks jurisdiction over a complaint, the agency shall, wherever possible, refer the complaint to another federal agency or advise the complainant.

(c) Where a federal agency requires or permits recipient to process Title VI complaints, the agency shall ascertain

whether the recipients' procedures for processing complaints are adequate. The federal agency shall obtain a written report of each such complaint and investigation and shall retain a review responsibility over the investigation and disposition of each complaint.

(d) Each federal agency shall maintain a log of Title VI complaints filed with it, and with its recipients, identifying each complainant by race, color, or national origin; the recipient; the nature of the complaint; the dates the complaint was filed and the investigation completed; the disposition; the date of disposition; and other pertinent information. Each recipient processing Title VI complaints shall be required to maintain a similar log. Federal agencies shall report to the Assistant Attorney General on January 1, 1977, and each six months thereafter, the receipt, nature and disposition of all such Title VI complaints.

§ 42.409 Employment practices.

Enforcement of Title VI compliance with respect to covered employment practices shall not be superseded by state and local merit systems relating to the employment practices of the same recipient.

§ 42.410 Continuing state programs.

Each state agency administering a continuing program which receives federal financial assistance shall be required to establish a Title VI compliance program for itself and other recipients which obtain federal assistance through it. The federal agencies shall require that such state compliance programs provide for the assignment of Title VI responsibilities to designated state personnel and comply with the minimum standards established in this subpart for federal agencies, including the maintenance of records necessary to permit federal officials to determine the Title VI compliance of the state agencies and the sub-recipient.

§ 42.411 Methods of resolving noncompliance.

(a) Effective enforcement of Title VI requires that agencies take prompt action to achieve voluntary compliance in all instances in which noncompliance is found. Where such efforts have not been successful within a reasonable period of time, the agency shall initiate appropriate enforcement procedures as set forth in the 1965 Attorney General Guidelines, 28 CFR 50.3. Each agency shall establish internal controls to avoid unnecessary delay in resolving noncompliance, and shall promptly notify the Assistant Attorney General of any case in which negotiations have continued for more than sixty days after the making of the determination of probable noncompliance and shall state the reasons for the length of the negotiations.

(b) Agreement on the part of a noncomplying recipient to take remedial steps to achieve compliance with Title VI shall be set forth in writing by the recipient and the federal agency. The remedial plan shall specify the action necessary for the correction of Title VI deficiencies and shall be available to the public.

§ 42.412 Coordination.

(a) The Attorney General's authority under Executive Order 11764 is hereby delegated to the Assistant Attorney General, Civil Rights Division. In exercising that authority, the Assistant Attorney General shall be subject to the general supervision of the Attorney General and under the direction of the Deputy Attorney General.

(b) Consistent with this subpart and the 1965 Attorney General Guidelines, 28 CFR 50.3, the Assistant Attorney General may issue such directives and take such other action as he deems necessary to insure that federal agencies carry out their responsibilities under Title VI. In addition, the Assistant Attorney General will routinely provide to the Director of the Office of Management and Budget copies of all inter-agency survey reports and related materials prepared by the Civil Rights Division that evaluate the effectiveness of an agency's Title VI compliance efforts. Where cases or matters are referred to the Assistant Attorney General for investigation, litigation or other appropriate action, the federal agencies shall, upon request, provide appropriate resources to the Assistant Attorney General to assist in carrying out such action.

§ 42.413 Interagency cooperation and delegations.

(a) Where each of a substantial number of recipients is receiving assistance for similar or related purposes from two or more federal agencies, or where two or more federal agencies cooperate in administering assistance for a given class of recipients, the federal agencies shall:

(1) Jointly coordinate compliance with Title VI in the assisted programs, to the extent consistent with the federal statutes under which the assistance is provided; and

(2) Designate one of the federal agencies as the lead agency for Title VI compliance purposes. This shall be done by a written delegation agreement, a copy of which shall be provided to the Assistant Attorney General and shall be published in the FEDERAL REGISTER.

(b) Where such designations or delegations of functions have been made, the agencies shall adopt adequate written procedures to assure that the same standards of compliance with Title VI are utilized at the operational levels by each of the agencies. This may include notification to agency personnel in handbooks, or instructions on any forms used regarding the compliance procedures.

(c) Any agency conducting a compliance review or investigating a complaint of an alleged Title VI violation shall notify any other affected agency upon discovery of its jurisdiction and shall subsequently inform it of the findings made. Such reviews or investigations may be made on a joint basis.

(d) Where a compliance review or complaint investigation under Title VI reveals a possible violation of Executive Order 11246, Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e), or any other federal law, the appropriate agency shall be notified.

§ 42.414 Federal agency staff.

Sufficient personnel shall be assigned by a federal agency to its Title VI compliance program to ensure effective enforcement of Title VI.

§ 42.415 Federal agency Title VI enforcement plan.

Each federal agency subject to Title VI shall develop a written plan for enforcement which sets out its priorities and procedures. This plan shall be available to the public and shall address matters such as the method for selecting recipients for compliance reviews, the establishment of timetables and controls for such reviews, the procedure for handling complaints, the allocation of its staff to different compliance functions, the development of guidelines, the determination as to when guidelines are not appropriate, and the provision of civil rights training for its staff.

Effective date: This subpart shall become effective on or before January 3, 1976.

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Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER J—CIVILIAN PERSONNEL

PART 890—FILLING POSITIONS

Revised Regulations

Part 890 of Subchapter J, Chapter VII, Title 32 of the CFR, is revised to read as follows:

Sec.

890.1 Purpose.
890.2 Policy.
890.3 Suitability of candidate and security factors.
890.4 Qualification requirements.
890.5 Referral and selection of candidates.
890.6 Referral and selection priorities.
890.7 Restrictions on employing relatives.
890.8 Restrictions on employment of retired members of the uniformed services.
890.9 Air Force participation.
890.10 Employment under special programs.
890.11 Supergrade and scientific and professional (ST) positions.
890.12 Oversea positions.
890.13 Positions at grade GS-15.
890.14 Other special category positions.
890.15 Referral and selection priorities.
890.16 Procedures for filling GS-15 positions in the competitive service.

AUTHORITY: Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

§ 890.1 Purpose.

This Part contains information needed by commanders, civilian personnel offices (CPO), staff offices, and supervisors of civilian employees in positions paid from appropriated funds. It sets forth basic Air Force policy for filling positions, specifies the priorities and restrictions which must be observed, and prescribes special procedures for filling GS-15 positions in the competitive service. It does not apply to the employment of non-

U.S. citizens in foreign areas or Guam or to employment in the Canal Zone. Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 890.2 Policy.

(a) Air Force positions at all grade levels are filled on the basis of merit and qualifications, without discrimination because of race, color, religion, sex, national origin, age, marital status, physical handicap, political affiliation, or any other nonmerit factors. Positions may be filled from any of the following sources consistent with the priorities herein established and subject to the requirements of other pertinent Civil Service Commission (CSC), Department of Defense (DOD), and Air Force procedures or special employment programs:

(1) In-Service placement of current Air Force employees.

(2) Transfer or appointment of employees from other Federal agencies.

(3) Reinstatement or re-employment of eligible former Federal employees.

(4) Other appointments, including appointments from Civil Service registers.

(b) The availability of eligible Air Force employees who could be considered through merit promotion or other in-service placement procedures, does not preclude a decision to restructure a vacant position and fill it at a different grade level.

§ 890.3 Suitability of candidate and security factors.

(a) Candidates for civilian positions must be reliable, of good conduct and character, and loyal to the U.S.

(b) The CPO makes written and oral preselection inquiries of former employers, fellow workers, and other knowledgeable sources, to evaluate a candidate's qualifications and suitability. It also ensures that the candidate has the required security check before the final selection is made.

(c) The selection supervisor must also appraise the candidate's general suitability before making a final selection.

§ 890.4 Qualification requirements.

(a) Qualification requirements for positions in the competitive service are established, or approved, by the CSC. These standards prescribe the minimum experience, training, education, physical requirements, or otherwise specify required skills, knowledges, and abilities necessary for successful performance in the position.

(b) Qualification requirements for Air Force positions in the excepted service are established subject to any applicable restrictions and conditions prescribed in the Federal Personnel Manual (FPM), chapter 302 and by DOD and Air Force Career Programs. The Commission's competitive service requirements for similar positions are used as a guide for establishing standards for excepted service positions.

NOTE.—When an employee is affected by reduction in force (RIF) or has become physically incapacitated for continuance in his or her present position, a waiver of qualifications may be considered. A waiver of qualifications must be agreed to by the CPO and the supervisor, and when appropriate, by the medical officer before assignment to the vacancy.

§ 890.5 Referral and selection of candidates.

Because of the requirement to observe the priorities established by this regulation for the consideration and selection of candidates, the CPO determines the eligibility of candidates for consideration and identifies those to be referred. DD Form 359, Referral for Consideration, may be used to refer candidates for appointment or for in-service placement consideration. When contacting eligibles for consideration, recruiting officials and selecting supervisors provide complete information regarding duties, living and working conditions, and all other matters needed to make a decision. The position must be represented accurately and without overemphasis or misrepresentation. Neither will a position be described in a manner to discourage interest or solicit declinations. Selecting officials and supervisors do not make firm, tentative, or implied commitment to any vacancy unless clearance has first been obtained from the CPO.

§ 890.6 Referral and selection priorities.

Section 890.15 establishes the order of priorities which must be observed when filling competitive service position vacancies at continuing activities. These priorities are applied to excepted service positions to the extent they are applicable. For the purpose of this section, a vacancy does not exist when an occupied position is:

(a) Reclassified because of a change in classification standards or to correct a classification error, provided the incumbent is to be retained in the position.

(b) Cancelled and a successor position is immediately established which is to be filled by the incumbent through an authorized personnel action.

§ 890.7 Restrictions on employing relatives.

(a) If two or more family members of the same household are serving in the completitive service with career or career conditional appointments, no other member of that family household is eligible for appointment to a competitive service position with career or career conditional tenure, unless the prospective appointee is a preference eligible.

(b) No manager or supervisor may select a relative for a position anywhere in the organization under his or her jurisdiction or control. Additionally, no manager, supervisor, or other public official who has the authority to appoint, employ, promote, or advance individuals or to recommend such action, may advocate or recommend a relative for any position anywhere in the DOD. An individual advocated or recommended in violation of this prohibition may not be employed or advanced as so advocated.

(c) The restrictions in § 890.7(b) do not prohibit the appointment of a preference eligible from a Civil Service Certificate of Eligibles provided an alternate selection cannot be made from the certificate without passing over the preference eligible and selecting a nonpreference eligible. This occurs only when the preference eligible is first on the certificate and lower ranking candidates are nonpreference eligibles.

§ 890.8 Restrictions on employment of retired members of the uniformed services.

Retired members of the uniformed services frequently have skills that can be used in filling civilian positions, but their selection must be free from even the appearance of preferential treatment. If the appointment of a retired member of any of the uniformed services is proposed to an Air Force position within 180 days after retirement, the CPO must first:

(a) Ensure that currently employed Air Force employees were fully considered for the position in accordance with in-service placement procedures;

(b) Ensure the duties of the position were not designed specifically to favor the qualifications of such retiree;

(c) Ensure that the position was well publicized and recruitment was conducted over a sufficient period of time, and from all appropriate sources, so as to avoid any suspicion of favoritism;

(d) Ensure that the position was not held open pending the retirement of the proposed appointee; and, as required;

(e) Obtain approval of the Secretary of the Air Force, or the Secretary's designee, for both competitive and excepted service positions; and also;

(f) Obtain approval of the CSC for positions in the competitive service.

§ 890.9 Air Force participation.

Air Force activities are expected to participate in the special programs established to enhance employment opportunities of various groups, such as the Vietnam Era Veteran's Readjustment Program and special programs for the low skilled, the disadvantaged, the handicapped, and students.

§ 890.10 Employment under special programs.

Many of these programs offer only temporary employment and may be entered into to the extent funds, facilities, and capability to provide supervision and training, are available. Other programs offer, or lead to, permanent type appointments. Current employees are normally available for many continuing positions identified for use in such special programs. The CPO determines when internal candidates should be considered and when such positions should be filled from sources outside the Air Force. Judgment must be used to provide equitable consideration of candidates from all sources depending on the circumstances as they exist at the activity and in the employment area.

§ 890.11 Supergrade and scientific and professional (ST) positions.

The requirements and procedures for filling supergrade (GS–16, 17, and 18) and Scientific and Professional (10 U.S.C. 1581(a)—formerly Pub. L. 313, now coded by CSC as ST positions) positions are established in AFR 40–2.

§ 890.12 Oversea positions.

The policies, procedures, and restrictions which apply to filling Air Force oversea positions are contained in AFR 40–301 and AF Supplement to Basic Federal Personnel Manual, chapter 301.

§ 890.13 Positions at grade GS–15.

When filling GS–15 positions in the competitive service, Air Force-wide consideration is given to all interested and eligible employees, including those interested in reassignment. When desirable or necessary, candidates from outside the Air Force are also considered. Section 890.16 prescribes the special procedures to be followed in filling these positions.

§ 890.14 Other special category positions.

The following positions are subject to and filled according to regulatory references:

Positions or category:	*Regulatory reference*
Air Reserve technician (ART) positions.	FPM supplement 930–71, App. A (Internal), "Civilian Personnel Operations under the ART Program"; AFRES supplements to 40 series of Air Force publications, and 40 series of AFRES publications.
Attorney positions.	App. J, Air Force supplement to FPM, ch. 213.
Auxiliary civilian chaplains.	AFR 265–4.
Positions under the Canal Zone merit system.	Ch. II, title 5, Code of Federal Regulations (reprinted in Department of the Army civilian personnel regulations, CPR 300).
Experts and consultants.	AFR 40–304, and FPM, ch. 304 and Air Force supplement thereto.
Positions subject to the human reliability program.	AFR 40–925.
Motor vehicle operators.	FPM, ch. 930.
Personnel employed in sec. 6, post dependent schools.	Subch. 7 of Air Force supplement to FPM, ch. 302.
Teachers in foreign areas.	Subch. 6 of Air Force supplement to FPM, ch. 302.
Quality Assurance specialists (ammunition) and safety specialists (explosives).	AFR 40–927.

§ 890.15 Referral and selection priorities.

Referral and selection priorities

Priority order	Category of candidate	Must be selected	Must be considered and may be selected	Conditions to be observed	Remarks
A	Applicant or employee with enforceable assignment rights or to be mandatorily placed as a corrective or remedial action.	Yes	NA	NA	None.
B	Applicant or employee found to have been discriminated against and who is thereby entitled to priority consideration for employment or promotion under the provisions of part 713, sec. 713.271(a)(2) or sec. 713.271(b)(2), as applicable.	No	Yes	If not selected, reasons for nonselection must be recorded.	
C	Activity employee identified for reassignment involving displacement, change to lower grade, or separation by RIF. Includes administrative reassignment to vacancy, within or outside competitive level, of employee whose position is abolished.	Yes, when necessary to satisfy RIF assignment right.	NA	NA	
D	Activity employee scheduled for separation for failure to accept offer of functional transfer.	Yes, at current or lower grade.			Priority D applies only while still employed. After separation, apply priority J or S, as applicable.
E	Employee entitled to noncompetitive priority consideration as corrective action for failure to be given proper consideration under Air Force Merit Promotion Program (AFMPP).	No	At grade no higher than that for which denied proper consideration.		Entitlement restricted to 1 time consideration for next appropriate vacancy.
F[1]	Activity employee previously downgraded while serving in (or who was involuntarily separated from) DOD and who is thereby entitled to special consideration for repromotion. (Note: employees downgraded while serving in non-DOD agency are in category M.)	No	For all grades up to and including that from which downgraded or separated.	Priority referral supplies to all employees serviced by CPO.	Downgraded employee of another activity included in priority N.
G[1]	Activity employee whose position is to be downgraded to correct classification error or because of application of new or revised standards. Also employee with permanent physical disability no longer able to perform full range of duties of current position.	No	For positions at same grade, and lower grades as appropriate.	If adverse action results, effort to place must be documented and furnished employee.	None.
H	Reemployment priority list (RPL) registrant for positions at or below grade from which separated.	Yes, unless alternate selection authorized as herein explained.	May concurrently consider (when reached in priority order) and select category I, J, K, L, or M Air Force employee who is still employed; or in absence of any I, J, K, or L candidate and after consideration of all category M candidates, may concurrently consider category N and/or O candidates.	NA	Separated Air Force employee on stopper list may not be considered concurrently. Other DOD employees on stopper list may not be considered concurrently.
I	Priority 1 registrant on DOD PPP stopper list		NA		
J	Priority 2 registrant on DOD PPP stopper list	Yes, at grades for which registered. See conditions.		DOD 1400.20–1–M part 1, ch. 3 provides guidelines to CPO.	Within priorities preference is given to component employees.
K	Priority 3 registrant on DOD PPP stopper list				
L	Status quo employee in an Air Force Reserve Technician (ART) position.	Yes, at grades for which registered.		NA	This category of employee is registered in the DOD PPP as priority 3 under special provisions of DOD 1400.20–1–M.
M	Activity employee previously downgraded while serving in (or who was involuntarily separated from) non-DOD agency and who is thereby eligible for noncompetitive repromotion.	No	For all grades up to and including that from which downgraded or separated.	Priority referral applies only to positions serviced by own CPO.	None.
N[1]	Air Force employee eligible for noncompetitive in-service placement not covered by higher priority.		Consider at CPO option	NA	
O[1]	Candidates eligible for competitive consideration under Air Force Merit Promotion Program.		As required and authorized by applicable merit promotion plan.	Downgraded employees from extended area of consideration must be referred before competitive eligibles.	Reasons for nonselection of downgraded employee on promotion certificate must be recorded.

Priority order	Category of candidate	Must be selected	Must be considered and may be selected	Conditions to be observed	Remarks
P [2]	Reemployment priority list (RPL) registrants for positions at grades higher than from which separated.	No, provided any alternate selection is authorized by CSC in para 2-2, ch. 330, FPM.	Consider at CPO option. May be selected only if within reach for competitive selection under applicable merit promotion plan. See remarks.	Must be ranked with current employee merit promotion candidates.	May not be selected if currently employed AF PPP registrant available. See categories Q and R below.
Q [2]	Priority 4 registrant on DOD PPP stopper list	Yes, at grades for which registered.	Currently employed Air Force registrant must be selected before category P.	NA	None.
R [2]	Priority 5 registrant on DOD PPP stopper list				
S [2,3,4,5]	All other sources, including new appointments, transfers, and reinstatements not covered by higher priority.	No	May not be considered if priority 4 or 5 registrant available.	Requirements of AFR 40-300, par. 10 and the AFMPP concerning consideration/selection of outside candidates must be considered.	

[1] Priority F and G candidates may be considered sequentially or concurrently.
[2] Candidates in categories N through S are considered sequentially, concurrently, or independently at option of, and as determined appropriate by CPO, subject to the applicable restrictions and conditions specified for each category.
[3] Activities in foreign areas may employ locally available dependents of DOD military and civilian members ahead of categories I, J, and Q (displaced PPP registrants) unless such registrant is from within the commuting area.
[4] Activities in the Pacific area may employ any locally available applicant ahead of categories I, J, and Q displaced employees from Hawaii registered for referral to Pacific Theatre activities under the special provisions of DOD 1400.20-1-M, appendix H, par. II.
[5] Activities in Guam may employ any locally available U.S. citizen ahead of categories I, J, Q displaced registrants from outside Guam, except those registrants who last resided on, or who were recruited from Guam, and granted special consideration by OASD/M&RA memorandum dated 14 June 1974.

§ 890.16 Procedures for filling GS–15 positions in the competitive service.

(a) *Identification of candidates.* Except for positions covered by career programs which specify an alternate method of identifying candidates, all GS–15 position vacancies in the competitive service, including those overseas, are announced Air Force-wide by the Servicing CPO. At least 18 calendar days are allowed for receipt of applications. The announcement is based on the Promotion Evaluation Pattern (PEP) prepared in consultation with the appropriate management official(s), and contains at least the following information about the vacancy:

(1) Title, series, grade, and location of position.

(2) Brief description of duties and responsibilities.

(3) Identification of the CSC qualification standards to be applied or summary of required qualifications.

(4) A statement of any special abilities, skills, knowledges, or training required.

(5) Instructions for applying, including qualifications data and any supplemental information to be submitted by applicants; complete address where applications are to be mailed; and closing date for receipt of applications.

(6) For oversea positions, a statement advising all interested applicants, including those registered in the Overseas Employment Program (OEP), to apply under the announcement.

(7) A reminder to employees previously demoted through no fault of their own to furnish information supporting their noncompetitive repromotion eligibility. This can be accomplished by including a statement substantially as follows: "If you previously held a position at the grade of this position (or comparable or higher) and were demoted or involuntarily separated from it through no fault of your own, show the title and grade of that position, the dates you held that position, the agency in which you were then serving, and the reason for your demotion or separation."

(8) A statement that the activity is an equal employment opportunity employer. Upon receipt of the vacancy announcement each civilian personnel office disseminates the information promptly by appropriate means to assure prospective candidates are afforded an opportunity to apply. Candidates are advised to file their applications through their servicing CPO which is responsible for obtaining and furnishing additional information required by the announcement. In addition, the candidate's servicing CPO furnishes all relevant information with regard to the candidate's identification and participation in the Air Force Executive Development Program as described in AFR 40–418.

(b) *Initial screening of candidate qualifications and consideration of repromotion candidates.* (1) The CPO servicing the vacancy initially reviews and screens the qualifications of applicants against the minimum qualification standards and other basic eligibility criteria. In addition, this office may tentatively rank, or rank-group candidates in broad qualification categories, against the criteria outlined in the PEP.

(2) As a part of this initial screening process, the CPO also identifies from among those who have applied from other serviced activities, all Air Force employees who have repromotion eligibility based on a previous involuntary demotion or separation. These employees are referred to the selecting official(s) for noncompetitive consideration before proceeding with a panel evaluation and ranking of candidates through the competitive process.

NOTE.—Employees of the activity with repromotion eligibility are identified and referred for noncompetitive consideration in accordance with their priority as established in § 890.15 before issuance of the vacancy announcement.

(c) *Evaluation and ranking of competing candidates.* The final evaluation, ranking, and competitive certification of candidates is accomplished by a panel assembled to assess the relative qualifications of competing candidates.

(1) Establishment of Panels. Panels are established and panel appointments are made, or approved, by the Secretary of the Air Force for positions in the Office of the Secretary, by the Functional Chiefs (DCS or Comptroller and Chiefs of comparable offices) for positions in HQ USAF and by the major commander of the parent command or the commander of a separate operating agency for other positions. When deemed necessary, these officials may request higher authority to establish the panel. Each panel is composed of at least three high grade civilian or military members, normally at GS–15 or higher grade or of equivalent rank, appointed on a permanent or ad hoc basis.

(2) Functions of the Panel: (i) The panel considers all candidates who meet minimum requirements, including those repromotion eligibles previously referred for priority consideration, and evaluates their qualifications against the ranking criteria specified in the PEP. The ranking criteria must be job-related, recognizing both the requirements of the position, and the present and future needs of the organization. The criteria must be stated in broad terms to permit evaluation of the overall qualifications of each candidate in relation to the total requirements of the position. The panel's evaluation is used to identify those top ranking candidates who, in the panel's judgment, are highly qualified, with due consideration being given to the following factors:

(*a*) Training, education, and experience;

(*b*) Supervisory appraisals;

(*c*) Pertinent awards, insofar as the qualifications demonstrated or implied by the award bear on the requirements of the position being filled; and

(*d*) Self-development accomplishments and outside activities that have significantly contributed to a candidate's qualifications for the position.

(ii) The panel normally certifies not more than the five highest ranking candidates to the selecting official(s). However, up to and including ten candidates may be certified if meaningful distinctions cannot be made to reduce the group to a smaller number.

(d) *Interviewing candidates.* Before final ranking or final selection, the panel or the selecting official(s) may need to interview the leading candidates. When this is necessary, TDY travel can be authorized for Air Force and other Federal

employees as provided in the Joint Travel Regulations, vol. 2.

(e) *Selection authority.* (1) Commanders of major commands and separate operating agencies may:

(i) Authorize supervisors at any level over the position to make the selection, in which case the selection must be approved by the commander of the activity involved;

(ii) Make the selection personally; or

(iii) When deemed appropriate, request higher authority to make the selection.

(2) In the Office of the Secretary of the Air Force, selections may be made by officials designated by the Secretary. In HQ USAF, selections may be made by directors or heads of comparable or higher organizations or, when they deem it appropriate, they may request higher authority to make the selection. The HQ USAF Civilian Personnel Office (1143/DPC) issues procedures for use in the Office of the Secretary and HQ USAF.

(f) *Exceptions.* The above requirements for publication of the vacancy, Air Force-wide consideration of candidates, and panel evaluation of candidates do not apply, or are modified as specified below:

(1) When filling a GS–15 position covered by a DOD or Air Force career program which prescribes special procedures for identifying and ranking candidates;

(2) When filling a temporary position for one year or less by an authorized noncompetitive personnel action;

(3) When filling a temporary position for one year or less through competitive promotion procedures or when the upgrading of a permanent, occupied position requires competition, provided all employees within the authorized special area of consideration are identified and ranked by the panel;

(4) When a position is upgraded under circumstances permitting noncompetitive promotion of the incumbent;

(5) When management selects a previously downgraded employee eligible for noncompetitive consideration; or

(6) When management decides to fill the job by the noncompetitive reassignment of an Air Force employee currently serving in a GS–15 position, provided such decision is made before announcing the position. When a vacancy is announced, all interested Air Force candidates must be evaluated and ranked by the panel and selection is then restricted to those certified by the panel, unless the position must later be made available to satisfy an employee's entitlement to priority consideration or mandatory placement in the position.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.76-34923 Filed 11-30-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3–16—PROCUREMENT FORMS

PART 3–50—ADMINISTRATIVE MATTERS

Amendments to Chapter

Chapter 3, Title 41, Code of Federal Regulations, is amended as set forth below. These amendments formally implement the HEW Department-wide Contract Information System (DCIS), delete the requirement for the Procurement Activity Report (Form HEW–522), and update the organizational titles and reporting requirements for the submission of Standard Form 37, Report on Procurement by Civilian Executive Agencies.

The publication of the amendment implementing the DCIS cancels the Procurement Manual Circular HEW–73.1, Departmental Procurement Systems Standards, dated January 19, 1973. As a result of the establishment and use of the DCIS, it has been determined that the Procurement Activity Report, Form HEW–522, is no longer required to be submitted by the Department's procurement activities. Therefore, § 3–16.856 of Chapter 3, Title 41 CFR is hereby rescinded.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to participate in the rulemaking process. However, the amendments herein involve changes to HEW internal administrative procedures. Therefore, the public rulemaking process is deemed unnecessary in this instance.

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

Effective date. These amendments shall be effective December 1, 1976.

The Department of Health, Education, and Welfare 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: November 24, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

Subpart 3–16.8—Miscellaneous Forms

1. In § 3–16.804, Report on Procurement:

a. Delete § 3–16.804–2 and substitute the following:

§ 3–16.804–2 Agencies required to report.

Each principal operating component, the Office of the Secretary, the Offices of the Regional Directors, the Office of Facilities Engineering and Property Management, OASAM–OS, and the Office of Human Development, OS, shall report procurements, for their entire organization, to the Office of Grants and Procurement Management, OASAM–OS.

b. Delete § 3–16.804–3(f) and substitute the following:

§ 3–16.804–3 Standard Form 37, report on procurement by civilian agencies.

* * * * *

(f) Frequency and due date for submission of Standard Form 37. Each report shall be submitted in the original to the Office of Grants and Procurement Management, OASAM–OS, not later than 30 calendar days after the close of each semiannual reporting period.

§ 3–16.856 [Deleted]

2. Delete § 3–16.856, Procurement Activity Report, in its entirety.

The table of contents is amended to provide that Subpart 3–50.7 of Part 3–50 be added as follows:

Subpart 3–50.7—Department-wide Contract Information System (DCIS)

Sec.
3–50.700 Scope of subpart.
3–50.701 Purpose.
3–50.702 Policy.

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

Subpart 3–50.7—Department-wide Contract Information System (DCIS)

§ 3–50.700 Scope of subpart.

This subpart implements the Department-wide Contract Information System (DCIS).

§ 3–50.701 Purpose.

The Department-wide Contract Information System (DCIS) has been developed and implemented to provide the Secretary with accurate and timely data on the Department's procurement activities. The DCIS consolidates postaward contract data reported by contracting offices and provides the capability for generating most summary reports on procurement that are needed to satisfy Federal statutory or administrative reporting requirements and Congressional and public inquiries. The data accumulated by the DCIS may also be used to evaluate the Department's procurement systems and to provide background information for the development of procurement policies and management proposals.

§ 3–50.702 Policy.

(a) The Contract Information System Manual, and appropriate amendments thereto, shall be the governing procdures regarding the operation and maintenance of the DCIS.

(b) All departmental procurement activities are required to participate in the DCIS and follow the procedures stated in the Contract Information System Manual.

[FR Doc.76-35303 Filed 11-30-76;8:45 am]

Title 45—Public Welfare

CHAPTER XVIII—HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

PART 1800—PRIVACY ACT OF 1974

On August 27, 1976, this agency published in the FEDERAL REGISTER (41 FR 36222), a Notice of Systems of Records, and Public Access Regulations, pursuant to the provisions of the Privacy Act of 1974, PUB. L. 93-579 (5 U.S.C. 552a). The public and other agencies were given the opportunity to submit, on or before September 27, 1976, written comments regarding the proposed Systems of Records and the proposed Regulations.

No comments were received on the regulations, and they are adopted without change.

Effective date: These regulations take effect December 1, 1976.

ROBERT E. CLEARY,
Executive Secretary.

NOVEMBER 24, 1976.

Part 1800 to Title 45 of the CFR is added to read as follows

Sec.
1800.1 Purpose and scope.
1800.2 Definitions.
1800.3 Procedures for requests pertaining to individual records in a record system.
1800.4 Times, places, and requirements for the identification of the individual making a request.
1800.5 Disclosure of requested information to the individual.
1800.6 Request for correction or amendment to the record.
1800.7 Agency review of request for correction or amendment of the record.
1800.8 Appeal of an initial adverse agency determination on correction or amendment of the record.
1800.9 Disclosure of record to a person other than the individual to whom the record pertains.
1800.10 Fees.

AUTHORITY: 5 U.S.C. 552a; Pub. L. 93-579.

§ 1800.1 Purpose and scope.

The purposes of these regulations are to:

(a) Establish a procedure by which an individual can determine if the Harry S. Truman Scholarship Foundation (hereafter known as the Foundation) maintains a system of records which includes a record pertaining to the individual; and

(b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

§ 1800.2 Definitions.

For the purpose of these regulations—

(a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) The term "maintain" includes maintain, collect, use or disseminate;

(c) The term "record" means any item, collection or grouping of information about an individual that is maintained by the Foundation, including, but not limited to, his or her employment history, payroll information, and financial transactions and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as social security number;

(d) The term "system of records" means a group of any records under the control of the Foundation from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and

(e) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 1800.3 Procedures for requests for access to individual records in a record system.

An individual shall submit a request to the Deputy Executive Secretary of the Foundation to determine if a system of records named by the individual contains a record pertaining to the individual. The individual shall submit a request to the Deputy Executive Secretary of the Foundation which states the individual's desire to review his or her record.

§ 1800.4 Times, places, and requirements for the identification of the individual making a request.

An individual making a request to the Deputy Executive Secretary of the Foundation pursuant to § 1800.3 shall present the request at the Foundation offices, 712 Jackson Place, NW., Washington, D.C. 20006, on any business day between the hours of 9 a.m. and 5 p.m. The individual submitting the request should present himself or herself at the Foundation's offices with a form of identification which will permit the Foundation to verify that the individual is the same individual as contained in the record requested.

§ 1800.5 Access to requested information to the individual.

Upon verification of identity the Foundation shall disclose to the individual the information contained in the record which pertains to that individual.

§ 1800.6 Request for correction or amendment to the record.

The individual should submit a request to the Deputy Executive Secretary of the Foundation which states the individual's desire to correct or to amend his or her record. This request is to be made in accord with the provisions of § 1800.4.

§ 1800.7 Agency review of request for correction or amendment of the record.

Within ten working days of the receipt of the request to correct or to amend the record, the Deputy Executive Secretary of the Foundation will acknowledge in writing such receipt and promptly either—

(a) Make any correction or amendment of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual of his or her refusal to correct or to amend the record in accordance with the request, the reason for the refusal, and the procedures established by the Foundation for the individual to request a review of that refusal.

§ 1800.8 Appeal of an initial adverse agency determination on correction or amendment of the record.

An individual who disagrees with the refusal of the Deputy Executive Secretary of the Foundation to correct or to amend his or her record may submit a request for a review of such refusal to the Executive Secretary, Harry S. Truman Scholarship Foundation, 712 Jackson Place, NW., Washington, D.C. 20006. The Executive Secretary will, not later than thirty working days from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the Executive Secretary extends such thirty day period. If, after his or her review, the Executive Secretary also refuses to correct or to amend the record in accordance with the request, the individual may file with the Foundation a concise statement setting forth the reasons for his or her disagreement with the refusal of the Foundation and may seek judicial review of the Executive Secretary's determination under 5 U.S.C. 552a(g)(1)(A).

§ 1800.9 Disclosure of record to a person other than the individual to whom the record pertains.

The Foundation will not disclose a record to any individual other than to the individual to whom the record pertains without receiving the prior written consent of the individual to whom the record pertains, unless the disclosure has been listed as a "routine use" in the Foundation's notices of its systems of records.

§ 1800.10 Fees.

If an individual requests copies of his or her record, he or she shall be charged ten cents per page, excluding the cost of any search for review of the record, in advance of receipt of the pages.

[FR Doc.76-35348 Filed 11-30-76;4:11 pm]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-1042]

PART 73—RADIO BROADCAST SERVICES

Alphabetical Index of Rule Titles

Adopted: November 9, 1976.

Released: November 19, 1976.

By the Commission: Chairman Wiley issuing a separate statement.[1]

1. In its continuing study concerning the Reregulation of Broadcasting, the

[1] Statement is filed as part of the original document.

Commission recognizes the need for an alphabetical indexing of rule titles in Part 73 on Radio Broadcast Services to simplify and facilitate the locating of rules therein.

2. Part 73 now has a table of "Contents" listing the rule titles in numerical sequence only.

3. Moreover, the Commission is here amending the "Cross reference" rule in Subparts A, B, C, E and F of Part 73 to provide better detail for locating rules applicable to broadcasting in Parts 1, 2, 13, 17, 74, 76 and 78 of the Rules and Regulations.

4. The attached alphabetical index of rule titles in Part 73 will be a ready reference to most, but not absolutely all, of the subject matter in these rules, inasmuch as a particular rule title may be indicative but not all-inclusive of the subject matter therein. A complete alphabetical index of subject matter is to be made part of the overall reorganization and rewriting of Part 73. We delegate to the Chief, Broadcast Bureau the authority to make changes from time to time in the alphabetical index of rule titles in Part 73.

5. We conclude that the adoption of the amendments shown in the Appendix would serve the public interest. Prior notice of rule making and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B), inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose.

6. Therefore, it is ordered, That pursuant to Sections 4 and 303 of the Communications Act of 1934, as amended, Part 73 of the Commission's Rules and Regulations is amended as set forth in the attached Appendix, effective December 6, 1976.

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

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

1. Part 73 is amended by adding the following "Alphabetical Index of Rules Titles—Part 73" immediately after the Contents to Part 73:

ALPHABETICAL INDEX OF RULE TITLES

Subpart A—Standard Broadcast Stations

Acceptability of broadcast transmitters for licensing 73.48
Affiliation of station, Exclusive (Network) 73.131
Affiliation of station, (Network) Term of 73.133
Agreement, failure to reach; Secondary station 73.81
Allocation, Engineering standards of 73.182
Allocation, Field intensity measurements in; establishment of effective field at one mile 73.186
Alternate main transmitters 73.64
Ammeters, antenna and common point, Remote reading 73.57
Antenna and common point ammeters, Remote reading 73.57
Antenna heights, Minimum, or field intensity requirements 73.189
Antenna input power; how determined 73.51
Antenna input power; maintenance of 73.52
Antenna monitors, Requirements for type approval of 73.53
Antenna (phase) monitors 73.69
Antenna (phase) monitors, Sampling system for 73.68
Antenna resistance and reactance; how determined 73.54
Antenna structure, marking and lighting 73.1213
Antenna systems, Directional 73.150
Antenna systems; showing required 73.33
Antenna, directional, Field intensity measurements to establish performance of 73.151
Applicability (of rules common to all broadcast stations) 73.1001
Applications for broadcast facilities, showing required 73.37
Applications, Notification of filing of 73.18
Approval of modulation monitors, Requirements for 73.50
Areas, Service (definition) 73.11
Assignment of Class II–A stations 73.22
Assignment of stations to channels 73.28
Attacks, Personal; political editorials 73.123
Authority for changes in equipment 73.43
Authority, Presunrise service 73.99
Authority to move main studio 73.31
Authorization, Remote control 73.66
frequency control equipment 73.62
Authorization required, Automatic frequency control equipment 73.62
Authorization, Special field test 73.36
Authorizations, Special experimental 73.32
Automatic frequency control equipment; authorization required 73.62
Auxiliary transmitter 73.63
Auxiliary transmitters, Use of modulation monitors at 73.89
Availability of logs and records 73.116

Billing practices, Fraudulent 73.1206
Blanketing interference 73.88
Broadcast band, Standard (definition) 73.2
Broadcast channel, Standard (definition) 73.3
Broadcast day (definition) 73.9
Broadcast facilities; showing required 73.24
Broadcast facilities, showing required for applications 73.37
Broadcast of lottery information 73.1211
Broadcast of taped, filmed or recorded material 73.1208
Broadcast of telephone conversations 73.1206
Broadcast station, Standard (definition) 73.1
Broadcast transmitters, Acceptability for licensing 73.48
Broadcasts by candidates for public office 73.120

Candidates for public office, Broadcasts by 73.120
Carrier power; Maximum rated, how determined 73.42
Carrier power; Maximum rated, tolerances 73.41
Changes in equipment; authority for 73.43
Changes in equipment, Other 73.44
Channels and stations, Classes of standard broadcast 73.21
Channels, Assignment of stations to 73.28
Channel, Standard broadcast (definition) 73.3
Charts, Engineering 73.190
Charts, Groundwave field intensity 73.184
Class II–A stations, Assignment of 73.22
Class IV stations, Local channels 73.27
Class IV stations on regional channels 73.29
Classes of standard broadcast channels and stations 73.21
Classes of stations, Time of operation of 73.23
Classes I and II stations, Clear channels 73.25
Classes III–A and III–B stations, Regional channels 73.26
Clear channels; Classes I and II stations 73.25
Common point, and antenna ammeters, Remote reading 73.57
Computation of interfering signal 73.185
Construction, design, and safety of life requirements, Transmitter 73.40
Contests, licensee-conducted 73.1216
Contracts providing for reservation of time upon sale of a station, Special rules relating to 73.139
Control by networks of station rates 73.138
Cross reference to rules in other Parts 73.17

Day, Broadcast (definition) 73.9
Daytime (definition) 73.6
Daytime radiation, Limitation on 73.187
Definitions, Technical 73.14
Departure from regular schedule; Sharing time 73.77
Departure from schedule; material violation 73.82
Design, construction and safety of life requirements, Transmitter 73.40
Directional antennas; Field strength measurements to establish performance of 73.151
Directional antenna data, Modification of 73.152
Directional antenna systems 73.150
Discontinuance of operation 73.91
Dominant station (definition) 73.4
Dual network operation 73.137

EBS (Emergency Broadcast System) ..... See Subpart G
Effective field at one mile, Field intensity measurements for establishment of 73.186
Editorials, political; Personal attacks 73.123
Emergency Broadcast System (EBS) ..... See Subpart G
Emergency, Operation during 73.98
Employment opportunities, Equal 73.125
Engineering charts 73.190
Engineering standards of allocation 73.182
Equal employment opportunities 73.125
Equipment, Changes in; authority for 73.43
Equipment, Other changes in 73.44
Equipment, New; restrictions 73.61
Equipment performance measurements 73.47
Equipment tests 73.95
Exclusive (Network) affiliation of station 73.131
Exclusivity, Territorial (Network) 73.132
Experimental authorizations, Special 73.32
Experimental period (definition) 73.10
Experimental period, Operation during 73.72
Experimental period, Sharing time 73.76
Extension meters 73.70

Facilities, Broadcast; showing required 73.24
(Fairness Doctrine) Personal attacks; political editorials 73.123

Field intensity charts, Groundwave ---- 73.184
Field intensity measurements in allocation; establishment of effective field at one mile ---- 73.186
Field intensity measurements in support of applications or evidence at hearing ---- 73.153
Field intensity measurements; partial and skeleton proofs of performance ---- 73.154
Field intensity requirements or, Minimum antenna heights ---- 73.189
Field strength measurements to establish performance of directional antennas ---- 73.151
Field test authorization, Special ---- 73.36
Filing of applications, Notification of ---- 73.18
Filing of operating schedule, Secondary station ---- 73.80
Filmed, taped or recorded material; Broadcast of ---- 73.1208
Fraudulent billing practices ---- 73.1205
Frequency control equipment, Automatic; authorization required ---- 73.62
Frequency measurements ---- 73.60
Frequency tolerance ---- 73.59

General requirements relating to logs ---- 73.111
Groundwave field intensity charts ---- 73.184
Groundwave signals ---- 73.183

Hours (of operation), Specified ---- 73.73

Identification, Sponsorship; list retention; related requirements ---- 73.1212
Identification, Station ---- 73.1201
Indicating instruments (requirements for) ---- 73.58
Indicating instruments—specifications ---- 73.1215
Input power, Antenna; how determined ---- 73.51
Input power, Antenna; Maintenance of ---- 73.52
Inspection, Station ---- 73.97
Instruments, Indicating (requirements for) ---- 73.58
Instruments, Indicating—specifications ---- 73.1215
Interference, Blanketing ---- 73.88
Interfering signal, Computations of ---- 73.185
Introduction (AM technical standards) ---- 73.181

License period, Normal ---- 73.34
License to specify sunrise and sunset hours ---- 73.79
Licensee-conducted contests ---- 73.1216
Licensee obligations, Public notice of ---- 73.1202
Licenses; Station and operator, posting of ---- 73.92
Licensing, Acceptability of broadcast transmitters for ---- 73.48
Lighting and marking, Antenna structure ---- 73.1213
Limitation on daytime radiation ---- 73.187
Limited time operation ---- 73.38
List retention; Sponsorship identification; related requirements ---- 73.1212
Local channels; Class IV stations ---- 73.27
Location of transmitters ---- 73.188
Log, Maintenance ---- 73.114
Log, Operating ---- 73.113
Log, Program ---- 73.112
Logs and records, Availability of ---- 73.116
Logs, General requirements relating to ---- 73.111
Logs, Retention of ---- 73.115
Lottery information, Broadcast of ---- 73.1211

Marking and lighting, Antenna structure ---- 73.1213
Main studio, Authority to move ---- 73.31
Maintenance log ---- 73.114
Maintenance of antenna input power ---- 73.52
Maximum rated carrier power; how determined ---- 73.42
Maximum rated carrier power; tolerances ---- 73.41
Measurements, Equipment performance ---- 73.47
Measurements, Field intensity, for establishment of effective field at one mile ---- 73.186
Measurements, (carrier) Frequency ---- 73.60
Measurements, Field intensity in support of applications or evidence at hearings ---- 73.153
Measurements; Field intensity, skeleton and partial proofs of performance ---- 73.154
Measurements, Field strength, to establish performance of directional antennas ---- 73.151
Meters, Extension ---- 73.70
Mexican/U.S. Agreement and NARBA (definition) ---- 73.15
Minimum antenna heights or field intensity requirements ---- 73.189
Minimum operation schedule ---- 73.71
Modes and times of program transmission ---- 73.87
Modification of directional antenna data ---- 73.152
Modulation ---- 73.55
Modulation monitors ---- 73.56
Modulation monitors, Use at auxiliary transmitters ---- 73.89
Modulation monitors, Requirements for approval of ---- 73.50
Monitors, Antenna (phase) ---- 73.69
Monitors, antenna, Requirements for type approval of ---- 73.53
Monitors, antenna (phase), Sampling system for ---- 73.68
Monitors, Modulation ---- 73.60
Monitors, modulation, Use of, at auxiliary transmitters ---- 73.89
Move main studio, Authority to ---- 73.31
Multiple ownership ---- 73.35

NARBA and the U.S./Mexican Agreement (definition) ---- 73.15
(Network) affiliation of station, Exclusive ---- 73.131
Network control of station rates ---- 73.138
Network operation, Dual ---- 73.137
(Network) Option time ---- 73.134
Network ownership of stations ---- 73.136
(Network) programs, Right to reject ---- 73.135
(Network), Term of affiliation ---- 73.133
(Network), Territorial exclusivity ---- 73.132
New equipment; restrictions ---- 73.61
Nighttime (definition) ---- 73.7
Normal license period ---- 73.34
Notice, Public, of licensee obligations ---- 73.1202
Notification of filing of applications ---- 73.18
Notification to Commission, Sharing time stations ---- 73.78

Operating log ---- 73.113
Operating schedule, filing of, Secondary station ---- 73.80
Operation, Discontinuance of ---- 73.91
Operation, Dual network ---- 73.137
Operation during emergency ---- 73.98
Operation during experimental period ---- 73.72
Operation of the several classes of stations, Time of ---- 73.23
Operation, Limited time ---- 73.38
Operation, Remote Control ---- 73.67
Operation schedule, Minimum ---- 73.71
(Operation), Specified hours ---- 73.73
Operator and station licenses, posting of ---- 73.92
Operator requirements ---- 73.93
Option time, (Network) ---- 73.134
Origination, program, and Station location ---- 73.30
Ownership, Multiple ---- 73.35
Ownership of stations, Network ---- 73.136

Partial and skeleton proofs of performance, Field intensity measurements ---- 73.154
Performance measurements, Equipment ---- 73.47
Performance of directional antennas, Field strength measurements to establish ---- 73.151
Personal attacks; political editorials ---- 73.123
Political editorials; Personal attacks ---- 73.123
Portable transmitter (definition) ---- 73.12
Posting of, Station and operator licenses ---- 73.92
Power, Antenna input; how determined ---- 73.51
Power, Antenna input; maintenance of ---- 73.52
Presunrise service authority (PSA) ---- 73.99
Program log ---- 73.112
Program origination, Station location ---- 73.30
Programs, (Network), Right to reject ---- 73.135
Program tests ---- 73.96
Program transmission, Times and modes of ---- 73.87
Proofs of performance, partial and skeleton, Field intensity measurements ---- 73.154
Public notice of licensee obligations ---- 73.1202
Public office, Broadcasts by candidates for ---- 73.120

Radiating system ---- 73.45
Radiation, daytime, Limitation on ---- 73.187
Rates, station, Control by network of ---- 73.138
Rebroadcast ---- 73.1207
Recorded, taped or filmed material; Broadcast of ---- 73.1208
Records and logs, Availability of ---- 73.116
Reference, Cross, to rules in other Parts ---- 73.17
References to time (local) ---- 73.83
Regional channels; Classes III–A and III–B stations ---- 73.26
Regional channels, Class IV stations on ---- 73.29
Reject (Network) programs, Right to ---- 73.135
Remote control authorization ---- 73.66
Remote control operation ---- 73.67
Remote reading antenna and common point ammeters ---- 73.57
Requirements for approval of modulation monitors ---- 73.50
Requirements for type approval of antenna monitors ---- 73.53
Requirements, relating to logs, General ---- 73.111
Requirements, Operator ---- 73.93
Reservation of time upon sale of a station, Special rules relating to contracts providing for ---- 73.139
Restrictions, New equipment ---- 73.61
Retention of logs ---- 73.115
Right to reject (Network) programs ---- 73.135
(Rules common to all broadcast stations), Applicability ---- 73.1001
Rules in other Parts, Cross reference to ---- 73.17

Safety of life, design, construction requirements, Transmitter ---- 73.40
Sale of station, Special rules relating to contracts providing for reservation of time ---- 73.139
Sampling systems for antenna (phase) monitors ---- 73.68
Schedule, Departure from, material violation ---- 73.82
Schedule, Minimum operation ---- 73.71
Schedule, operating, filing of; Secondary station ---- 73.80

Schedule, regular, departure from, Sharing time 73.77
Secondary station (definition) 73.5
Secondary station; failure to reach agreement 73.81
Secondary station; filing of operating schedule 73.80
Service areas (definition) 73.11
Sharing time; departure from regular schedule 73.77
Sharing time; experimental period 73.76
Sharing time (operation) 73.74
Sharing time stations; notification to Commission 73.78
Showing required; Applications for broadcast facilities 73.37
Showing required; Broadcast facilities 73.24
Showing required; Antenna system 73.33
Signal, Interfering, Computation of 73.185
Signals, Groundwave 73.183
Skeleton and partial proofs of performance, Field intensity measurements 73.154
Special experimental authorizations 73.32
Special field test authorization 73.36
Special rules relating to contracts providing for reservation of time upon sale of a station 73.139
Specifications—Indicating instruments 73.1215
Specified hours (of operation) 73.73
Sponsorship identification; list retention; related requirements 73.1212
Standard broadcast band (definition) 73.2
Standard broadcast channel (definition) 73.3
Standard broadcast station (definition) 73.1
(Standard broadcast technical standards), Introduction 73.181
Standards of allocation, Engineering 73.182
Station and operator licenses; posting of 73.92
Station, Dominant (definition) 73.4
Station identification 73.1201
Station inspection 73.97
Station location and program origination 73.30
Station rates, Control by network 73.138
Stations and channels, standard broadcast, Classes of 73.21
Stations, Assignment of, to channels 73.28
Stations, Network ownership of 73.136
Studio, main, Authority to move 73.31
Sunrise and sunset (definition) 73.8
Sunrise and sunset hours, License to specify 73.79
Taped, filmed, or recorded material; Broadcast of 73.1208
Technical definitions 73.14
(Technical Standards, Standard broadcast), Introduction 73.181
Telephone conversations, Broadcast of 73.1206
Term of affiliation (Network) 73.133
Territorial exclusivity, (Network) 73.132
Test authorization, Special field 73.36
Tests, Equipment 73.95
Tests, Program 73.96
Time of operation of the several classes of stations 73.23
Time, References to (local) 73.83
Time sharing 73.74
Time sharing; departure from regular schedule 73.77
Time, Special rules providing for reservation of, upon sale of a station 73.139
Times and modes of program transmission 73.87
Tolerance, Frequency 73.59
Tolerances, Maximum rated carrier power 73.41
Transmission, program, Times and modes of 73.87
Transmitter (standards of engineering practice) 73.46
Transmitter, Alternate main 73.64
Transmitter, Auxiliary 73.63
Transmitter, auxiliary, Use of modulation monitor at 73.89
Transmitter; design, construction, and safety of life requirement 73.40
Transmitter, Portable (definition) 73.12
Transmitters, Acceptability for licensing 73.48
Transmitters, Location of 73.188
Type approval of antenna monitors, Requirements for 73.53
Use of modulation monitors at auxiliary transmitters 73.89
U.S./Mexican Agreement and NARBA (definition) 73.15
Violation, material; Departure from schedule 73.82

Subpart B—Commercial FM Broadcasting Stations

Acceptability of broadcast transmitters for licensing 73.250
Adjacent channel and co-channel stations, Minimum mileage, separation between 73.207
Administrative changes in authorizations 73.212
Affiliation of station, Exclusive (Network) 73.231
Affiliation (Network), Term of 73.233
Agreements, International, and other restrictions on use of channels 73.204
Alternate main transmitters 73.256
AM and FM programming, Duplication of 73.242
Antenna, Emergency 73.273
Antenna height and Power, requirements 73.211
Antenna structure, marking and lighting 73.1213
Antenna site, common, Use of 73.239
Antenna system and equipment, Changes in 73.257
Antenna systems 73.316
Applicability (of rules common to all broadcast stations) 73.1001
Applications, Notification of filing of 73.215
Assignments, Table of 73.202
Attacks, Personal; political editorials 73.300
Authorization, Remote control 73.274
Authorizations, Administrative changes in 73.212
Authorization, Subsidiary Communications, Operation under 73.295
Auxiliary transmitter 73.255
Auxiliary transmitters (Performance Characteristics) 73.321
Auxiliary transmitters, Use of modulation monitors at 73.330
Availability of channels 73.203
Availability of logs and records 73.286
Billing practices, Fraudulent 73.1205
Broadcast of lottery information 73.1211
Broadcast of taped, filmed, or recorded material 73.1208
Broadcast of telephone conversations 73.1206
Broadcasting, Stereophonic 73.297
Broadcast transmitters, Acceptability for licensing 73.250
Broadcasts by candidates for public casts by 73.290
Candidates for public office, Broadcasts by 73.290
Changes in authorizations, Administrative 73.212
Changes in equipment and antenna system 73.257
Channels, Availability of 73.203
Channels, Classes of commercial, and stations operating thereon 73.206
Channels, International agreements and other restrictions on use of 73.204
Channels, FM broadcast, Numerical designation of 73.201
Charts, Engineering 73.333
Classes of commercial channels, and stations operating thereon 73.206
Co-channel and adjacent channel stations, Minimum separation 73.207
Common antenna site, Use of 73.239
Computations, Reference points and distance 73.208
Contests, Licensee-conducted 73.1216
Contours, Field strength 73.311
Contracts for reservation of time upon sale of a station, Special rules relating to 73.241
Control by networks of station rates 73.238
Coverage Prediction of 73.313
Cross reference to rules in other Parts 73.214
Definitions (technical) 73.310
Determination and maintenance of operating power 73.267
Discontinuance of operation 73.271
Distance and Reference points, computations of 73.208
Dual-language broadcasting in Puerto Rico, TV/FM 73.1210
Dual network operation 73.237
Duplication of AM and FM programming 73.242
EBS (Emergency Broadcasting System) ..... See Subpart G
Editorials, political; Personal attacks 73.300
Emergency antenna 73.273
Emergency Broadcast System (EBS) ..... See Subpart G
Emergency, Operation during 73.298
Employment opportunities, Equal 73.301
Engineering charts 73.333
Engineering standards, Subsidiary communications multiplex operations 73.319
Equal employment opportunities 73.301
Equipment and antenna system, Changes in 73.257
Equipment tests 73.216
Equipment, Transmitters and associated 73.317
Exclusive (Network) affiliation of station 73.231
Exclusivity, Territorial (Network) 73.232
Experimental operation 73.262
Extension meters 73.276
(Fairness Doctrine) Personal attacks; political editorials 73.300
Field strength contours 73.311
Field strength measurements 73.314
Filing of applications, Notification of 73.215
Filmed, taped, or recorded material; Broadcasts of 73.1208
FM and AM programming, Duplication of 73.242
FM broadcast channels, Numerical designation of 73.201
FM/TV dual-language broadcasting in Puerto Rico 73.1210
Fraudulent billing practices 73.1205
Frequency measurements 73.252
Frequency tolerance 73.269
General requirements relating to logs 73.281
Identification, Sponsorship; list retention; related requirements 73.1212
Identification, Station 73.1201
Indicating instruments (requirements for) 73.258
Indicating instruments—specifications 73.1215

Inspection, Station 73.263
Instruments, Indicating (requirements for) 73.258
Instruments, Indicating—specifications 73.1215
Interference, Protection from 73.209
International agreements and other restrictions on use of channels 73.204

License period, Normal 73.218
Licensee-conducted contests 73.1216
Licensee obligations, Public notice of 73.1202
Licenses; Station and operator, posting of 73.264
Licensing, Acceptability of broadcast transmitters for 73.250
Lighting and marking, Antenna structure 73.1213
List retention; Sponsorship identification; related requirements 73.1212
Location, Station, main studio, and program origination 73.210
Location, Transmitter 73.315
Log, Maintenance 73.284
Log, Operating 73.283
Log, Program 73.282
Logs and records, Availability of 73.286
Logs, General requirements relating to 73.281
Logs, Retention of 73.285
Lottery information, Broadcast of 73.1211

Main studio location, Station location and program origination 73.210
Maintenance and determination, Operating power 73.267
Maintenance log 73.284
Main transmitters, Alternate 73.256
Marking and lighting, antenna structure 73.1213
Measurements, (carrier) Frequency 73.252
Measurements, Field strength 73.314
Meters, Extension 73.276
Minimum mileage separations between co-channel and adjacent channel stations on commercial channels 73.207
Minimum separation, Stations at spacings below 73.213
Modulation 73.268
Modulation monitors 73.253
Modulation monitors, Requirements for type approval 73.332
Modulation monitors, Use of at auxiliary transmitters 73.330
Monitors, Modulation 73.253
Monitors, modulation, Requirements for type approval 73.332
Monitors, modulation, Use of at auxiliary transmitters 73.330
Multiple ownership 73.240
Multiplex operations, Subsidiary commmunications, engineering standards 73.319

Nature of the SCA (Subsidiary Communications Authorizations) 73.294
Networks, Control of station rates by 73.238
(Network) station, Exclusive affiliation of 73.231
Network operation, Dual 73.237
(Network) Option time 73.234
Network ownership of stations 73.236
(Network) programs, Right to reject 73.235
(Network), Term of affiliation 73.233
(Network), Territorial exclusivity 73.232
Normal license period 73.218
Notice, Public, of licensee obligations 73.1202
Notification of filing of applications 73.215
Numerical designation of FM broadcast channels 73.201

Operating log 73.283
Operating power; determination and maintenance of 73.267
Operation, Discontinuance of 73.271
Operation, Dual network 73.237
Operation during emergency 73.298
Operation, Experimental 73.262
Operation, Remote control 73.275
Operation, Time of 73.261
Operation under Subsidiary Communications Authorizations (SCA) 73.295
Operator and Station licenses; posting of 73.264
Operator requirements 73.265
Option time (Network) 73.234
Origination, program, Station location, and main studio location 73.210
Ownership, Multiple 73.240
Ownership of stations, Network 73.236

Permissible transmission 73.277
Personal attacks; political editorials 73.300
Political editorials; Personal attacks 73.300
Posting of, Station and operator licenses 73.264
Power and antenna height requirements 73.211
Power, Operating, determination and maintenance of 73.267
Prediction of coverage 73.313
Program log 73.282
Programming, Duplication of AM and FM 73.242
Program origination, Station location, main studio location 73.210
Program Tests 73.217
Programs (Network), Right to reject 73.235
Protection from interference 73.209
Public notice of licensee obligations 73.1202
Public office, Broadcast by candidates for 73.290
Puerto Rico TV/FM, dual-language broadcasting in 73.1210

Rates, station, Control by network of 73.238
Rebroadcast 73.1207
Recorded, taped, filmed materials; Broadcast of 73.1208
Records and logs, Availability of 73.286
Reference, Cross, to rules in other Parts 73.214
Reference points and distance computations 73.208
Reject (Network) programs, Right to 73.235
Remote control authorization 73.274
Remote control operation 73.275
Required transmitter performance 73.254
Requirements for type approval of modulation monitors 73.332
Requirements, Operator 73.265
Requirements, Power and antenna height 73.211
Requirements relating to logs, General 73.281
Reservation of time upon sale of a station, Special rules relating to contracts providing for 73.241
Restrictions, International agreements on use of channels 73.204
Retention of logs 73.285
Right to reject (Network) programs 73.235
(Rules common to all broadcast stations) Applicability 73.1001
Rules in other Parts, Cross reference 73.214

Sale of a station, Special rules relating to contracts providing for reservation of time upon 73.241
SCA; Nature of 73.294
Separations, Minimum mileage, between co-channel and adjacent channel stations 73.207
Separations, Stations at spacings below minimum 73.213
Site, common antenna, Use of 73.239
Spacings, Stations below the minimum separations 73.213
Special rules relating to contracts providing for reservation of time upon sale of a station 73.241
Specifications—Indicating instruments 73.1215
Sponsorship identification; list retention; related requirements 73.1212
Standards, engineering; Subsidiary communications multiplex operasions 73.319
Standards, Stereophonic transmission 73.322
Station and operator licenses; posting of 73.264
Station, Exclusive (Network) affiliation 73.231
Station identification 73.1201
Station inspection 73.263
Station location, main studio location, and program origination 73.210
Station rates, Control by network 73.238
Stations at spacings below the minimum separations 73.213
Stations operating thereon, Classes of commercial channels 73.206
Stations, Network ownership of 73.236
Stereophonic broadcasting 73.297
Stereophonic transmission standards 73.322
Studio location, main, Station location, and program origination 73.210
Subsidiary Communications Authorizations (SCA) 73.293
Subsidiary communications multiplex operations: engineering standards 73.319
Subsidiary communications authorizations, Operation under 73.295
Systems, Antenna 73.316

Table of assignments 73.202
Taped, filmed or recorded material; Broadcast of 73.1208
Technical definitions 73.310
Telephone conversations, Broadcast of 73.1206
Term of (Network) affiliation 73.233
Territorial exclusivity (Network) 73.232
Tests, Equipment 73.216
Tests, Program 73.217
Time of operation 73.261
Time, Option (Network) 73.234
Time, special rules providing for reservation of, upon sale of a station 73.241
Tolerance, Frequency 73.269
Topographic data 73.312
Transmissions, Permissible 73.277
Transmission standards, Stereophonic 73.322
Transmitter, Auxiliary 73.255
Transmitter location 73.315
Transmitters, Alternate main 73.256
Transmitters and associated equipment 73.317
Transmitters, Auxiliary (Performance characteristics) 73.321
Transmitters, auxiliary, Use of modulation monitors at 73.330
Transmitters, broadcast, Acceptability for licensing 73.250
Transmitters, Required performance 73.254
TV/FM dual-language broadcasting in Puerto Rico 73.1210
Type approval, modulation monitors, Requirements for 73.332

Use of common antenna site 73.239
Use of modulation monitors at auxiliary transmitters 73.330

Zones 73.205

Subpart C—Noncommercial Educational FM Broadcast Stations

Acceptability of broadcast transmitters for licensing 73.550
Agreement, United States-Mexico FM broadcast, Noncommercial educational channel assignments under 73.507

Alternate main transmitters 73.556
Announcements, Donor 73.503
Antenna structure, marking and lighting 73.1213
Antenna system and equipment, Changes in 73.557
Applicability (of rules common to all broadcast stations) 73.1001
Applications, Notification of filing of 73.515
Assignment, Channels available for 73.501
Assignments, Noncommercial educational channel, under the United States-Mexico FM Broadcast Agreement 73.507
Attacks, Personal 73.598
Authorization, Remote control 73.572
Authorizations, Subsidiary Communications (SCA) 73.593
Auxiliary transmitter 73.555
Availability of logs and records 73.586

Broadcast of lottery, Lottery information 73.1211
Broadcast of taped, filmed, or recorded material 73.1208
Broadcast of telephone conversations 73.1206
Broadcast transmitters, Acceptability for licensing 73.550
Broadcasting, Stereophonic 73.596
Broadcasts by candidates for public office 73.590

Candidates for public office, Broadcasts by 73.590
Changes in equipment and antenna system 73.557
Channel assignments, Noncommercial educational, under the United States-Mexico FM Broadcast Agreement 73.507
Channels available for assignment 73.501
Channels, unreserved, Noncommercial educational broadcast stations, operating on 73.506
Channels, Use of, Zones, classes of stations, facilities, and minimum mileage separations between stations 73.504
Classes of stations, Zones, use of channels, facilities, and minimum mileage separations between stations 73.504
Contests, licensee-conducted 73.1216
Cross reference to rules in other Parts 73.514

Determination and maintenance of, Operating power 73.567
Discontinuance of operation 73.571
Donor announcements 73.503

EBS (Emergency Broadcast System) ..... See Subpart G
Educational channel assignments, Non-commercial, under the United States-Mexico FM Broadcast Agreement 73.507
Educational, Noncommercial stations on unreserved channels 73.506
Emergency Broadcast System ..... See Subpart G
Emergency, Operation during 73.597
Employment opportunities, Equal 73.599
Engineering, Standards of good practice 73.505
Equal employment opportunities 73.599
Equipment and antenna system, Changes in 73.557
Equipment tests 73.516
Experimental operation 73.562
Extension meters 73.574

Facilities, Zones, classes of stations, use of channels, and minimum mileage separations between stations 73.504
(Fairness Doctrine) Personal attacks 73.598
Filing of applications, Notification of 73.515
Filmed, taped, or recorded material; Broadcast of 73.1208
Frequency measurements 73.552
Frequency tolerance 73.569

General requirements relating to logs 73.581
Good engineering practice, Standards of 73.505

Identification, Sponsorship; list retention; related requirements 73.1212
Identification, Station 73.1201
Indicating instruments (requirements for) 73.558
Indicating instruments—specifications 73.1215
Inspection of station 73.563
Instruments, Indicating (requirements for) 73.558
Instruments, Indicating—specifications 73.1215

Licensee-conducted contests 73.1216
Licensee obligations, Public notice of 73.1202
License period, Normal 73.518
Licenses, Station and operator; posting of 73.564
Licensing, Acceptability of broadcast transmitters 73.550
Licensing requirements and service 73.503
Lighting and marking, Antenna structure 73.1213
List retention; Sponsorship identification; related requirements 73.1212
Log, Maintenance 73.584
Log, Operating 73.583
Log, Program 73.582
Logs and records, Availability of 73.586
Logs, General requirements relating to 73.581
Logs, Retention of 73.585

Maintenance and determination of; Operating power 73.567
Maintenance log 73.584
Marking and lighting, Antenna structure 73.1213
Measurements, (carrier) Frequency 73.552
Meters, Extension 73.574
Mexico-U.S. FM Broadcast Agreement, Noncommercial educational assignments under 73.507
Minimum mileage separations between stations; Zones, classes of stations, use of channels, and facilities 73.504
Modulation 73.568
Modulation monitors 73.553
Monitors, Modulation 73.553

Nature of the SCA (Subsidiary Communications Authorizations) 73.594
Noncommercial educational broadcast stations operating on unreserved channels 73.506
Noncommercial educational channel assignments under the United States-Mexico FM Broadcast Agreement 73.507
Normal license period 73.518
Notice, Public, of licensee obligations 73.1202
Notification of filing of applications 73.515

Operating log 73.583
Operating on unreserved channels, Noncommercial educational broadcast stations 73.506
Operating power; determination and maintenance of 73.567
Operating schedule 73.561
Operation, Discontinuance of 73.571
Operation during emergency 73.597
Operation, Experimental 73.562
Operation, Remote control 73.573
Operation under Subsidiary Communications Authorizations (SCA) 73.595
Operator and Station licenses; posting of 73.564
Operator requirements 73.565

Performance of transmitter 73.554
Personal attacks 73.598
Plans, State-wide 73.502
Posting of station and operator licenses 73.564
Power, Operating; determination and maintenance of 73.567
Practice, Standards of good engineering 73.505
Program log 73.582
Program tests 73.517
Public office, Broadcast by candidates for 73.590

Rebroadcast 73.1207
Recorded, taped, filmed material; Broadcast of 73.1208
Records and logs, Availability of 73.568
Reference, Cross, to rules in other Parts 73.514
Remote control authorization 73.572
Remote control operation 73.573
Requirements, Operator 73.565
Requirements relating to logs, General 73.581
Retention of logs 73.585
(Rules common to all broadcast stations,) Applicability 73.1001
Rules in other Parts, Cross reference to 73.514

SCA, Nature of (Subsidiary Communications Authorizations) 73.594
Schedule, Operating 73.561
Separations between stations minimum mileage; Zones, classes of stations, use of channels, facilities 73.504
Service and Licensing requirements 73.503
Sponsorship identification; list retention; related requirements 73.1212
Standards of good engineering practice 73.505
State-wide plans 73.502
Station and operator licenses; posting of 73.564
Station identification 73.1201
Station inspection 73.563
Stations, Classes of, Zones, use of channels facilities, and minimum mileage separations between stations 73.504
Stations, Noncommercial educational broadcast, operating on unreserved channels 73.506
Stereophonic broadcasting 73.596
Subsidiary Communications Authorizations (SCA) 73.593
Subsidiary Communication Authorizations, Nature of 73.594
Subsidiary Communications Authorizations, Operation under 73.595

Taped, filmed, or recorded material; Broadcast of 73.1208
Telephone conversations, Broadcast of 73.1206
Tests, Equipment 73.516
Tests, Program 73.517
Tolerance, Frequency 73.569
Transmitter, Alternate main 73.556
Transmitter, Auxiliary 73.555
Transmitter performance 73.554
Transmitters, broadcast, Acceptability for licensing 73.550

United States-Mexico FM Broadcast Agreement, Noncommercial educational channel assignments under 73.507
Unreserved channels, Noncommercial educational broadcast stations operating on 73.506

Use of channels, Zones, classes of stations; facilities, and minimum mileage separations between stations ---- 73.504

Zones, classes of stations, use of channels, facilities, and minimum mileage separations between stations ---- 73.504

Subpart E—Television Broadcast Stations

Acceptability of broadcast transmitters for licensing ---- 73.640
Administrative changes in authorizations ---- 73.615
Affiliation agreements and network program practices; territorial exclusivity in non-network program arrangements ---- 73.658
Agreements, International ---- 73.608
Alternate main transmitters ---- 73.637
Antenna height and power, requirements ---- 73.614
Antenna site, Use of Common ---- 73.635
Antenna structure, marking and lighting ---- 73.1213
Antenna system and equipment, Changes in ---- 73.639
Antenna system, Transmitter location ---- 73.685
Applicability (of rules common to all broadcast stations) ---- 73.1001
Applications for sharing of television channels ---- 73.622
Applications, Notification of filing of ---- 73.623
Assignments, Table of ---- 73.606
Attacks, Personal; political editorials ---- 73.679
Aural modulation monitors, Requirements for type approval of ---- 73.694
Authorization, Remote control ---- 73.677
Authorization, Special field test ---- 73.627
Authorizations, Administrative changes in ---- 73.615
Auxiliary transmitter ---- 73.638
Availability of channels ---- 73.607
Availability of logs and records ---- 73.674

Billing practices, Fraudulent ---- 73.1205
Broadcast of lottery information ---- 73.1211
Broadcast of taped, filmed, or recorded material ---- 73.1208
Broadcast of telephone conversations ---- 73.1206
Broadcast transmitters, Acceptability for licensing ---- 73.640
Broadcasts by candidates for public office ---- 73.657

Candidates for public office, Broadcasts by ---- 73.657
Changes in authorizations, Administrative ---- 73.615
Changes in equipment and antenna system ---- 73.639
Changes, Transmission standards and ---- 73.682
Channels, Availability of ---- 73.607
Channels, television, Numerical designation of ---- 73.603
Channels, television, Application for sharing of ---- 73.622
Charts, Engineering ---- 73.699
Common antenna site, Use of ---- 73.635
Contests, Licensee-conducted ---- 73.1216
Contours, Field intensity ---- 73.683
Contracts providing for reservation of time upon sale of a station, Special rules relating to ---- 73.659
Coverage, Prediction of ---- 73.684
Cross reference to rules in other Parts ---- 73.602

Definitions (Subscription TV operations) ---- 73.641
Definitions (TV technical standards) ---- 73.681
Discontinuance of operation ---- 73.667
Distance computations, Reference points ---- 73.611
Dual-language broadcasting in Puerto Rico, TV/FM ---- 73.1210

EBS (Emergency Broadcast System) ---- See Subpart G
Editorials, political, Personal attacks ---- 73.679
Educational stations, Noncommercial ---- 73.621
Emergency Broadcast System (EBS) ---- See Subpart G
Emergency, Operation during ---- 73.675
Employment, opportunities, Equal ---- 73.680
Engineering charts ---- 73.699
Equal employment opportunities ---- 73.680
Equipment and antenna system, Changes in ---- 73.639
Equipment and technical system performance requirements (Subscription TV) ---- 73.644
Equipment tests ---- 73.628
Equipment, Transmitter and associated ---- 73.687
Exclusivity, territorial, in non-network program arrangements; Affiliation agreements and network program practices ---- 73.658
Experimental operation ---- 73.666
Extension meters ---- 73.678

(Fairness Doctrine) Personal attacks; Political Editorials ---- 73.679
Field intensity contours ---- 73.683
Field strength measurements ---- 73.686
Field test authorizations, Special ---- 73.627
Filing of applications, Notification of ---- 73.623
Filmed, taped, or recorded material; Broadcast of ---- 73.1208
FM/TV, dual-language broadcasting in Puerto Rico ---- 73.1210
Fraudulent billing practices ---- 73.1205
Frequency measurements ---- 73.690
Frequency tolerance ---- 73.668

General operating requirements (Subscription TV) ---- 73.643
General requirements for type approval of modulation monitors ---- 73.692
General requirements relating to logs ---- 73.669

Identification, Sponsorship; list retention; related requirements ---- 73.1212
Identification, Station ---- 73.1201
Indicating instruments (requirements for) ---- 73.688
Indicating instruments—specifications ---- 73.1215
Inspection, Station ---- 73.665
Instruments, Indicating (requirements for) ---- 73.688
Instruments, Indicating—specifications ---- 73.1215
Interference, Protection from ---- 73.612
International agreements ---- 73.608

License period, Normal ---- 73.630
Licensee-conducted contests ---- 73.1216
Licensee obligations, Public notice of ---- 73.1202
Licenses; Station and operator, posting of ---- 73.660
Licensing, Acceptability of broadcast transmitters for ---- 73.640
Licensing policies (Subscription TV) ---- 73.642
Lighting and marking, Antenna structure ---- 73.1213
List retention; Sponsorship identification; related requirements ---- 73.1212
Log, Maintenance ---- 73.672
Log, Operating ---- 73.671
Log, Program ---- 73.670
Logs and records, Availability of ---- 73.674
Logs, General requirements relating to ---- 73.669
Logs, Retention of ---- 73.673
Location, Main studio ---- 73.613
Location, Transmitter and antenna system ---- 73.685
Lottery information, Broadcast of ---- 73.1211

Main studio location ---- 73.613
Maintenance log ---- 73.672
Marking and lighting, Antenna structure ---- 73.1213
Measurements, Field strength ---- 73.686
Measurements, Frequency ---- 73.690
Meters, Extension ---- 73.678
Modulation monitors ---- 73.691
Modulation monitors, aural, Requirements for type approval of ---- 73.694
Modulation monitors, General requirements for type approval of ---- 73.692
Monitors, Modulation ---- 73.691
Multiple ownership ---- 73.636

Network, Affiliation agreements and program practices; territorial exclusivity in non-network program arrangements ---- 73.658
Noncommercial educational stations ---- 73.621
Normal license period ---- 73.630
Notice, Public, of licensee obligations ---- 73.1202
Notification of filing of applications ---- 73.623
Numerical designation of television channels ---- 73.603

Operating log ---- 73.671
Operating power ---- 73.689
Operating requirements, General (Subscription TV operations) ---- 73.643
Operation, Discontinuance of ---- 73.667
Operation during emergency ---- 73.675
Operation, Experimental ---- 73.666
Operation, Remote control ---- 73.676
Operation, Time of ---- 73.651
Operator and Station licenses; posting of ---- 73.660
Operator requirements ---- 73.661
Ownership, Multiple ---- 73.636

Performance requirements, Equipment and technical system (Subscription TV) ---- 73.644
Personal attacks; political editorials ---- 73.679
Points, Reference, and distance computations ---- 73.611
Policies, Licensing ---- 73.642
Political editorials; Personal attacks ---- 73.679
Posting of Station and operator licenses ---- 73.660
Power and antenna height requirements ---- 73.614
Power, Operating ---- 73.689
Prediction of coverage ---- 73.684
Program log ---- 73.670
Program practices, network, and Affiliation agreements; territorial exclusivity in non-network program arrangements ---- 73.658
Program tests ---- 73.629
Protection from interference ---- 73.612
Public notice of license obligations ---- 73.1202
Public office, Broadcasts by candidates for ---- 73.657
Puerto Rico, TV/FM dual-language broadcasting in ---- 73.1210

Rebroadcast ---- 73.1207
Recorded, taped, filmed materials; Broadcast of ---- 73.1208
Records and logs, Availability of ---- 73.674
Reference, Cross, to rules in other Parts ---- 73.602
Reference points and distance computations ---- 73.611
Remote control authorization ---- 73.677
Remote control operation ---- 73.676

Requirements, Equipment and technical system performance 73.644
Requirements for type approval of aural modulation monitors 73.694
Requirements, General, for type approval of modulation monitors 73.692
Requirements, General operating 73.643
Requirements relating to logs, General 73.669
Requirements, Operator 73.661
Requirements, Power and antenna height 73.614
Reservation of time upon sale of a station, Special rules relating to contracts providing for 73.659
Retention of logs 73.673
(Rules common to all broadcast stations), Applicability 73.1001
Rules in other Parts, Cross reference to 73.602

Sale of a station, Special rules relating to contracts providing for reservation of time 73.659
Scope of subpart 73.601
Separations (channel) 73.610
Sharing of television channels, Applications for 73.622
Site, common antenna, Use of 73.635
Special field test authorization 73.627
Special rules relating to contracts providing for reservation of time upon sale of a station 73.659
Sponsorship identification; list retention; related requirements 73.1212
Standards and changes, Transmission 73.682
Station and operator licenses; posting of 73.660
Station identification 73.1201
Station inspection 73.665
Stations, Noncommercial educational 73.621
Studio, Main, location 73.613
Subpart, Scope of 73.601
(Subscription TV operations), Definitions 73.641
System, technical, Equipment performance requirements (Subscription TV operations) 73.644

Table of assignments 73.606
Tables (Distance-degree conversions and separations) 73.698
Taped, filmed, or recorded material, Broadcast of 73.1208
Technical system performance and Equipment requirements (Subscription TV operations) 73.644
(Technical standards), Definitions 73.681
Telephone conversations, Broadcast of 73.1206
Television channels, Applications for sharing of 73.622
Television channels, Numerical designation of 73.603
Territorial exclusivity in non-network program arrangements; Affiliation agreements and network program practices 73.658
Test authorization, Special field 73.627
Tests, Equipment 73.628
Tests, Program 73.629
Time of operation 73.651
Time, Special rules providing for reservation of, upon sale of a station 73.659
Tolerance, Frequency 73.668
Transmission standards and changes 73.682
Transmitter, Auxiliary 73.638
Transmitter location and antenna system 73.685
Transmitters, broadcast, Acceptability for licensing 73.640
Transmitters, Alternate main 73.637
Transmitters and associated equipment 73.687
TV/FM dual-language broadcasting in Puerto Rico 73.1210
Type approval of modulation monitors, General requirements for 73.692
Type approval of aural modulation monitors, Requirements for 73.694

Use of common antenna site 73.635

Zones 73.609

Subpart F—International Broadcast Stations

Alternate main transmitters 73.758
Antenna 73.753
Antenna structure, marking and lighting 73.768
Antenna system and equipment, Changes in 73.759
Applicability (of rules common to all broadcast stations) 73.1001
Applications, Notification of filing 73.711
Areas of reception and geographical zones 73.703
Assignment and use of frequencies 73.702
Authorizations 73.732
Auxiliary transmitters 73.757
Bandwidth and modulation 73.766
Commercial or sponsored programs; Service 73.788
Contests, Licensee-conducted 73.1216
Correction of logs 73.785
Cross reference to rules in other Parts 73.710
Changes in equipment and antenna system 73.759
Definitions (Technical) 73.701
Determining and maintaining operating power 73.765
Discontinuance of operation 73.769
Equal employment opportunities 73.793
Employment opportunities, Equal 73.793
Equipment and antenna system, Changes in 73.759
Equipment tests 73.712
Filing of applications, Notification of 73.711
Form, Log 73.784
Frequencies, Assignment and use of 73.702
Frequency monitors 73.754
Frequency tolerance 73.767
Geographical zones and areas of reception 73.703
Identification, Sponsorship; list retention; related requirements 73.1212
Identification, Station 73.787
Inspection, Station 73.762
License period, Normal 73.733
License, Station, and seasonal schedules, posting of 73.763
Licensee-conducted contests 73.1216
Licensing requirements 73.731
Lighting and marking, Antenna structure 73.768
List retention; Sponsorship identification; related requirements 73.1212
Log form 73.784
Logs 73.781
Logs, by whom kept 73.783
Logs, Correction of 73.785
Logs, Retention of 73.782
Logs, Rough 73.786

Maintaining and determining operating power 73.765
Marking and lighting, Antenna structure 73.768
Modulation and bandwith 73.766
Modulation monitors 73.755
Monitors, Frequency 73.754
Monitors, Modulation 73.755

Normal license period 73.733
Notification of filing of applications 73.711

Operating power; how determined and maintained 73.765
Operation, Discontinuance of 73.769
Operation, Time of 73.761
Operator requirements 73.764
Posting of station license and seasonal schedules 73.763
Power, Operating, how determined and maintained 73.765
Power requirement 73.751
Programs, commercial or sponsored 73.788
Program tests 73.713

Rebroadcast 73.790
Reception, areas of, and Geographical zones 73.703
Reference, Cross, to rules in other Parts 73.710
Required transmitter performance 73.756
Requirements, Licensing 73.731
Requirements, Operator 73.764
Requirement, Power 73.751
Retention of logs 73.782
Rough logs 73.786
Rules in other parts, Cross reference to 73.710
(Rules common to all broadcast stations), Applicability 73.1001

Seasonal schedules and station license, posting of 73.763
Service; commercial or sponsored programs 73.788
Sponsorship identification; list retention; related requirements 73.1212
Station inspection 73.762
Station identification 73.787
Station license and seasonal schedules, posting of 73.763

Tests, Program 73.713
Tests, Equipment 73.712
Time of operation 73.761
Tolerance, Frequency 73.767
Transmitter, Required performance 73.756
Transmitters, Alternate main 73.758
Transmitter, Auxiliary 73.757

Use and assignment of frequencies 73.702

Zones, Geographical, and areas of reception 73.703

Subpart G—Emergency Broadcast System (EBS)

Acceptability of EBS attention signal equipment 73.942
Action, Emergency, Notification, Dissemination of 73.931
Approved national level interconnecting systems and facilities of EBS, Closed circut tests of 73.962
Area, Operational (Local) 73.920
Attention signal 73.906
Attention signal transmission and radio monitoring requirements 73.932
Authenticator word lists 73.910
Authorization, EBS (Emergency Broadcast System) 73.913
Attention signal equipment, EBS, Acceptability of 73.942
Basic EBS plan 73.911
Checklist, EBS 73.908
Closed circuit tests of approved national level interconnecting systems and facilities of the EBS 73.962
Common carriers, communications, Participation by 73.927
Common program control station (CPCS) 73.916
Communications common carriers, Participation by 73.927
Construction, Individual, of encoders and decoders 73.943
Day-to-day emergencies posing a threat to the safety of life and property; state level and operational (Local) area level EAN 73.935
Decoder devices 73.941
Decoders and encoders, Individual construction of 73.943
Devices, Decoder 73.941
Devices, Encoder 73.940
Dissemination of Emergency Action Action Notification 73.931
Notification 73.903

EBS (Emergency Broadcast System) ---- 73.903
EBS attention signal equipment, Acceptability of ---- 73.942
EBS authorization ---- 73.913
EBS checklist ---- 73.908
EBS operation during an operational (Local) area level emergency ---- 73.937
EBS operation during a national level emergency ---- 73.933
EBS operation during a state level emergency ---- 73.936
EBS, participation in the ---- 73.926
EBS plan, Basic ---- 73.911
EBS procedures, Tests of ---- 73.961
EBS programming priorities ---- 73.922
EBS, State operational plan ---- 73.921
Emergencies, Day-to-day, posing a threat to the safety of life and property; state level and operational (Local) area level EAN ---- 73.935
Emergency Action Notification (EAN) ---- 73.905
Emergency Action Notification, Dissemination of ---- 73.931
Emergency Action Termination ---- 73.907
Emergency, operational (Local) area level, EBS operation during ---- 73.937
Emergency, national level, EBS operation during ---- 73.933
Emergency, state level, EBS operation during ---- 73.936
Encoders and decoders, Individual construction of ---- 73.943
Encoder devices ---- 73.940
Equipment, EBS attention signal, Acceptability of ---- 73.942
Individual construction of encoders and decoders ---- 73.943
Interconnecting systems and facilities of EBS, approved national level, Closed circuit tests of ---- 73.962
Licensee ---- 73.904
Lists, Authenticator word ---- 73.910
(Local), Operational area ---- 73.920
(Local), Operational area level emergency, EBS operation during ---- 73.937
(Local), Operational area level and state level EAN; Day-to-day emergencies posing a threat to the safety of life and property ---- 73.935
Monitoring, Radio, and attention signal transmission requirements ---- 73.932
National level emergency, EBS operation during ---- 73.933
National level interconnecting systems and facilities of EBS, Closed circuit tests of ---- 73.962
Network, State relay ---- 73.919
NIAC order ---- 73.912
Non-participating station (NON-EBS) ---- 73.918
Notification, Emergency Action ---- 73.905
Notification, Emergency Action, Dissemination of ---- 73.931
Objectives of Subpart G ---- 73.902
Operating procedures, Standard ---- 73.909
Operation, EBS, during an operational (Local) area level emergency ---- 73.937
Operation, EBS, during a national level emergency ---- 73.933
Operation, EBS, during a state level emergency ---- 73.936
Operational (Local) area ---- 73.920
Operational plan, State EBS ---- 73.921
Order, NIAC ---- 73.912
Originating primary relay station (ORIG PRI RELAY) ---- 73.917
Participation by communications common carriers ---- 73.927
Participation in EBS ---- 73.926
Plan, EBS, Basic ---- 73.911
Plan, State operational, EBS ---- 73.921
Primary station (PRIMARY) ---- 73.914
Primary relay station (PRI RELAY) ---- 73.915
Primary relay station, Originating ---- 73.917
Priorities, EBS programming ---- 73.922
Procedures, EBS, Tests of ---- 73.961
Procedures, Standard operating ---- 73.909
Program, control station, Common (CPCS) ---- 73.916
Programming priorities, EBS ---- 73.922
Property, life, Day-to-day emergencies posing a threat to the safety of; state-level operational (Local) area level EAN ---- 73.935
Radio monitoring and attention signal transmission requirements ---- 73.932
Relay network, State ---- 73.919
Relay station, Primary ---- 73.915
Relay station, primary, Originating ---- 73.917
Safety of life and property, Day-to-day emergencies posing a threat to; state level and operation (Local) area level EAN ---- 73.935
Scope of Subpart ---- 73.901
Signal, Attention ---- 73.906
Signal equipment, EBS, attention, Acceptability of ---- 73.942
Standard operating procedures (SOP's) ---- 73.909
State EBS operational plan ---- 73.921
State level and operational (Local) area level EAN; Day-to-day emergencies posing a threat to the safety of life and property ---- 73.935
State level emergency, EBS operation during ---- 73.936
State relay network ---- 73.919
Station, Common program control ---- 73.916
Station, Non-participating ---- 73.918
Station, Primary ---- 73.914
Station, Primary relay ---- 73.915
Station, Originating primary relay ---- 73.917
Subpart-G, Objectives ---- 73.902
Subpart-G, Scope of ---- 73.901
Termination, Emergency Action ---- 73.907
Tests of EBS procedures ---- 73.961
Tests, Closed circuit, of approved national level interconnecting systems and facilities of EBS ---- 73.962
Transmission, attention signal, and radio monitoring, requirements ---- 73.932
Word lists, Authenticator ---- 73.912

2. Part 73, §§ 73.17, 73.214, 73.514, 73.602, and 73.710 are amended by deleting the present rule in its entirety and substituting the following:

§ 73.____ Cross reference to rules in other parts.

Other rules applicable to broadcast services are set forth in the following parts of this chapter:

(a) Part 1, "Practice and Procedure"

(1) Subpart A, "General Rules of Practice and Procedure." (§§ 1.1 to 1.120).

(2) Subpart B, "Hearing Proceedings. (§§ 1.201 to 1.363).

(3) Subpart C, "Rule Making Proceedings." (§§ 1.400 to 1.430).

(4) Subpart D, "Broadcast Applications and Proceedings," with subheadings of "General Filing Requirements," "Application Forms and Particular Filing Requirements," "Application Processing Procedures," "Action on Applications," "Forms and Information To Be Filed With The Commission," and "Forfeitures Relating to Broadcast Licensees and Permittees." (§§ 1.50 to 1.621).

(5) Subpart G, "Schedule of Fees." (§§ 1.1101 to 1.1120).

(6) Subpart H, "Ex parte Presentations." (§§ 1.1201 to 1.1251).

(7) Subpart I, "Procedures Implementing The National Environmental Policy Act of 1969." (§§ 1.1301 to 1.1319).

(b) Part 2, "Frequency Allocations and Radio Treaty Matters; General Rules and Regulations," including Subparts on A, "Definitions," B, "Allocation, Assignments, and Use of Radio Frequencies," C, "Emissions," D, "Call Signs and Other Forms of Identifying Radio Transmissions," and G, "Treaties and Other International Agreements."

(c) Part 13, "Commercial Radio Operators" (Volume I).

(d) Part 17, "Construction, Marking, and Lighting of Antenna Structures."

(e) Part 74, "Experimental, Auxiliary, and Special Broadcast, and Other Program Distributional Services," including Subparts on the following stations: A, "Experimental Television—," B, "Experimental Facsimle—," C, "Developmental—," D, "Remote Pickup—," E, "Aural STL and Intercity Relay—," F, "Television Auxiliary—," G, "Television Broadcast Translator—," I, "Instructional Television Fixed Service," L, "FM Translator and Booster—."

(f) Part 76, "Cable Television Service," including Subpart B, "Applications and Certificates of Compliance," Subpart D, "Carriage of Television Broadcast Signals," and Subpart F, "Nonduplication Protection and Syndicated Exclusivity."

(g) Part 78, "Cable Television Relay Service"

§ 73.620 [Reserved]

3. Section 73.620 is amended by deleting the rule in its entirety and reserving the section number.

[FR Doc.76-35192 Filed 11-30-76;8:45 am]

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20686]

PART 97—AMATEUR RADIO SERVICE

Portable and Mobile Operation of Stations; Correction

Released: November 26, 1976.

In the matter of deregulation of Part 97 of the Commission's rules concerning portable and mobile operation of stations licensed in the Amateur Radio Service, Docket No. 20686.

Paragraph 10 of the Commission's Report and Order in Docket 20686, released October 28, 1976, FCC 76-938, 41 FR 47450 (October 29, 1976), is corrected by the addition of a sentence terminating the proceeding as follows:

10. In view of the foregoing, we are of the opinion that the amended rules as discussed above are in the public interest, convenience, and necessity. Accordingly, pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended: *It is ordered*, That Part 97 of the Commission's rules is amended as set forth below effective November 26, 1976. *It is further ordered*, That this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-35307 Filed 11-30-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 638-6]

PART 50—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

Nitrogen Dioxide Measurement Principle and Calibration Procedure

On March 17, 1976, EPA proposed to amend Part 50, Appendix F, of Title 40, Code of Federal Regulations to establish a new measurement principle and calibration procedure to replace the existing reference method for the measurement of nitrogen dioxide (NO_2) in the atmosphere (41 FR 11258). Interested persons and agencies were afforded an opportunity to participate in this rulemaking by submitting written comments. After thorough consideration of all written comments received and a comprehensive re-evaluation of many aspects of the proposed calibration procedure, the proposed amendment has been revised and is being promulgated today as set forth below. Elsewhere in this issue of the FEDERAL REGISTER, EPA is promulgating associated amendments to Parts 51 and 53 of this chapter to provide for designation and use of NO_2 reference methods based on the new measurement principle and calibration procedure.

The promulgation of this amendment follows a long series of events which included identification and investigation of deficiencies in the original NO_2 reference method; proposal and public comment on alternatives; tests and evaluation on several proposed methods and measurement principles; selection and proposal of the chemiluminescence measurement principle with two associated calibration procedures to replace the existing reference method, and public comment on this proposed change in the regulations. Except for the last event listed above, these events have been discussed in detail, either in the preamble associated with the amendment when it was proposed (41 FR 11258, March 17, 1976) or in earlier FEDERAL REGISTER issues (37 FR 11826, June 14, 1972; 38 FR 15174, June 8, 1973). Accordingly, only the comments received since proposal of the amendment and significant changes to the amendment as proposed are discussed below.

COMMENTS RECEIVED AND CHANGES MADE IN FINAL AMENDMENT

EPA received a large number of excellent and helpful comments from 17 respondents representing EPA Regional Offices, state and local air pollution control agencies, manufacturers of monitoring instruments, and other organizations. Most comments were directed to one or more technical aspects or issues relating to the measurement principle or calibration procedures. Several comments expressed general support for the selection of the chemiluminescence measurement principle and for EPA's intent to designate one or more manual methods for NO_2 as equivalent methods as soon as possible.

The technical comments touched on a wide variety of topics and ranged from very minor clarifications to matters of basic concern. All comments received thorough consideration. Many suggestions had been previously considered by EPA. Other suggestions were incorporated to improve or clarify parts of the calibration procedures. Several of the comments raised issues of substantial concern which led EPA to reconsider some previous assumptions and objectives. As a result, portions of the calibration procedures have been revised and improved, although the basic principles and purpose of the calibration procedures has not been altered. These issues and any associated changes to the amendment are discussed in more detail below. A document containing a compilation of summaries of all the comments received, the identity of the respondents, any resulting changes made to the amendment, and a discussion of the rationale for adoption or rejection of each comment, is available from the Director, Environmental Monitoring and Support Laboratory, Department E (MD-76), Environmental Protection Agency, Research Triangle Park, North Carolina 27711. This document will also be available for public inspection during normal business hours at the United States Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460.

(1) *Selection of measurement principle and calibration procedure.* While several comments supported the selection of the chemiluminescence measurement principle and associated calibration procedures, other comments expressed doubt, pointing out various deficiencies in one or the other or both. Among the defects mentioned for the measurement principle were complexity and cost, lack of advantage over manual methods, lack of justification for selection of an automated method because the national ambient air quality standard is an annual average, a number of potential interferences, and need for more extensive evaluation and study. Possible drawbacks mentioned for the calibration procedures included complexity, lack of clarity, problems with standards, and various other technical issues.

After evaluating and considering these comments, EPA concluded that it is satisfied with the rationale used to select the chemiluminescence measurement principle. This was discussed in detail in the preamble to the proposed amendment on March 17, 1976 (41 FR 11258). EPA recognizes that this measurement principle is imperfect, particularly in regard to possible interferences from peroxyacetyl nitrate (PAN) and various gaseous nitrogen compounds other than NO. However, EPA believes that these possible interferences do not exist in most areas in sufficient concentrations to seriously degrade the quality of NO_2 measurements. In areas where these interferences might be a problem, it is expected that various equivalent methods will be available for use. A new paragraph 2 has been added to the description of the measurement principle to explain this potential interference problem and other considerations in using analyzers based on this measurement principle. Further, 40 CFR 53.16 (41 FR 11256) provides for supersession of reference methods at any time, should a method or measurement principle be developed which is clearly superior to the chemiluminescence measurement principle.

The calibration procedures have been simplified and clarified wherever possible, based on many of the public comments. In addition, a revised and expanded Technical Assistance Document will be made available to provide help in carrying out either of the procedures under field conditions. Based on its own experience and that of numerous other agencies, EPA believes that the procedures, although somewhat complex, are not beyond the capabilities of most air pollution control agencies. EPA further believes that standardization of the procedures as set forth below, will stimulate the development of commercially available calibration apparatus to facilitate the use of these procedures in the field.

(2) *Converter efficiency.* Possibly the most significant matter of concern expressed by the respondents was the efficiency of the converter which converts NO_2 to NO as part of the measurement principle. Many comments indicated that the converter efficiency must be 100 percent. Other comments pointed out that while measurement of NO_2 was possible under reduced converter efficiency, such operation may result in problems such as erratic sensitivity, inaccurate calibration, errors in NO_x channel readings, and inability to calibrate with an NO_2 source. In re-evaluating these comments, EPA discovered that many of these problems were further compounded by differences in design from one analyzer model to another. For example, the designs of some analyzers allow for compensation for reduced converter efficiency whereas other designs do not. EPA also realized its short-sightedness in limiting the proposed calibration to the NO_2 channel only, when, in fact, chemiluminescence NO_2 analyzers generally have NO and NO_x channels as well, all of which are commonly utilized.

After extensive reconsideration of this issue phenomena and evaluation of several alternative approaches to the calibration procedures, EPA has revised the calibration procedures to reflect compromises between minimum complexity, and adequate flexibility to accommodate the various analyzer designs and the NO and NO_x channels. These changes include: (1) incorporation of a converter efficiency test into both calibration procedures, (2) a requirement that the converter efficiency be at least 96 percent, (3) specific notes or qualifying language to accommodate various analyzer design or feature differences, and (4) requirement of an NO source in the Alternative B calibration procedure to permit incorporation of the converter efficiency test.

(3) *Residence time specification.* Several comments were related to the residence time specification proposed as part of the Alternative A calibration procedure. At least one comment indicated that the proposed "residence time-air flow split ratio product" could be improved by redefining the basis for it. In re-evaluating this specification, EPA developed a more general and straightforward definition for it, related to the actual NO concentration in the reaction chamber, rather than to the "split ratio." Accordingly, the Alternative A procedure has been revised to incorporate this improvement and the associated new "dynamic parameter specification." This new specification is given in "ppm-minutes" as opposed to the proposed specification given in "seconds." In addition, the new procedure includes a straightforward sequence for selecting a reaction chamber volume and the various flows suitable to meet the new dynamic specification. The revised procedure, promulgated below, is easier to understand and use, and is more flexible in application.

It was also suggested that the residence time specification was unnecessarily conservative. After reconsidering the quantitative basis for the specification, EPA has concluded that the original margin of safety was indeed excessive. Accordingly, the value has been reduced. The original value of 500 seconds would be equivalent to 3.75 ppm-minutes in the new units. The revised specification, set forth below, is 2.75 ppm-minutes. A provision has also been added to allow further reduction from the specified value if the completeness of the O_3-NO reaction is appropriately verified with an O_3 analyzer.

(4) *Cycle time.* Two comments were received indicating that the proposed maximum cycle time of 2 minutes was excessive. The comments further indicated that cycle time should be no more than a few seconds in order to minimize NO_2 measurement errors due to rapid changes in NO and NO_x concentrations. After reconsidering this issue EPA believes that a cycle time of only a few seconds would effectively preclude most, if not all, cyclictype analyzers now in service. Further, experience indicates that in obtaining hourly or longer averages—as needed for compliance monitoring—the NO_2 measurement errors which may occur on an instantaneous basis are of little or no consequence because they tend to average to zero. On the other hand, cycle times as long as 2 minutes appear to be unnecessary, as most cyclic-type analyzers now in service have a cycle time of 1 minute or less. Accordingly, the maximum cycle time has been revised to 1 minute.

(5) *NO_2 standards.* In response to several comments, the calibration procedures have been revised to require NO or NO_2 standards which are traceable to an NBS Standard Reference Material (SRM) rather than requiring use of the actual SRM itself.

(6) *Other changes.* As noted above, a new section 2 has been added to the description of the measurement principle. This new section contains three paragraphs which provide important information concerning the use of NO_2 reference methods. The first paragraph contains the recommendation, mentioned earlier, that an equivalent method be substituted in geographical areas where concentrations of possible interfering compounds are high with respect to the NO_2 level. The second paragraph provides a warning not to use an "integrating chamber" in the sample line to reduce the instantaneous NO_2 measurement errors due to rapidly changing NO and NO_x concentrations. As noted by one respondent, such devices can cause erroneous NO_2 measurements by allowing NO/O_3 reactions to occur after sampling but prior to the NO_2 measurement. The third paragraph allows the optional use of particulate filters in the sample line at the discretion of the analyzer manufacturer or user if they are changed frequently.

A number of other, less significant changes were made in the calibration procedures in response to various comments. These changes are discussed in the summary compilation document mentioned above.

NO_2 Ambient Air Quality Standard

In proposing to replace the former NO_2 reference method with a new measurement principle and calibration procedure, EPA had concluded that the National Ambient Air Quality Standard (NAAQS) for NO_2 remained valid (41 FR 11260, March 17, 1976; 38 FR 15180–83, June 8, 1973). Two respondents commented on this issue. One respondent concluded that "the NAAQS is not valid until established using an accepted, accurate analytical method". The other respondent argued that promulgation of a new reference method requires reassessment of the NAAQS, since the present standard was set using the old reference method, now repudiated by EPA.

EPA believes that promulgation of a new measurement principle and calibration procedure does not in itself effect the validity of NAAQS. The NAAQS was established to include an "adequate margin of safety" to account for uncertainties in the estimates of the concentration of NO_2 which produces adverse health effects. EPA contends that the measurement errors resulting from the deficiencies in the old reference method are not of sufficient magnitude to affect the validity of standard considering this safety factor. The National Academy of Sciences—National Academy of Engineering study on air quality and automobile emissions control thoroughly reassessed the health basis for the NAAQS based on both past and current data and found no substantial basis for changing the standard.[1] EPA has also reassessed the health basis for the standard and concluded that the present NAAQS of 100 $\mu g/m^3$ (annual arithmetric mean) is reasonably protective of public health and appears to contain a margin of safety that is not excessively large.[2,3] EPA has many studies going on to accumulate additional information and data for determining the human health effects of NO_2. If, at any time, this information and data indicate that revision of the standard should be considered, EPA will do so. Additional information on this matter is available from the address noted earlier.

General Discussion

Consistent with the basic definitions and policies established in 40 CFR Part 53, the replacement for the former NO_2 reference method is a "measurement principle and calibration procedure," rather than a reference method per se. In other words, Appendix F as amended below specifies only the measurement principle and associated calibration procedure on which reference methods for NO_2 must be based. As with reference methods for carbon monoxide and photochemical oxidants, analyzers based on the specified measurement principle and calibration procedure will be designated as reference methods if they are found to meet the performance specifications and other requirements set forth in 40 CFR Part 53 (see the amendments to Part 53 promulgated elsewhere in this issue of the Federal Register). Note that the calibration procedure for NO_2 reference methods includes two alternate procedures, either of which is acceptable. Also, inasmuch as Appendix F specifies only the measurement principle and calibration procedure applicable to NO_2 reference methods, it is possible to construct different analyzers based on this single measurement principle. Therefore a number of different analyzers can be designated as reference methods for NO_2.

As indicated above, analyzers based on the chemiluminescence measurement principle are considered reference methods only if they are designated as such in accordance with Part 53. Accordingly, at present, no NO_2 reference methods exist. This situation will continue until at least one analyzer has been designated as such under Part 53. Moreover, equivalent methods for NO_2 cannot be designated until at least one reference method is available for the comparison testing required by Subpart C of Part 53 for equivalent method determinations. This situation should present no problem for state and local control agencies

[1] Air Quality and Automobile Emission Control, National Academy of Sciences/National Academy of Engineering report by The Coordinating Committee on Air Quality Studies, prepared for the Committee on Public Works, U.S. Senate. Volume 1, Summary Report, September 1974. Page 6.

[2] Knelson, John H., "Assessment of the Current Scientific Bases for Achieving Clean Air in the United States" Presented at Hearings of the United States Committee on Public Works/Subcommittee on Environmental Pollution, April 22, 1975.

[3] Knelson, John H., French, Jean G., and Shy, Carl M., "Health Effects Basis for the U.S. Air Quality Standard for Nitrogen Dioxide" presented at the Colloquium on Nitrogen Oxides, VDI—Komission Reinhaltung der Laft Dusseldorf, Federal Republic of Germany, September 13, 1974.

because amendments to 40 CFR Part 51, appearing elsewhere in this issue of the FEDERAL REGISTER, permit them to use existing NO_2 analyzers for 3 years and existing manual methods (excepting the former reference method) for 1 year after promulgation of these amendments. Also, it is possible for state and local control agencies to use existing analyzers for their useful lives in various special circumstances under amendments to § 51.17a promulgated in the FEDERAL REGISTER on March 17, 1976 (41 FR 11253–55).

In prescribing that NO_2 reference methods be based on the chemiluminescence measurement principle, EPA is not advocating or encouraging increased use of chemiluminescent analyzers. Technical evaluation of the Sodium Arsenite and Triethanolamine-Guaiacol-Sulfite (TGS) manual methods indicates that both methods have good performance and would likely be more economical to use than automated methods. Accordingly, EPA intends to test and, if they meet the requirements of Part 53, designate these two methods as equivalent methods (see 40 CFR 53.7). Designation of these methods as equivalent methods will allow state and local control agencies which are already using one or both of these methods to continue to use them after the 1-year time limit for existing methods mentioned above. And other control agencies could then use either of the manual methods instead of more expensive automated analyzers.

EPA is prepared to carry out the necessary equivalency tests for these two manual methods as indicated above. However, such tests cannot be conducted until at least one chemiluminescence analyzer has been designated as a reference method and is available for comparison testing. EPA prefers to delay the equivalency testing of the GS and Arsenite methods until an analyzer has been designated as a reference method through a normal application for a reference method designation originating from an analyzer manufacturer. If, however, such an application is not received within 3 months after promulgation of this amendment, EPA will (in view of the 1-year time limit for use of existing manual methods) itself initiate testing and designation of a reference method under 40 CFR 53.7 in order to complete the equivalency tests of the Arsenite and TGS methods in a timely fashion. Since the latter course could give a competitive advantage to the manufacturer of the analyzer designated as a reference method, EPA encourages manufacturers of chemiluminescence analyzers to submit reference method applications for such analyzers within the three month period if possible. As soon as a reference method has been designated, EPA will conduct the equivalency tests of the two manual methods. If either or both are designated as equivalent methods, EPA will announce the designations in accordance with the provisions of Part 53.

Effective date: This amendment becomes effective on January 3, 1977.

Dated: November 18, 1976.

JOHN QUARLES,
Acting Administrator.

Part 50 of Chapter I, Title 40, Code of Federal Regulations, is amended by revising Appendix F to read as follows:

APPENDIX F—MEASUREMENT PRINCIPLE AND CALIBRATION PROCEDURE FOR THE MEASUREMENT OF NITROGEN DIOXIDE IN THE ATMOSPHERE (GAS PHASE CHEMILUMINESCENCE)

Principle and Applicability

1. Atmospheric concentrations of nitrogen dioxide (NO_2) are measured indirectly by photometrically measuring the light intensity, at wavelengths greater than 600 nanometers, resulting from the chemiluminescent reaction of nitric oxide (NO) with ozone (O_3). (*1,2,3*) NO_2 is first quantitatively reduced to NO (*4,5,6*) by means of a converter. NO, which commonly exists in ambient air together with NO_2, passes through the converter unchanged causing a resultant total NO_x concentration equal to NO+NO_2. A sample of the input air is also measured without having passed through the converted. This latter NO measurement is subtracted from the former measurement (NO+NO_2) to yield the final NO_2 measurement. The NO and NO+NO_2 meausrements may be made concurrently with dual systems, or cyclically with the same system provided the cycle time does not exceed 1 minute.

2. Sampling considerations.

2.1 Chemiluminescence NO/NO_x/NO_2 analyzers will respond to other nitrogen containing compounds, such as peroxyacetyl nitrate (PAN), which might be reduced to NO in the thermal converter. (*7*) Atmospheric concentrations of these potential interferences are generally low relative to NO_2 and valid NO_2 measurements may be obtained. In certain geographical areas, where the concentration of these potential interferences is known or suspected to be high relative to NO_2, the use of an equivalent method for the measurement of NO_2 is recommended.

2.2 The use of integrating flasks on the sample inlet line of chemiluminescence NO/NO /NO_2 analyzers is optional and left to couraged. The sample residence time between the sampling point and the analyzer should be kept to a minimum to avoid erroneous NO_2 measurements resulting from the reaction of ambient levels of NO and O_3 in the sampling system.

2.3 The use of particulate filters on the sample inlet line of chemiluminescence NO/NO /NO_2 analyzers is optional and left to the discretion of the user or the manufacturer. Use of the filter should depend on the analyzer's susceptibility to interference, malfunction, or damage due to particulates. Users are cautioned that particulate matter concentrated on a filter may cause erroneous NO_2 measurements and therefore filters should be changed frequently.

3. An analyzer based on this principle will be considered a reference method only if it has been designated as a reference method in accordance with Part 53 of this chapter.

Calibration

1. *Alternative A*—Gas phase titration (GPT) of an NO standard with O_3.

Major equipment required: Stable O_3 generator, Chemiluminescence NO/NO_x/NO_2 analyzer with strip chart recorder(s), NO concentration standard.

1.1 Principle. This calibration technique is based upon the rapid gas phase reaction between NO and O_3 to produce stoichiometric quantities of NO_2 in accordance with the following equation: (*8*)

$$NO+O_3 \rightarrow NO_2+O_2 \qquad (1)$$

The quantitative nature of this reaction is such that when the NO concentration is known, the concentration of NO_2 can be determined. Ozone is added to excess NO in a dynamic calibration system, and the NO channel of the chemiluminescence NO/NO_x/NO_2 analyzer is used as an indicator of changes in NO concentration. Upon the addition of O_3, the decrease in NO concentration observed on the calibrated NO channel is equivalent to the concentration of NO_2 produced. The amount of NO_2 generated may be varied by adding variable amounts of O_3 from a stable uncalibrated O_3 generator. (*9*)

1.2 Apparatus. Figure 1, a schematic of a typical GPT apparatus, shows the suggested configuration of the components listed below. All connections between components in the calibration system downstream from the O_3 generator should be of glass, Teflon®, or other non-reactive material.

1.2.1 Air flow controllers. Devices capable of maintaining constant air flows within ±2% of the required flowrate.

1.2.2. NO flow controller. A device capable of maintaining constant NO flows within ±2% of the required flowrate. Component parts in contact with the NO should be of a non-reactive material.

1.2.3 Air flowmeters. Calibrated flowmeters capable of measuring and monitoring air flowrates with an accuracy of ±2% of the measured flowrate.

1.2.4 NO flowmeter. A calibrated flowmeter capable of measuring and monitoring NO flowrates with an accuracy of ±2% of the measured flowrate. (Rotameters have been reported to operate unreliably when measuring low NO flows and are not recommended.)

1.2.5. Pressure regulator for standard NO cylinder. This regulator must have a nonreactive diaphragm and internal parts and a suitable delivery pressure.

1.2.6 Ozone generator. The generator must be capable of generating sufficient and stable levels of O_3 for reaction with NO to generate NO_2 concentrations in the range required. Ozone generators of the electric discharge type may produce NO and NO_2 and are not recommended.

1.2.7 Valve. A valve may be used as shown in Figure 1 to divert the NO flow when zero air is required at the manifold. The valve should be constructed of glass, Teflon®, or other nonreactive material.

1.2.8 Reaction chamber. A chamber, constructed of glass, Teflon®, or other nonreactive material, for the quantitative reaction of O_3 with excess NO. The chamber should be of sufficient volume (V_{RC}) such that the residence time (t_R) meets the requirements specified in 1.4. For practical reasons, t_R should be less than 2 minutes.

1.2.9 Mixing chamber. A chamber constructed of glass, Teflon®, or other nonreactive material and designed to provide thorough mixing of reaction products and diluent air. The residence time is not critical when the dynamic parameter specification given in 1.4 is met.

1.2.10 Output manifold. The output manifold should be constructed of glass, Teflon®, or other non-reactive material and should be of sufficient diameter to insure an insignificant pressure drop at the analyzer connection. The system must have a vent designed to insure atmospheric pressure at the manifold and to prevent ambient air from entering the manifold.

1.3 Reagents.

1.3.1 NO concentration standard. Cylinder containing 50 to 100 ppm NO in N_2 with less than 1 ppm NO_x. The cylinder must be traceable to a National Bureau of Standards NO in N_2 Standard Reference Material (SRM 1683 or SRM 1684) or NO_2 Standard Reference Material (SRM 1629). Procedures for certifying the NO cylinder (working standard) against an NBS traceable NO or NO_2 standard and for determining the amount of NO_2 impurity are given in reference 13. The cylinder should be recertified on a regular basis as determined by the local quality control program.

1.3.2 Zero air. Air, free of contaminants which will cause a detectable response on the NO/NO_x/NO_2 analyzer or which might react with either NO, O_3, or NO_2 in the gas phase titration. A procedure for generating zero air is given in reference 13.

1.4 Dynamic parameter specification.

1.4.1 The O_3 generator air flowrate (F_O) and NO flowrate (F_{NO}) (see Figure 1) must be adjusted such that the following relationship holds:

$$P_R=[NO]_{RC}\times t_R \geq 2.75 \text{ ppm-minutes} \quad (2)$$

$$[NO]_{RC}=[NO]_{STD}\left(\frac{F_{NO}}{F_O+F_{NO}}\right) \quad (3)$$

$$t_R=\frac{V_{RC}}{F_O+F_{NO}}<2 \text{ minutes} \quad (4)$$

where:

P_R = dynamic parameter specification, determined empirically, to insure complete reaction of the available O_3, ppm-minute

$[NO]_{RC}$ = NO concentration in the reaction chamber, ppm

t_R = residence time of the reactant gases in the reaction chamber, minute

$[NO]_{STD}$ = concentration of the undiluted NO standard, ppm

F_{NO} = NO flowrate, scm³/min

F_O = O_3 generator air flowrate, scm³/min

V_{RC} = volume of the reaction chamber, scm³

1.4.2 The flow conditions to be used in the GPT system are determined by the following procedure:

(a) Determine F_T, the total flow required at the output manifold (F_T = analyzer demand plus 10 to 50% excess).

(b) Establish $[NO]_{OUT}$ as the highest NO concentration (ppm) which will be required at the output manifold. $[NO]_{OUT}$ should be approximately equivalent to 90% of the upper range limit (*URL*) of the NO_2 concentration range to be covered.

(c) Determine F_{NO} as

$$F_{NO}=\frac{[NO]_{OUT}\times F_T}{[NO]_{STD}} \quad (5)$$

(d) Select a convenient or available reaction chamber volume. Initially, a trial V_{RC} may be selected to be in the range of approximately 200 to 500 scm³.

(e) Compute F0 as

$$F_O=\sqrt{\frac{[NO]_{STD}\times F_{NO}\times V_{RC}}{2.75}}-F_{NO} \quad (6)$$

(f) Compute t_R as

$$t_R=\frac{V_{RC}}{F_O+F_{NO}} \quad (7)$$

Verify that $t_R < 2$ minutes. If not, select a reaction chamber with a smaller V_{RC}.

(g) Compute the diluent air flowrate as

$$F_D=F_T-F_O-F_{NO} \quad (8)$$

where:

F_D = diluent air flowrate, scm³/min

(h) If F_O turns out to be impractical for the desired system, select a reaction chamber having a different V_{RC} and recompute F_O and F_D.

NOTE.—A dynamic parameter lower than 2.75 ppm-minutes may be used if it can be determined empirically that quantitative reaction of O_3 with NO occurs. A procedure for making this determination as well as a more detailed discussion of the above requirements and other related considerations is given in reference 13.

1.5 Procedure.

1.5.1 Assemble a dynamic calibration system such as the one shown in Figure 1.

1.5.2 Insure that all flowmeters are calibrated under the conditions of use against a reliable standard such as a soap-bubble meter or wet-test meter. All volumetric flowrates should be corrected to 25° C and 760 mm Hg. A discussion on the calibration of flowmeters is given in reference 13.

1.5.3 Precautions must be taken to remove O_2 and other contaminants from the NO pressure regulator and delivery system prior to the start of calibration to avoid any conversion of the standard NO to NO_2. Failure to do so can cause significant errors in calibration. This problem may be minimized by (1) carefully evacuating the regulator, when possible, after the regulator has been connected to the cylinder and before opening the cylinder valve; (2) thoroughly flushing the regulator and delivery system with NO after opening the cylinder valve; (3) not removing the regulator from the cylinder between calibrations unless absolutely necessary. Further discussion of these procedures is given in reference 13.

1.5.4 Select the operating range of the NO/NO_x/NO_2 analyzer to be calibrated. In order to obtain maximum precision and accuracy for NO_2 calibration, all three channels of the analyzer should be set to the same range. If operation of the NO and NO_2 channels on higher ranges is desired, subsequent recalibration of the NO and NO_x channels on the higher ranges is recommended.

NOTE.—Some analyzer designs may require identical ranges for NO, NO_x, and NO_2 during operation of the analyzer.

1.5.5 Connect the recorder output cable(s) of the NO/NO_x/NO_2 analyzer to the input terminals of the strip chart recorder(s). All adjustments to the analyzer should be performed based on the appropriate strip chart readings. References to analyzer responses in the procedures given below refer to recorder responses.

1.5.6 Determine the GPT flow conditions required to meet the dynamic parameter specification as indicated in 1.4.

1.5.7 Adjust the diluent air and O_3 generator air flows to obtain the flows determined in 1.4.2. The total air flow must exceed the total demand of the analyzer(s) connected to the output manifold to insure that no ambient air is pulled into the manifold vent. Allow the analyzer to sample zero air until stable NO, NO_x, and NO_2 responses are obtained. After the responses have stabilized, adjust the analyzer zero control(s).

NOTE.—Some analyzers may have separate zero controls for NO, NO_x, and NO_2. Other analyzers may have separate zero controls only for NO and NO_x, while still others may have only one zero control common to all three channels.

Offsetting the analyzer zero adjustments to +5 percent of scale is recommended to facilitate observing negative zero drift. Record the stable zero air responses as Z_{NO}, Z_{NOX}, and Z_{NO_2}.

1.5.8 Preparation of NO and NO_x calibration curves.

1.5.8.1 Adjustment of NO span control. Adjust the NO flow from the standard NO cylinder to generate an NO concentration of approximately 80 percent of the upper range limit (*URL*) of the NO range. This exact NO concentration is calculated from:

$$[NO]_{OUT}=\frac{F_{NO}\times[NO]_{STD}}{F_{NO}+F_O+F_D} \quad (9)$$

where:

$[NO]_{OUT}$ = diluted NO concentration at the output manifold, ppm

Sample this NO concentration until the NO and NO_x responses have stabilized. Adjust the NO span control to obtain a recorder response as indicated below:

recorder response (percent scale)

$$=\left(\frac{[NO]_{OUT}}{URL}\times 100\right)+Z_{NO} \quad (10)$$

where:

URL = nominal upper range limit of the NO channel, ppm

NOTE:—Some analyzers may have separate span controls for NO, NO_x, and NO_2. Other analyzers may have separate span controls only for NO and NO_x, while still others may have only one span control common to all three channels. When only one span control is available, the span adjustment is made on the NO channel of the analyzer.

If substantial adjustment of the NO span control is necessary, it may be necessary to recheck the zero and span adjustments by repeating steps 1.5.7 and 1.5.8.1. Record the NO concentration and the analyzer's NO response.

1.5.8.2 Adjustment of NO_x span control. When adjusting the analyzer's NO_x span control, the presence of any NO_2 impurity in the standard NO cylinder must be taken into account. Procedures for determining the amount of NO_2 impurity in the standard NO cylinder are given in reference 13. The exact NO_x concentration is calculated from:

$$[NO_x]_{OUT}=\frac{F_{NO}\times([NO]_{STD}+[NO_2]_{IMP})}{F_{NO}+F_O+F_D} \quad (11)$$

where:

$[NO_x]_{OUT}$ = diluted NO_x concentration at the output manifold, ppm

$[NO_2]_{IMP}$ = concentration of NO_2 impurity in the standard NO cylinder, ppm

Adjust the NO_x span control to obtain a recorder response as indicated below:

recorder response (% scale)

$$=\left(\frac{[NO_x]_{OUT}}{URL}\times 100\right)+Z_{NO_x} \quad (12)$$

NOTE.—If the analyzer has only one span control, the span adjustment is made on the NO channel and no further adjustment is made here for NO_x.

If substantial adjustment of the NO_x span control is necessary, it may be necessary to recheck the zero and span adjustments by repeating steps 1.5.7 and 1.5.8.2. Record the NO_x concentration and the analyzer's NO_x response.

1.5.8.3 Generate several additional concentrations (at least five evenly spaced points across the remaining scale are suggested to verify linearity) by decreasing F_{NO} or increasing F_D. For each concentration generated, calculate the exact NO and NO_x concentrations using equations (9) and (11) respectively. Record the analyzer's NO and NO_x responses for each concentration. Plot the analyzer responses versus the respective calculated NO and NO_x concentrations and draw or calculate the NO and NO_x calibration curves. For subsequent calibrations where linearity can be assumed, these curves may be checked with a two-point calibration consisting of a zero air point and NO and NO_x concentrations of approximately 80% of the *URL*.

1.5.9 Preparation of NO_2 calibration curve.

1.5.9.1 Assuming the NO_2 zero has been properly adjusted while sampling zero air in step 1.5.7, adjust F_O and F_D as determined in 1.4.2. Adjust F_{NO} to generate an NO concentration near 90% of the *URL* of the NO range. Sample this NO concentration until the NO and NO_x responses have stabilized. Using the NO calibration curve obtained in 1.5.8, measure and record the NO concentration as $[NO]_{orig}$. Using the NO_x calibration curve obtained in 1.5.8, measure and record the NO_x concentration as $[NO_x]_{orig}$.

1.5.9.2 Adjust the O_3 generator to generate sufficient O_3 to produce a decrease in the NO concentration equivalent to approximately 80% of the URL of the NO_2 range. The decrease must not exceed 90% of the NO concentration determined in step 1.5.9.1. After the analyzer responses have stabilized, record the resultant NO and NO_x concentrations as $[NO]_{rem}$ and $[NO_x]_{rem}$.

1.5.9.3 Calculate the resulting NO_2 concentration from:

$$[NO_2]_{OUT}=[NO]_{orig}-[NO]_{rem}+\frac{F_{NO}\times[NO_2]_{IMP}}{F_{NO}+F_O+F_D} \quad (13)$$

where:

$[NO_2]_{OUT}$ = diluted NO_2 concentration at the output manifold, ppm

$[NO]_{orig}$ = original NO concentration, prior to addition of O_3, ppm

$[NO]_{rem}$ = NO concentration remaining after addition of O_3, ppm

Adjust the NO_2 span control to obtain a recorder response as indicated below:

$$\text{recorder response (\% scale)}=\left(\frac{[NO_2]_{OUT}}{URL}\times 100\right)+Z_{NO_2} \quad (14)$$

NOTE: If the analyzer has only one or two span controls, the span adjustments are made on the NO channel or NO and NO_x channels and no further adjustment is made here for NO_2.

If substantial adjustment of the NO_2 span control is necessary, it may be necessary to recheck the zero and span adjustments by repeating steps 1.5.7 and 1.5.9.3. Record the NO_2 concentration and the corresponding analyzer NO_2 and NO_x responses.

1.5.9.4 Maintaining the same F_{NO}, F_O, and F_D as in 1.5.9.1, adjust the ozone generator to obtain several other concentrations of NO_2 over the NO_2 range (at least five evenly spaced points across the remaining scale are suggested). Calculate each NO_2 concentration using equation (13) and record the corresponding analyzer NO_2 and NO_x responses. Plot the analyzer's NO_2 responses versus the corresponding calculated NO_2 concentrations and draw or calculate the NO_2 calibration curve.

1.5.10 Determination of converter efficiency.

1.5.10.1 For each NO_2 concentration generated during the preparation of the NO_2 calibration curve (see 1.5.9) calculate the concentration of NO_2 converted from:

$$[NO_2]_{CONV}=[NO_2]_{OUT}-([NO_x]_{orig}-[NO_x]_{rem}) \quad (15)$$

where:

$[NO_2]_{CONV}$ = concentration of NO_2 converted, ppm

$[NO_x]_{orig}$ = original NO_x concentration prior to addition of O_3, ppm

$[NO_x]_{rem}$ = NO_x concentration remaining after addition of O_3, ppm

NOTE.—Supplemental information on calibration and other procedures in this method are given in reference 13.

Plot $[NO_2]_{CONV}$ (y-axis) versus $[NO_2]_{OUT}$ (x-axis) and draw or calculate the converter efficiency curve. The slope of the curve times 100 is the average converter efficiency, E_C. The average converter efficiency must be greater than 96%; if it is less than 96%, replace or service the converter.

2. *Alternative B*—NO_2 permeation device.

Major equipment required:

Stable O_3 generator.

Chemiluminescence NO/NO_2/NO_x analyzer with strip chart recorder(s).

NO concentration standard.

NO_2 concentration standard.

2.1 Principle. Atmospheres containing accurately known concentrations of nitrogen dioxide are generated by means of a permeation device. (*10*) The permeation device emits NO_2 at a known constant rate provided the temperature of the device is held constant (±0.1° C) and the device has been accurately calibrated at the temperature of use. The NO_2 emitted from the device is diluted with zero air to produce NO_2 concentrations suitable for calibration of the NO_2 channel of the NO/NO_2/NO_x analyzer. An NO concentration standard is used for calibration of the NO and NO_x channels of the analyzer.

2.2 Apparatus. A typical system suitable for generating the required NO and NO_2 concentrations is shown in Figure 2. All connections between components downstream from the permeation device should be of glass, Teflon®, or other non-reactive material.

2.2.1 Air flow controllers. Devices capable of maintaining constant air flows within ±2% of the required flowrate.

2.2.2 NO flow controller. A device capable of maintaining constant NO flows within ±2% of the required flowrate. Component parts in contact with the NO must be of a non-reactive material.

2.2.3 Air flowmeters. Calibrated flowmeters capable of measuring and monitoring air flowrates with an accuracy of ±2% of the measured flowrate.

2.2.4 NO flowmeter. A calibrated flowmeter capable of measuring and monitoring NO flowrates with an accuracy of ±2% of the measured flowrate. (Rotameters have been reported to operate unreliably when measuring low NO flows and are not recommended.)

2.2.5 Pressure regulator for standard NO cylinder. This regulator must have a non-reactive diaphragm and internal parts and a suitable delivery pressure.

2.2.6 Drier. Scrubber to remove moisture from the permeation device air system. The use of the drier is optional with NO_2 permeation devices not sensitive to moisture. (Refer to the supplier's instructions for use of the permeation device.)

2.2.7 Constant temperature chamber. Chamber capable of housing the NO_2 permeation device and maintaining its temperature to within ±0.1°C.

2.2.8 Temperature measuring device. Device capable of measuring and monitoring the temperature of the NO_2 permeation device with an accuracy of ±0.05°C.

2.2.9 Valves. A valve may be used as shown in Figure 2 to divert the NO_2 from the permeation device when zero air or NO is required at the manifold. A second valve may be used to divert the NO flow when zero air or NO_2 is required at the manifold.

The valves should be constructed of glass, Teflon®, or other nonreactive material.

2.2.10 Mixing chamber. A chamber constructed of glass, Teflon®, or other nonreactive material and designed to provide thorough mixing of pollutant gas streams and diluent air.

2.2.11 Output manifold. The output manifold should be constructed of glass, Teflon®, or other non-reactive material and should be of sufficient diameter to insure an insignificant pressure drop at the analyzer connection. The system must have a vent designed to insure atmospheric pressure at the manifold and to prevent ambient air from entering the manifold.

2.3 Reagents.

2.3.1 Calibration standards. Calibration standards are required for both NO and NO_2. The reference standard for the calibration may be either an NO or NO_2 standard. The reference standard must be used to certify the other standard to ensure consistency between the two standards.

2.3.1.1 NO_2 concentration standard. A permeation device suitable for generating NO_2 concentrations at the required flowrates over the required concentration range. If the permeation device is used as the reference standard, it must be traceable to a National Bureau of Standards NO_2 Standard Reference Material (SRM 1629) or NO in N_2 Standard Reference Material (SRM 1683 or SRM 1684). If an NO cylinder is used as the reference standard, the NO_2 permeation device must be certified against the NO standard according to the procedure given in reference 13. The use of the permeation device should be in strict accordance with the instructions supplied with the device. Additional information regarding the use of permeation devices is given by Scaringelli et al. (*11*) and Rook et al. (*12*).

2.3.1.2 NO concentration standard. Cylinder containing 50 to 100 ppm NO in N_2 with less than 1 ppm NO_2. If the cylinder is used as the reference standard, it must be traceable to a National Bureau of Standards NO in N_2 Standard Reference Material (SRM 1683 or SRM 1684) or NO_2 Standard Reference Material (SRM 1629). If an NO_2 permeation device is used as the reference standard, the NO cylinder must be certified against the NO_2 standard according to the procedure given in reference 13. The cylinder should be recertified on a regular basis as determined by the local quality control program. A procedure for determining the amount of NO_2 impurity in the NO cylinder is also given in reference 13.

2.3.3 Zero air. Air, free of contaminants which might react with NO or NO_2 or cause a detectable response on the NO/NO_2/NO_x analyzer. When using permeation devices that are sensitive to moisture, the zero air passing across the permeation device must be dry to avoid surface reactions on the

device. (Refer to the supplier's instructions for use of the permeation device.) A procedure for generating zero air is given in reference 13.

2.4 Procedure.

2.4.1 Assemble the calibration apparatus such as the typical one shown in Figure 2.

2.4.2 Insure that all flowmeters are calibrated under the conditions of use against a reliable standard such as a soapbubble meter or wet-test meter. All volumetric flowrates should be corrected to 25° C and 760 mm Hg. A discussion on the calibration of flowmeters is given in reference 13.

2.4.3 Install the permeation device in the constant temperature chamber. Provide a small fixed air flow (200–400 scm³/min) across the device. The permeation device should always have a continuous air flow across it to prevent large buildup of NO_2 in the system and a consequent restabilization period. Record the flowerate as FP. Allow the device to stabilize at the calibration temperature for at least 24 hours. The temperature must be adjusted and controlled to within +0.1° C or less of the calibration temperature as monitored wtih the temperature measuring device.

2.4.4 Precautions must be taken to remove O_2 and other contaminants from the NO pressure regulator and delivery system prior to the start of calibration to avoid any conversion of the standard NO to NO_2. Failure to do so can cause significant errors in calibration. This problem may be minimized by (1) Carefully evacuating the regulator, when possible, after the regulator has been connected to the cylinder and before opening the cylinder valve; (2) Thoroughly flushing the regulator and delivery system with NO after opening the cylinder valve; (3) Not removing the regulator from the cylinder between calibrations unless absolutely necessary. Further discussion of these procedures is given in reference 13.

2.4.5 Select the operating range of the NO/NO_x/NO_2 analyzer to be calibrated. In order to obtain maximum precision and accuracy for NO_2 calibration, all three channels of the analyzer should be set to the same range. If operation of the NO and NO_x channels on higher ranges is desired, subsequent recalibration of the NO and NO_x channels on the higher ranges is recommended.

NOTE.—Some analyzer designs may require identical ranges for NO, NO_x, and NO_2 during operation of the analyzer.

2.4.6 Connect the recorder output cable(s) of the NO/NO_x/NO_2 analyzer to the input terminals of the strip chart recorder(s). All adjustments to the analyzer should be performed based on the appropriate strip chart readings. References to analyzer responses in the procedures given below refer to recorder responses.

2.4.7 Switch the valve to vent the flow from the permeation device and adjust the diluent air flowrate, F_D, to provide zero air at the output manifold. The total air flow must exceed the total demand of the analyzer(s) connected to the output manifold to insure that no ambient air is pulled into the manifold vent. Allow the analyzer to sample zero air until stable NO, NO_x, and NO_2 responses are obtained. After the responses have stabilized, adjust the analyzer zero control(s).

NOTE.—Some analyzers may have separate zero controls for NO, NO_x, and NO_2. Other analyzers may have separate zero controls only for NO and NO_x, while still others may have only one zero common control to all three channels. Offsetting the analyzer zero adjustments to +5% of scale is recommended to facilitate observing negative zero drift. Record the stable zero air responses as Z_{NO}, Z_{NO_x}, and Z_{NO_2}.

2.4.8 Preparation of NO and NO_x calibration curves.

2.4.8.1 Adjustment of NO span control. Adjust the NO flow from the standard NO cylinder to generate an NO concentration of approximately 80% of the upper range limit (URL) of the NO range. The exact NO concentration is calculated from:

$$[NO]_{OUT}=\frac{F_{NO}\times[NO]_{STD}}{F_{NO}+F_D} \quad (16)$$

where:

$[NO]_{OUT}$ = diluted NO concentration at the output manifold, ppm

F_{NO} = NO flowrate, scm³/min

$[NO]_{STD}$ = concentration of the undiluted NO standard, ppm

F_D = diluent air flowrate, scm³/min

Sample this NO concentration until the NO and NO_x responses have stabilized. Adjust the NO span control to obtain a recorder response as indicated below:

recorder response (% scale)

$$=\left(\frac{[NO]_{OUT}}{URL}\times 100\right)+Z_{NO} \quad (17)$$

where:

URL = nominal upper range limit of the NO channel, ppm

NOTE.—Some analyzers may have separate span controls for NO, NO_x, and NO_2. Other analyzers may have separate span controls only for NO and NO_x, while still others may have only one span control common to all three channels. When only one span control is available, the span adjustment is made on the NO channel of the analyzer.

If substantial adjustment of the NO span control is necessary, it may be necessary to recheck the zero and span adjustments by repeating steps 2.4.7 and 2.4.8.1. Record the NO concentration and the analyzer's NO response.

2.4.8.2 Adjustment of NO_x span control. When adjusting the analyzer's NO_x span control, the presence of any NO_2 impurity in the standard NO cylinder must be taken into account. Procedures for determining the amount of NO_2 impurity in the standard NO cylinder are given in reference 13. The exact NO_x concentration is calculated from:

$$[NO_x]_{OUT}=\frac{F_{NO}\times([NO]_{STD}+[NO_2]_{IMP})}{F_{NO}+F_D} \quad (18)$$

where:

$[NO_x]_{OUT}$ = diluted NO_x concentration at the output manifold, ppm

$[NO_2]_{IMP}$ = concentration of NO_2 impurity in the standard NO cylinder, ppm

Adjust the NO_x span control to obtain a convenient recorder response as indicated below:

recorder response (% scale)

$$=\left(\frac{[NO_x]_{OUT}}{URL}\times 100\right)+Z_{NO_x} \quad (19)$$

NOTE.—If the analyzer has only one span control, the span adjustment is made on the NO channel and no further adjustment is made here for NO_x.

If substantial adjustment of the NO_x span control is necessary, it may be necessary to recheck the zero and span adjustments by repeating steps 2.4.7 and 2.4.8.2. Record the NO_x concentration and the anlyzer's NO_x response.

2.4.8.3 Generate several additional concentrations (at least five evenly spaced points across the remaining scale are suggested to verify linearity) by decreasing F_{NO} or increasing F_D. For each concentration generated, calculate the exact NO and NO_x concentrations using equations (16) and (18) respectively. Record the analyzer's NO and NO_x responses for each concentration. Plot the analyzer responses versus the respective calculated NO and NO_x concentrations and draw or calculate the NO and NO_x calibration curves. For subsequent calibrations where linearity can be assumed, these curves may be checked with a two-point calibration consisting of a zero point and NO and NO_x concentrations of approximately 80 percent of the URL.

2.4.9 Preparation of NO_2 calibration curve.

2.4.9.1 Remove the NO flow. Assuming the NO_2 zero has been properly adjusted while sampling zero air in step 2.4.7, switch the valve to provide NO_2 at the output manifold.

2.4.9.2 Adjust F_D to generate an NO_2 concentration of approximately 80 percent of the *URL* of the NO_2 range. The total air flow must exceed the demand of the analyzer(s) under calibration. The actual concentration of NO_2 is calculated from:

$$[NO_2]_{OUT}=\frac{R\times K}{F_P+F_D} \quad (20)$$

where:

$[NO_2]_{OUT}$ = diluted NO_2 concentration at the output manifold, ppm

R = permeation rate, μg/min

K = 0.532μl NO_2/μg NO_2 (at 25°C and 760 mm Hg)

F_P = air flowrate across permeation device, scm³/min

F_D = diluent air flowrate, scm³/min

Sample this NO_2 concentration until the NO_x and NO_2 responses have stabilized. Adjust the NO_2 span control to obtain a recorder response as indicated below:

recorder response (percent scale)

$$=\left(\frac{[NO_2]_{OUT}}{URL}\times 100\right)+Z_{NO_2} \quad (21)$$

NOTE:—If the analyzer has only one or two span controls, the span adjustments are made on the NO channel or NO and NO_x channels and no further adjustment is made here for NO_2.

If substantial adjustment of the NO_2 span control is necessary it may be necessary to recheck the zero and span adjustments by repeating steps 2.4.7 and 2.4.9.2. Record the NO_2 concentration and the analyzer's NO_2 response. Using the NO_x calibration curve obtained in step 2.4.8, measure and record the NO_x concentration as $[NO_x]_M$.

2.4.9.93 Adjust F_D to obtain several other concentrations of NO_2 over the NO_2 range (at least five evenly spaced points across the remaining scale are suggested). Calculate each NO_2 concentration using equation (20) and record the corresponding analyzer NO_2 and NO_x responses. Plot the analyzer's NO_2 responses versus the corresponding calculated NO_2 concentrations and draw or calculate the NO_2 calibration curve.

2.4.10 Determination of converter efficiency.

2.4.10.1 Plot $[NO_x]_M$ (y-axis) versus $[NO_2]_{OUT}$ (x-axis) and draw or calculate the

converter efficiency curve. The slope of the curve times 100 is the average converter efficiency, E_c. The average converter efficiency must be greater than 96 percent; if it is less than 96 percent, replace or service the converter.

NOTE.—Supplemental information on calibration and other procedures in this method are given in reference 13.

3. Frequency of calibration. The frequency of calibration, as well as the number of points necessary to establish the calibration curve and the frequency of other performance checks, will vary from one analyzer to another. The user's quality control program should provide guidelines for initial establishment of these variables and for subsequent alteration as operational experience is accumulated. Manufacturers of analyzers should include in their instruction/operation manuals information and guidance as to these variables and on other matters of operation, calibration, and quality control.

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(Sec. 4, Pub. L. 91-604, 84 Stat. 1678 (42 U.S.C. 1857c-4).)

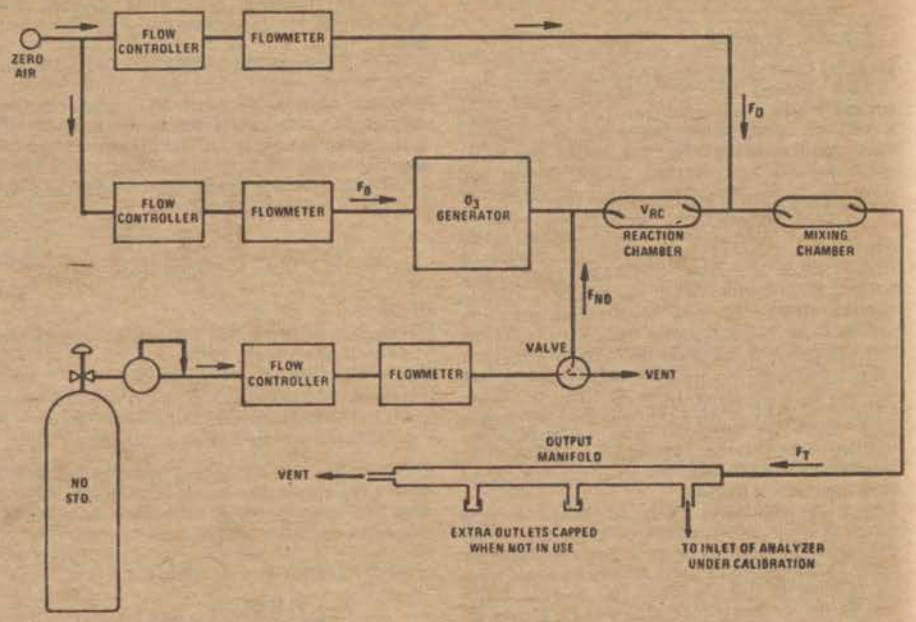


Figure 1. Schematic diagram of a typical GPT calibration system.

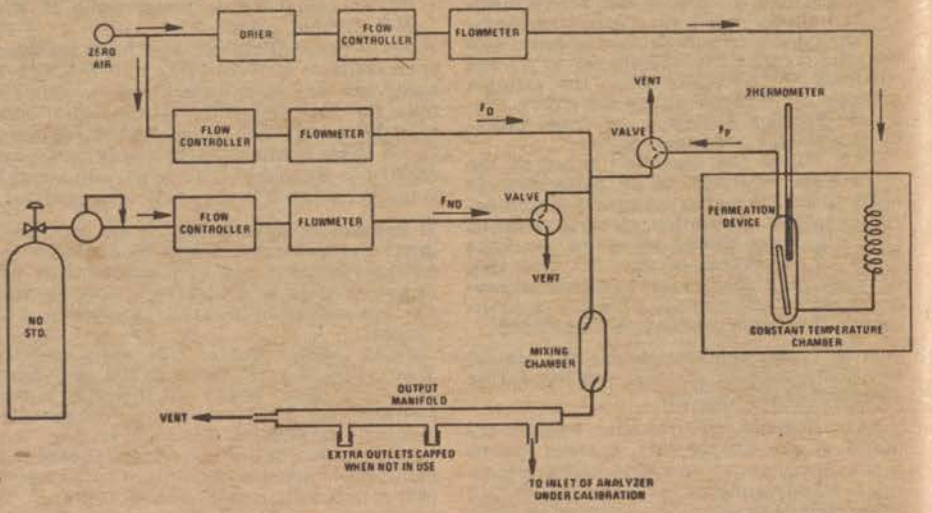


Figure 2. Schematic diagram of a typical calibration apparatus using an NO_2 permeation device.

[FR Doc.76-35029 Filed 11-30-76;8:45 am]

[FRL 638-7]

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

PART 53—AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Reference and Equivalent Methods for Nitrogen Dioxide

On March 17, 1976, EPA proposed several amendments to Parts 51 and 53 of Title 40, Code of Federal Regulations (41 FR 11263-11265). The purpose of these amendments was to extend the scope of Parts 51 and 53 to provide for designation and use of reference and equivalent methods for the measurement of nitrogen dioxide (NO_2) in the atmosphere. Interested persons were afforded an opportunity to participate in this rulemaking by submitting written comments. After considering the comments received, the amendments have been revised slightly and are being promulgated today as set forth below. A general discussion of the background, purpose, and impact of these amendments appeared in the preamble associated with the amendments when they were proposed. Therefore, only a brief summary of the amendments' provisions is given below. Elsewhere in this issue of the FEDERAL REGISTER, EPA is amending Appendix F of

40 CFR Part 50 to specify a new measurement principle and calibration procedure applicable to reference methods for the measurement of NO_2 in the atmosphere.

The amendments to Part 53 provide for designation of NO_2 reference methods based on that new measurement principle and calibration procedure, and for designation of equivalent methods for NO_2. Specifically, (1) Table B–1 is revised to add performance specifications for NO_2 automated methods, (2) Table B–3 is revised to specify interferent test concentrations applicable to various NO_2 measurement principles, (3) Table C–1 is revised to add consistent relationship specifications for NO_2 candidate equivalent methods, and (4) paragraph (f) of § 53.32 is revised to include NO_2.

The amendments to Part 51 require use of NO_2 reference or equivalent methods (with certain exceptions) for purposes of the State Air Quality Surveillance Systems required by 40 CFR 51.17(a). Existing NO_2 analyzers, purchased prior to 1 year from today may be used for purposes of § 51.17(a) for a period of up to 3 years from today. Any manual methods for NO_2—other than the method heretofore specified in Appendix F to Part 50—may be used for purposes of § 51.17(a) until 1 year from today. These requirements will also be subject to the additional exceptions provided in paragraphs (a), (b), (c), (d), and (f) of § 51.17a, promulgated March 17, 1976 (41 FR 11253–5).

CONSIDERATION OF COMMENTS RECEIVED

EPA received comments from approximately 10 respondents, most of which were made in conjunction with comments on the new measurement principle and calibration procedure proposed for Appendix F of 40 CFR Part 50 (41 FR 11258, March 17, 1976). In particular, many of the comments concerned potential interferences. Comments pertaining to interferences as they relate to the choice of the chemiluminescence measurement principle to replace the former NO_2 reference method are discussed in connection with the Appendix F amendment mentioned above. Comments concerning the substances to be included in the interference equivalent tests as specified in Table B–3 are discussed briefly below.

No comments were received concerning the substances EPA proposed for inclusion in Table B–3 for NO_2 analyzers. A number of respondents proposed that additional test substances be added, in some cases giving supporting reasons for their suggestion. Additional substances suggested for chemiluminescence analyzers included carbon dioxide (CO_2), carbon monoxide (CO), ethane, ethylene, and peroxyacetyl nitrate (PAN). For spectrophotometric wet chemical analyzers, tests for hydrochloric acid (HCl), ammonia (NH_3), hydrogen sulfide (H_2S), CO_2, and water were proposed. And for electrochemical analyzers, HCl, H_2S, and CO_2 were suggested.

In general, EPA believes that for a substance to be included in Table B–3, there must be evidence indicating that it is a potential interference and that the substance or class of compounds for which it is representative is found in significant concentrations. Many of the interferent test substances suggested were rejected on the basis of one or the other of those conditions.

After carefully considering and weighing all the suggested additional interference equivalent test substances, EPA has decided to add three additional tests to Table B–3 as originally proposed. These are tests for CO_2 (750 ppm) for both spectrophotometric-wet chemical (colorimetric) and electrochemical analyzers, and a test for HCl (0.2 ppm) for electrochemical analyzers. The CO_2 tests were included because of the possibility that the sometimes large changes in ambient CO_2 concentrations in urban atmospheres may cause a significant effect on some analyzers based on these two measurement principles due to possible changes in the pH of the absorbing solution. The HCl test for electrochemical analyzers is included because such analyzers usually derive part of their specificity for NO_2 from a chemical scrubber. The test for HCl is intended as a general test of the scrubber for the general class of gaseous acid compounds. The test concentrations for these additional substances were chosen to the consistent with the test concentration established for these substances for other measurement principles and other pollutants in Table B–3.

The only other changes made in these amendments where to correct a typographical error in Table B–1 by changing the "each interferent" specification from "±0.2" ppm to "±0.02" ppm and to delete the proposed amendment to paragraph (f) of § 53.32. The new amendment to paragraph (f) of § 53.32 is not necessary because 1-hour tests are not required for NO_2. A number of other miscellaneous comments were received concerning the magnitude of various specifications and several other technical matters. Although each of these comments was carefully considered, no other changes were made to the amendments as proposed. A document containing a summary of all the comments received, the identity of the respondents, and the rationale for adopting or rejecting various suggestions is available from the Director, Environmental Monitoring and Support Laboratory, Department E (MD–76), United States Environmental Protection Agency, Research Triangle Park, North Carolina 27711. The same documents as well as the comments themselves will be available for inspection and copying at the United States Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460.

The amendments are adopted with changes as set forth below.

Effective date: These amendments become effective on January 3, 1977.

Dated: November 18, 1976.

JOHN QUARLES,
Acting Administrator.

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1. In § 51.17, the table in paragraph (a)(1) is amended by revising the entry for Nitrogen Dioxide under the heading "Measurement method or principle" to read as follows: "Gas phase chemiluminescence or equivalent."

2. Section 51.17a is amended by revising paragraph (a) to read as follows:

§ 51.17a Air quality monitoring methods.

(a) *General requirements.* (1) Except as otherwise provided in this paragraph (a), each method for measuring SO_2, CO, photochemical oxidant, or NO_2 used for purposes of § 51.17(a) shall be a reference method or equivalent method as defined in § 53.1 of this chapter. Concentrations of particulate matter shall be measured by the reference method specified in Appendix B to Part 50 of this chapter and by the tape sampler method.

(NOTE: Part 53 of this chapter does not presently provide for reference or equivalent method determinations with respect to methods of measuring hydrocarbons corrected for methane or suspended particulates. Guidance for the selection of automated methods for measuring hydrocarbons may be found in the EPA Environmental Monitoring Series document (EPA–650/4–74–018), *Guidelines for Determining Performance Characteristics of Automated Methods for Measuring Nitrogen Dioxide and Hydrocarbons Corrected for Methane in Ambient Air*, which may be obtained from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia, 22151. For SO_2, CO, photochemical oxidant, and NO_2, a list of methods designated as reference or equivalent methods under Part 53 may be obtained as provided in § 53.8 of this chapter.)

(2) Any analyzer for SO_2, CO, or photochemical oxidant purchased before February 18, 1976, may be used for purposes of § 51.17(a) up to and including February 18, 1980. Any analyzer for NO_2 purchased prior to 1 year after [date of promulgation of these amendments] may be used for purposes of § 51.17(a) for a period not to exceed three years after [date of promulgation of these amendments.]

(3) Any manual method for SO_2, CO, or photochemical oxidant in use before February 18, 1975, may be used for purposes of § 51.17(a) up to and including August 18, 1975. Any manual method for NO_2, other than the method specified in Appendix F to Part 50 of this chapter prior to [date of promulgation of these amendments], in use before [date of promulgation of these amendments] may

be used for purposes of § 51.17(a) for a period not to exceed 1 year after [date of promulgation of these amendments]. (Secs. 4(a) and 15(c)(2), Pub. L. 91-604, 84 Stat. 1678, 1713 [42 U.S.C. 1857c-5, 1857g (a)])

PART 53—AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

3. In § 53.20, Table B-1 is revised to read as follows:

§ 53.20 General provisions.

* * * * * * *

TABLE B-1.—*Performance specifications for automated methods*

Performance parameter	Units [1]	Sulfur dioxide	Photochemical oxidants	Carbon monoxide	Nitrogen dioxide	Definitions and test procedures
1. Range	Parts per million.	0-0.5	0-0.5	0-50	0-0.5	Sec. 53.23(a).
2. Noise	do	.005	.005	.50	.005	Sec. 53.23(b).
3. Lower detectable limit	do	.01	.01	1.0	.01	Sec. 53.23(c).
4. Interference equivalent						Sec. 53.23(d).
Each interferant	do	±.02	±.02	±1.0	±0.02	
Total interferant	do	.06	.06	1.5	.04	
5. Zero drift, 12 and 24 hour	do	±.02	±.02	±1.0	±.02	Sec. 52.23(e).
6. Span drift, 24 hour						Do.
20 percent of upper range limit	Percent	±20.0	±20.0	±10.0	±20.0	
80 percent of upper range limit	do	±5.0	±5.0	±2.5	±5.0	
7. Lag time	Minutes	20	20	10	20	Do.
8. Rise time	do	15	15	5	15	Do.
9. Fall time	do	15	15	5	15	Do.
10. Precision						Do.
20 percent of upper range limit	Parts per million.	.01	.01	.5	.02	
80 percent of upper range limit	do	.015	.01	.5	.03	

[1] To convert from parts per million to $\mu g/m^3$ at 25°C and 760 mm Hg, multiply by M/0.02447, where M is the molecular weight of the gas.

* * * * * * *

4. In § 53.23, Table B-3, is revised to read as follows:

§ 53.23 Test procedures.

* * * * * * *

TABLE B-3.—*Interferant test concentration,[1] parts per million*

Pollutant	Analyzer type [2]	Hydrochloric acid	Ammonia	Hydrogen sulfide	Sulfur dioxide	Nitrogen dioxide	Nitric oxide	Carbon dioxide	Ethylene	Ozone	M-Xylene	Water vapor	Carbon monoxide	Methane	Ethane
SO_2	Flame photometric (FPD).			0.1	[4] 0.14			750				[3] 20,000	50		
SO_2	Gas chromatography-(FPD).			.1	[4] .14			750				[3] 20,000	50		
SO_2	Spectrophotometric-wet chemical (pararosaniline reaction).	0.2	[3] 0.1	.1	[4] .14	0.5		750		0.5					
SO_2	Electrochemical	.2	[3] .1	.1	[4] .14	.5	0.5		0.2	.5		[3] 20,000			
SO_2	Conductivity	.2	[3] .1		[4] .14	.5		750							
SO_2	Spectrophotometric-gas phase.				[4] .14	.5	.5			.5	0.2				
O_3	Chemiluminescent			[3] .1				750		[4] .08		[3] 20,000			
O_3	Electrochemical		[3] .1		.5	.5				[4] .08		[3] 20,000			
O_3	Spectrophotometric-wet chemical (potassium iodide reaction).		[3] .1		.5	.5	[3] .5			[4] .08					
O_3	Spectrophotometric-gas phase.				.5	.5	[3] .5			[4] .08					
CO	Infrared							750				20,000	[4] 10		
CO	Gas chromatography with flame ionization detector.											20,000	[4] 10		0.5
CO	Electrochemical						.5		.2			20,000	[4] 10		
CO	Catalytic combustion-thermal detection.		.1					750	.2			20,000	[4] 10	5.0	.5
CO	IR fluorescence							750				20,000	[4] 10		.5
CO	Mercury replacement-UV photometric.								.2				[4] 10		.5
NO_2	Chemiluminescent		[3] .1		.5	[4] .1	.5					20,000			
NO_2	Spectrophotometric-wet chemical (azo-dye reaction).				.5	[4] .1	.5	750		.5					
NO_2	Electrochemical	0.2	[3] .1		.5	[4] .1	.5	750		.5		20,000	50		
NO_2	Spectrophotometric-gas phase		[3] .1		.5	[4] .1	.5			.5		20,000	50		

[1] Concentrations of interferant listed must be prepared and controlled to ±10 percent of the state value.
[2] Analyzer types not listed will be considered by the administrator as special cases.
[3] Do not mix with pollutant.
[4] Concentration of pollutant used for test. These pollutant concentrations must be prepared to ±10 percent of the stated value.

6. In § 53.32, Table C–1 is revised to read as follows:

§ 53.32 Test procedures.

* * * * * * *

TABLE C–1.—*Test concentration ranges, number of measurements required, and maximum discrepancy specification*

Pollutant	Concentration range, parts per million	Simultaneous measurements required				Maximum discrepancy specification, parts per million
		1-hr		24-hr		
		First set	Second set	First set	Second set	
Oxidants	Low 0.06 to 0.10	5	6			0.02
	Med 0.15 to 0.25	5	6			.03
	High 0.35 to 0.45	4	6			.04
Total		14	18			
Carbon monoxide.	Low 7 to 11	5	6			1.5
	Med 20 to 30	5	6			2.0
	High 35 to 45	4	6			3.0
Total		14	18			
Sulfur dioxide	Low 0.02 to 0.05			3	3	0.02
	Med 0.10 to 0.15			2	3	.03
	High 0.30 to 0.50	7	8	2	2	.04
Total		7	8	7	8	
Nitrogen dioxide.	Low 0.02 to 0.08			3	3	0.02
	Med 0.10 to 0.20			2	3	.02
	High 0.25 to 0.35			2	2	.03
Total				7	8	

(Sec. 15(c)(2), Pub. L. 91–604, 84 Stat. 1713 [42 U.S.C. 1857 g(a)])

[FR Doc.76–35030 Filed 11–30–76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amdt. No. 1 to Sixth Rev. S.O. No. 1234]

PART 1033—CAR SERVICE

Distribution of Freight Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of November, 1976. Upon further consideration of Sixth Revised Service Order No. 1234 (41 FR 45989), and good cause appearing therefor:

It is ordered, That:

Sixth Revised Service Order No. 1234 be, and it is hereby, amended by substituting the following paragraph (k) for paragraph (k) thereof:

§ 1033.1234 Distribution of freight cars.

* * * * *

(k) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 28, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., November 30, 1976.

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

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

By the Commission Railroad Service Board, members Joel E. Burns, Lewis R. Teeple, and Thomas J. Byrne. Member Joel E. Burns not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–35365 Filed 11–30–76;8:45 am]

[Amdt. No. 2 to Third Rev. S.O. No. 1171]

PART 1033—CAR SERVICE

Regulations for Return of Hopper Cars

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of November, 1976.

Upon further consideration of Third Revised Service Order No. 1171 (41 FR 3091 and 21642), and good cause appearing therefor:

It is ordered, That:

Third Revised Service Order No. 1171 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

§ 1033.1171 Regulations for return of hopper cars.

* * * * *

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

Effective date. This amendment shall become effective at 11:59 p.m., November 30, 1976.

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

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

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple, and Thomas J. Byrne. Member Joel E. Burns not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–35366 Filed 11–30–76;8:45 am]

[Rev. S.O. No. 1245]

PART 1033—CAR SERVICE

Missouri Pacific Railroad Company Authorized To Operate Over Tracks of Burlington Northern Inc.[1]

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of November, 1976.

It appearing, That there is a substantial volume of coal traffic moving in single-car lots requiring transfer from rail to barges at the Ford, Illinois, docks of the Missouri Pacific Railroad Company (MP); that this traffic is causing extensive congestion in the MP yards at Pueblo, Colorado, St. Louis, Missouri, and Chester, Illinois; that the railroads and shippers involved have agreed upon an alternate route, in unit-train services, for transloading over the docks presently served exclusively by the Burlington Northern Inc. (BN), at Metropolis, Illinois; that the agreed route requires operation by the MP over tracks of the BN between BN milepost 202.70 at West Vienna, Illinois, and BN milepost 226.87 at Metropolis, Illinois; that the BN has consented to such use of its track by the MP; that the MP has filed an application with the Commission for authority to operate over the aforementioned tracks of the BN; that immediate operation by the MP over the aforementioned tracks of the BN is necessary in the interest of the public and the commerce of the people; that notice and public procedure

[1] Change in title due to Chicago & Eastern Illinois Railroad Company merged into Missouri Pacific Railroad Company.

herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That: Service Order 1245 is amended to read as follows:

§ 1033.1245 **Missouri Pacific Railroad Company authorized to operate over tracks of Burlington Northern Inc.**

(a) The Missouri Pacific Railroad Company (MP) be, and it is hereby, authorized to operate over tracks of the Burlington Northern Inc. (BN), between BN milepost 202.70 at West Vienna, Illinois, and BN milepost 226.87 at Metropolis, Illinois, a distance of approximately 24.17 miles, pending disposition of the application of the MP seeking permanent authority to operate over these tracks.

(b) *Rates applicable.* The rates applicable to traffic transported by the MP over these tracks of the BN shall be those published in tariffs specifically naming the MP as an origin or destination carrier at Metropolis, Illinois, and shall be subject to station conditions published in the Official List of Open and Prepay Stations 91, ICC A-56 issued by L. H. McBride, supplements thereto or successive issues thereof.

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

(d) *Effective date.* This order shall become effective at 11:59 p.m., November 30, 1976.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 28, 1977, unless otherwise modified, changed or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple, and Thomas J. Byrne. Member Joel E. Burns not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-35363 Filed 11-30-76;8:45 am]

[Amdt. No. 3 to S.O. No. 1215]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Company Authorized To Operate Over Tracks of Soo Line Railroad Company

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of November, 1976.

Upon further consideration of Service Order No. 1215 (40 FR 24906, 56444; and 41 FR 22274) and good cause appearing therefor:

It is ordered, That:

Service Order No. 1215 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1215 **Chicago and North Western Transportation Company authorized to operate over tracks of Soo Line Railroad Company.**

* * * * *

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

Effective date: This amendment shall become effective at 11:59 p.m., November 30, 1976.

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

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

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple, and Thomas J. Byrne. Member Joel E. Burns not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-35364 Filed 11-30-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 26—PUBLIC ENTRY AND USE

Amagansett National Wildlife Refuge, New York

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 **Special regulations concerning public access, use and recreation for individual wildlife refuges.**

NEW YORK

AMAGANSETT NATIONAL WILDLIFE REFUGE

Foot access along the refuge beachfront is permitted during daylight hours for the purpose of nature study, photography, and shell collecting. Interior access beyond the beachfront for the purpose of environmental education studies is permitted by Special Use Permit on a reservation basis. Permits may be obtained from the Refuge Manager, Target Rock National Wildlife Refuge, Target Rock Road, Lloyd Neck, Huntington, Long Island, New York 11743. The use of motorized vehicles on the refuge is not permitted. Parking is limited to designated Town of East Hampton parking areas in accordance with town regulations. Pets are not permitted on the refuge.

The refuge, comprising 35.8 acres, is delineated on a map available from the Refuge Manager, Target Rock National Wildlife Refuge, Target Rock Road, Lloyd Neck, Huntington, Long Island, New York 11743, and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

NOVEMBER 22, 1976.

[FR Doc.76-35262 Filed 11-30-76;8:45 am]

PART 26—PUBLIC ENTRY AND USE

Morton National Wildlife Refuge, New York

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 **Special regulations concerning access, use and recreation for individual wildlife refuges.**

NEW YORK

MORTON NATIONAL WILDLIFE REFUGE

Entry by foot is permitted daily, from 9:00 a.m. to 5 p.m. for the purpose of photography, nature study, and hiking. Pets are not permitted on the refuge.

The refuge, comprising 187 acres, is delineated on a map available from the Refuge Manager, R.D. Box 359, Noyac Road, Sag Harbor, Long Island, New York 11963, and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

NOVEMBER 22, 1976.

[FR Doc.76-35263 Filed 11-30-76;8:45 am]

PART 26—PUBLIC ENTRY AND USE

Target Rock National Wildlife Refuge, New York

The following special regulations are issued and are effective during the period January 1, 1977 through December 31, 1977.

§ 26.34 Special regulations concerning public access, use and recreation for individual wildlife refuges.

NEW YORK

TARGET ROCK NATIONAL WILDLIFE REFUGE

Entry to the refuge is permitted by advanced telephone or mail reservation only, for the purpose of photography, nature study and hiking on roads, trails and the beach, from 9 a.m. to 5 p.m. daily. Entrance permits for specific dates only. Weekday visitors may obtain a permit the same day of their visit. For weekend visitation, visitors must contact the refuge office Monday through Friday, from 8 a.m. to 4:30 p.m. Pets are not permitted on the refuge, motor vehicles are limited to the designated parking area.

The refuge, comprising 80 acres, is delineated on a map available from the Refuge Manager, Target Rock Road, Lloyd Neck, Huntington, Long Island, New York 11743, or from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern recreation on the wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 26, and are effective through December 31, 1977.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

NOVEMBER 22, 1976.

[FR Doc.76-35264 Filed 11-30-76;8:45 am]

PART 33—SPORT FISHING

Oyster Bay National Wildlife Refuge, New York

The following special regulation is issued and is effective during the period January 1, 1977 through December 31, 1977.

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

NEW YORK

OYSTER BAY NATIONAL WILDLIFE REFUGE

Sport fishing from the shore of the Oyster Bay Mill Pond and foot entry for this purpose are permitted on the Oyster Bay National Wildlife Refuge, Oyster Bay, New York, during daylight hours through December 31, 1977. The refuge is delineated on a map available from the Refuge Manager, Target Rock National Wildlife Refuge, Target Rock Road, Lloyd Neck, Huntington, Long Island, New York 11743, and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1977.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

NOVEMBER 22, 1976.

[FR Doc.76-35265 Filed 11-30-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[PS DR-45, Docket No. 30123, Dated November 26, 1976]

APPLICATIONS FOR OPERATING AUTHORITY

Standards for Determining Priorities of Hearing

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 399 of the regulations so as to delineate standards for determining priorities of hearing with respect to competing applications for operating authority. The principal features of the proposed amendment are discussed in the attached Explanatory Statement, and the text of the proposed amendment is included in the attached Proposed Rules. The amendments are proposed under the authority of sections 101, 204, 401, and 1002 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended), 743, 754 (as amended), 788 (49 U.S.C. 1301, 1324, 1371 and 1482).

Interested persons may participate in the proposed rulemaking through submission of 20 copies of written data, views, or arguments pertaining thereto, addressed to: Docket 30123, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before January 17, 1977, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711 Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., upon receipt thereof.

Individual members of the general public who wishes to express their interest as consumers by participating informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the above-indicated address, without the necessity of filing additional copies.

By the Civil Aeronautics Board.[1]

[SEAL] JAMES R. DERSTINE,
Acting Secretary.

[1] Members Minetti and West filed a separate statement which is attached hereto. They intend to file a more detailed statement of their views subsequently.

SEPARATE STATEMENT OF MEMBERS MINETTI AND WEST

We would have no objection to the present proposal on priority standards for route hearings being published as a staff study for public comment. It represents the distillation of much earnest thought and analysis on the part of our Bureau of Operating Rights. But we do strenuously object to the proposal being put out as a Notice of Proposed Rulemaking—a step which implies a degree of Board commitment to the proposal which, as far as we are concerned, simply does not exist.

Although this proposal has been germinating at the staff level for a long time, it has not been the subject of systematic analysis at the Board level. In particular, although there has been much discussion of the general proposition that route hearing priority standards would be desirable, there has been almost no Board discussion of the specifics of these particular proposed standards. Numerous questions we have asked have not been answered, and alternatives we have suggested have not been dealt with in any way. The meagerness of the Explanatory Statement being issued today—its failure, in particular, to offer any coherent or comprehensible rationale for the specific standards set forth in the proposed Policy Statement, or to relate these standards to the Board's traditional route policies—reflects an equivalent meagerness in the Board's discussion (if it can be called that) of the proposal.

Since our colleagues have determined to disregard our views and to prematurely issue a Notice of Proposed Rulemaking at this time, we intend in the near future to file a more detailed statement of our tentative views on the subject of route hearing priorities, including alternative proposals which we would wish to have considered and commented upon along with those favored by our colleagues. We expect to have our statement ready within the next two weeks. We will naturally give greater weight to public comments received in this docket which address themselves to our concerns as well as to those of our colleagues.

G. JOSEPH MINETTI.
LEE R. WEST.

EXPLANATORY STATEMENT

Recent statistics indicate that the Board's workload for both hearing and nonhearing matters is increasing at a significant pace. Because staff and other resources available to process matters requiring hearing are limited, and recognizing that there is not likely to be any major increase in the size of the Board's staff, the Board cannot set for immediate hearing all applications for new route authority. This practical consideration has obliged the Board, in the disposition of its work, to balance the statutory directive to set each route application for public hearing and "dispose of such applications as speedily as possible" (section 401(c)) with the directive to "conduct * * * proceedings in such manner as will be conducive to the proper dispatch of business and to the ends of justice" (section 1001).

The Board has historically employed priorities for hearing route applications and instituting route investigations.[1] It now proposes to adopt more specific standards for determining priorities with respect to requests for new route authority by existing carriers which involve competing applications and where the applicant primarily proposes service benefits.[2] The proposal is set forth below. Although the Board has reached no final conclusion as to the ultimate form of the priority standards, it is clear that the standards contained in section

[1] The realities of administering a priority program are that even in periods of intensive route hearing activity only a limited number of applications are granted "expedited hearing." Thus, although the Board is required to all applications, it may, in its discretion, choose those applications it desires to hear ahead of others. The courts have held that the Board has the discretionary right to order its own hearing priorities in light of section 1001. Over the years, the Board has sought ways to lessen the procedural burdens associated with matters required to be subjected to the hearing process, e.g., Subparts M and N, Western Route Realignment, Order 76-5-101. Finally, in its legislative regulatory reform proposal submitted to Congress last spring, the Board asked for substantial relief from the burdens of formal hearings in section 401 matters.

[2] "Competing applications" includes (1) applications by one or more carriers for new authority which another carrier already holds, and (2) applications by two or more carriers for the same new authority in a market where no carrier holds comparable authority. These are the types of applications on which hearings are most commonly held. Civic petitions for route investigations will also be included in the term "applications" as used herein, although the reference to applications in section 401 of the Act is confined to route requests filed by carriers.

399.60 of the Board's Regulations are no longer sufficient to manage the Board's workload.

We emphasize that the establishment of priority standards for this one area of the Board's work (competing applications for route authority) is not meant to suggest that these matters will take precedence over all of the other decisional responsibilities of the Board in different areas such as rates, ruelmaking, enforcement, etc. nor is the proposed rule intended to apply to route applications involving special considerations not solely or primarily related to new or improved service by existing carriers. These include, but are not limited to, applications for wholly new entry, applications based on offers of price reduction, and applications based on the reduction of congestion at large hub airports. Such applications will be analyzed separately on their own independent facts as set forth in motions for expedited hearing and pleadings related thereto, and the Board will decide to hear or not hear any such applications in its discretion. Hence, the Board is here proposing to specifically indicate its priorities within one area of its regulatory responsibilities.[3]

In issuing proposed priority standards for public comment, the Board obviously needs and desires responses from all interests that may be affected. Comments will benefit the Board in its formulation of final standards, however, only if they are realistic and specific. Thus, if a respondent does not disagree with the concept of establishing more specific priorities, but disagrees with a particular standard proposed, it is expected that the comment will detail the area of and reason for disagreement, and suggest a specific alternative proposal which realistically takes into consideration the Board's limited resources. Any suggestions for additional route issues beyond the standards delineated below must, at a minimum, describe alternatives or additional formulations in detail, assess the impact of the addition on the Board's workload, and evaluate the erosion of any other priority standards which would result from any addition. Failure to precisely state any areas of disagreement and offer specific alternative proposals will prevent the Board from giving weight to the objection.

Before moving to a discussion of the specifics of the proposal a few general points can be made:

1. The establishment of specific standards to govern priorities for route hearings means that selection for early action will be made among many applications which were filed in good faith and for good reason. While, as stated above, this has always been the case, the proposal herein may suggest to some that the Board is turning its back on meritorious applications because of some unstated policy or hostility toward certain kinds of awards. Quite the contrary is true, for it seems to us that in circumstances where practicalities require that we must select among competing applications, a government regulatory body should establish priorities for the use of its resources which, in its judgment, will confer the greatest public benefits and share those priorities with interested parties and the general public.

2. We regard the establishment of these priorities as confirmation of our commitment to a route-hearing program. Indeed, it is devised to make possible the fullest possible route-hearing program consistent with our resources. Moreover, we believe that the formal and public articulation of these priorities will help remove uncertainties and perceptions that the selection for hearing process is ad hoc and subjective. Finally, we are hopeful that this will help in avoiding the creation of false expectations and in guiding interested parties in the determination of where to employ their resources in various Board matters.

3. Obviously any set of priorities is a matter of judgment made at a particular time. They cannot be expected and are not intended to be immutable for all time nor absolutely inflexible in their application.

The standards proposed herein are intended to provide guidance for determining which requests for new route authority, involving competing applications, will be heard first. The guidelines are based on the typical and historical factors cited by carrier applicants and civic petitioners to support a request for an immediate hearing on an application, namely, factual issues relating to improved service (including deficiencies in existing service), market demand, carrier profitability (including subsidy need reduction in the case of local service carriers), and improved operating flexibility. (If resources to handle hearing applications are sufficient to permit the processing of applications not meeting the standards, those applications most nearly meeting the standards will be set for hearing first until the Board's resources are fully employed.) We wish to stress that it is not our intention to attempt to establish rigid standards to fit each and every factual situation that may be presented. On the contrary, it would not appear to be possible to establish detailed criteria which rigidly categorize cases.[4] Indeed, because each route situation is unique, only general characteristics and categories can be described. Recognizing that priority standards which would encompass every type of application cannot be realistically developed, we have proposed standards which codify the principal traditional bases for determining priorities.

In developing these standards, the Board has given first priority to improving service, correcting deficiencies and eliminating imperfections in the existing air transportation system. Thus, the program gives priority to applications which will further this goal, such as applications for competitive nonstop authority in large monopoly markets, new authority in deficiently served markets, restriction removals, and wholly new service. On the procedural side, in order to promote expeditious processing, priority will be given to narrowly scoped cases,[5] e.g., those cases which are limited to a single market or only a few markets, and which satisfy the substantive aspects of the hearing priority standards. The scoping of cases is extremely important, since it determines the size and complexity of cases and thus their burden upon the staff and other parties in terms of workload and time required to process. Scope also has a fundamental bearing on the quality of the decisional process. Large cases with numerous issues may, as we have noted, produce decisions lacking in appropriate attention to lesser but important issues. Most importantly, however, scope affects the administrative integrity of the hearing priority program. In large area-type cases, insubstantial markets which would not otherwise qualify for hearing frequently have been placed in issue on an ad hoc basis because of their geographic, traffic, or other relationship to markets already in the case. Obviously, to the extent that markets not meeting the priority standards are consolidated, there is a real risk of erosion of the concept of priority standards. However, we also recognize that in certain circumstances consolidation of nonconforming markets may produce desirable public interest benefits. For this reason, the proposed rule contemplates the consolidation in limited situations of nonconforming markets if specified criteria, discussed below, are met. We believe this limited proposal will balance the need, on the one hand, to retain flexibility to scope proceedings in a manner which will maximize the public interest benefits and, on the other hand, to remain faithful to the principal of establishing priority hearing standards so as to enable the Board to efficiently and effectively manage its limited resources.

A determination as to whether a particular application should qualify for hearing would be tested quantitatively, and otherwise, by the specific standards

[3] Of course, applications for any type of route authority which are uncontested, or not seriously contested, have been and will continue to be processed expeditiously, usually by show cause or other nonhearing procedures. For example, route realignment and other restriction removal applications have been processed by show cause procedure in which new unrestricted authority has been conferred in literally thousands of small or noncompetitive markets. As to other applications, the Board's practice has been, upon a persuasive showing, to accord them a priority hearing, i.e., set them down more or less in the order of their filing. Applications of this type consist, for example, of mergers, route transfers, U.S.-flag bilateral route authority, and foreign flag 402 permits.

[4] See, for example, comments on the Bureau of Operating Rights' staff study, "The Domestic Route System: Analysis and Policy Recommendations."

[5] The decision to give priority to narrowly scoped cases results from an analysis of previous programs involving competitive route cases. In our view, omnibus and area-type proceedings are often processed more slowly and can result in a failure to fully address subordinate issues.

set forth in the proposed amendment.[6] We would generally include, as appropriate to the route situation under consideration, factors taking into account the economic prospects of proposed service, the sufficiency of existing service, and incumbency. In addition, market size would be an important factor in most instances.[7] Thus, the following route situations would be accorded priority for hearing pursuant to duly filed applications:

1. Any large monopoly market which is capable of supporting competitive service on an economic basis.[8]

2. Any market in which a deficiency of service could be demonstrated and the traffic in the market could support a level of service sufficient to cure the deficiency.[9]

3. Any market in which an incumbent carrier is prevented by restriction from providing an improved level of service, and the traffic in the market will reasonably support a minimal pattern of additional service.

4. Any market not receiving nonstop service, and the traffic in the market will support a minimal pattern of nonstop service.[10]

5. Any market not receiving single-plane service, and the traffic in the market will support a minimal pattern of single-plane service.

Setting aside the largest monopoly markets for which separate priority of hearing provision is made, a strong case cannot be made for according priority to applications to provide competitive service in smaller monopoly markets when the service by the incumbent is at a satisfactory level. Thus, these will be viewed from the standpoint of the sufficiency of existing service. It should be appreciated, however, that determining service sufficiency involves the weighing of many different qualitative components of a given service. It does not, therefore, lend itself to numerical quantification, and as a result, we have not attempted to devise specific numerical standards to define what constitutes deficient service.[11]

In dealing with restriction removal applications, we have set forth another criterion, incumbency. The Board has historically favored the removal of such restrictions when they serve little, or no, useful purpose. Where removal of such restrictions becomes a contested matter requiring a hearing, early hearing should be facilitated, if possible. However, in order to have an application's priority judged under the proposed less stringent restriction removal standards, an applicant should have to demonstrate incumbency based upon a meaningful degree of participation in the market, not merely the fact that both points may be named in a carrier's certificate. Without an incumbency test, it would be difficult to control the priority program.[12] Accordingly, we have included a factor to measure this in the standards set forth in the proposed amendment. The degree of incumbency chosen is at the 20%-of-traffic level now contained in Subpart N. In practice, that figure appears to have worked out reasonably well. Applications under Subpart M would not specifically be subject to the incumbency test because it has been the Board's policy to facilitate the removal of local service carrier restrictions in order to effect subsidy reduction, a result that would be made more difficult by an incumbency test.[13]

In addition to the foregoing, we propose the inclusion of certain nonconforming markets for hearing with qualifying markets under very limited circumstances. These would be markets which exhibit a high degree of integration with a qualifying market proposal and whose consolidation with such markets would be essential to the success of a specific proposal. The criteria set forth below would satisfy these requirements: the nonconforming market may be consolidated if it (a) improves the operating profit of any qualifying proposal by at least 33%, (b) does not depress the load factor of any incumbent carrier below a level of 45 percent, and (c) is limited to on-line points.

Finally, the Board requests each interested person to comment on the merits of and submit implementing language for the following proposal:

As a procedural tool, the Board could adopt a system of periodic review of all applications for operating authority, whereby every three months, or sooner if called for by the Board, the resources available for hearing such applications would be determined as well as (1) the number of applications meeting the priority standards and (2) the number of applications accorded priority because of other considerations filed within that period. If more priority applications exist than resources, some applications would be carried over to the next period and given a somewhat higher priority than applications filed in that next period. All applications neither set for hearing nor carried over to the next period would be dismissed. Conversely, if there are more resources than priority applications, those applications most nearly meeting the standards for priority would be set for hearing until all resources are used. We believe that this procedure would be beneficial in that it would enable the Board to review all pending route applications together rather than seriatum before it decides which should be set for hearing before others.

We do not anticipate that promulgation of this new priority of hearing rule will significantly affect the environment. The rule itself will result in an increase in the use of air transportation only as a result of route awards made in proceedings set for hearing under the rule. Environmental evaluations of the air carrier proposals, however, are made at the time the proceedings are set for hearing. Therefore, the Board has tentatively concluded that the promulgation of the priority of hearing rule is not itself a major Federal action significantly affecting the quality of the human environment for which an environmental impact statement is required under section 102 (2)(C) of the National Environmental Policy Act of 1969. However, the Board specifically invites those persons filing comments herein to discuss the possible environmental impact of this new rule.

Proposed Rules

It is proposed to amend Part 399 of the Board's Statements of General Policy (14 CFR Part 399) as follows:

Amend § 399.60(b)(6) to read as follows:

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[6] The standards set forth in the proposed amendment would apply to all applications filed under Subpart A. Applications filed under Subpart N are not affected by these standards, and applications filed under Subpart M are affected only to the extent that if the applicant does not meet the incumbency test set forth below, the applicant would have to satisfy one of the other priority of hearing standards.

[7] In the context of these route situations, we have used 40,000 annual passengers as a rough measure of profitability for one round trip per day with 100-passenger equipment. The required traffic levels embodied in the standards in the proposed amendment vary according to the type of market situation involved, for example, the figure used in large monopoly markets, 120,000, is based on three round trips. Also, as indicated in the proposed standards, applications seeking new route authority in large monopoly markets would be required to make a showing of a full return on investment. In other markets where authority could be awarded on a permissive basis or the economic risks would otherwise be on a lower scale, we would require only a showing of profitable operations.

[8] A monopoly market would be defined as one in which only one carrier has completely unrestricted authority, or in which any incumbent unrestricted carrier has failed, within the most recent two-year period, to use such authority to operate nonstop service continuously for at least three months, leaving only one unrestricted carrier operating nonstop service.

[9] This deficiency-of-service definition addresses only those situations in which an application is filed for the authorization of new competitive authority. Formal adequacy of service petitions seeking specific performance by an incumbent carrier are, therefore, outside the scope of the proposed priority of hearing standards. Such petitions will be judged on their individual facts and merits, without specific guidelines, as such, for determining their priority (see section 302.700–302.705).

[10] We would expect that many applications seeking first nonstop service would fall under the restriction removal category. There could, however, be markets where no one carrier could meet the incumbency test of that category.

[11] Factors that would be taken into account include load factors, frequency of service, type of equipment used, timing of flights, number of passengers using single-plane service, etc.

[12] In the present mature state of the route system, all carriers are restricted in numerous markets, either by a specific written restriction or by route junction points, where their direct certification was never at issue in any proceeding and where the removal of the restriction would constitute new entry and create major new competitive authority.

[13] However, if the Subpart M applicant were below the incumbency standard, it would be subject to the other priority standards.

§ 399.60 Standards for determining priorities of hearing.

* * * * *

(b) *Standards.* * * *

(6) In matters relating to competing or contested applications for operating authority—[1]

(i) In large monopoly markets,[2] whether the applicant and the incumbent could achieve a full regulatory return on investment in the first normal year of operations and whether the experienced annual traffic level in the market is at least 120,000 O&D plus interline connecting pasengers; [3]

(ii) In markets with deficient service, whether the applicant could demonstrate an operating profit in the first normal year of operations and whether the market experienced an annual traffic level of 80,000 O&D plus interline connecting passengers; [3]

(iii) Where an applicant seeks removal of a restriction on its operating authority,[4] whether the applicant carried 20 percent of the single-carrier local plus interline connecting passengers in the market (using Table 10 of the Board's O&D Survey) and whether the applicant could demonstrate an operating profit in the first normal year of operations;

(iv) Where an applicant seeks first nonstop authority in a market receiving single-plane service, whether the applicant could demonstrate an operating profit in the first normal year of operations and whether the market experienced an annual traffic level of 40,000 O&D passengers; [5]

(v) Where an applicant seeks to provide first air service (nonstop, one-stop, or multi-stop), whether the applicant could demonstrate an operating profit in the first normal year of operations or whether the applicant forecasts a traffic flow of 40,000 passengers.[6]

Interested persons may urge upon the Board such considerations as they believe should lead it to accord a particular application a priority different from that which the Board has given it.[7]

[FR Doc.76-35345 Filed 11-30-76;8:45 am]

[1] Where an applicant seeks inclusion of a market not otherwise meeting the standards set forth below for hearing with a market meeting those standards, the Board may consolidate such a matter if it would (a) improve the operating profit of any qualifying market proposal by at least 33 percent, (b) not depress the load factor of any incumbent carrier below a level of 45 percent, and (c) be limited to the applicant's on-line points.

[2] A monopoly market is defined as one in which only one carrier has completely unrestricted authority, or in which any incumbent unrestricted carrier has failed, within the most recent two-year period, to use such authority to operate nonstop service continuously for at least three months, leaving only one unrestricted carrier operating nonstop service.

[3] Total O&D traffic from Table 8 of the Board's O&D survey plus interline connecting traffic from Table 10.

[4] A restriction is defined as any impediment in the applicant's certificate preventing unrestricted operations.

[5] Total O&D traffic from Table 8 of the Board's Survey.

[6] "Flow" would comprise the total on-board passengers moving between the two points.

[7] The traffic requirements listed above could be satisfied by other traffic data if the applicant(s) could demonstrate that the O&D plus interline connecting passengers in a particular market were not representative of the historical movement of traffic in that market.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Rel. 33-5768; File No. S7-659]

EFFECTIVE DATE OF AMENDMENTS TO REGISTRATION STATEMENT AND POSSIBLE EXPANSION OF DEFINITIONAL RULE

Proposals To Adopt a New Rule, an Amendment to a Rule and Invitation for Comments

The Commission today proposed for public comment new Rule 480 (17 CFR 230.480) under the Securities Act of 1933 ("Act") (15 U. S. C. 77a et seq.) together with a conforming amendment to Rule 459 (17 CFR 230.459) under the Act. The purpose of the proposals is to provide a means by which certain post-effective amendments filed to registration statements on Form S-8 (17 CFR 239.16b) under the Act might become effective automatically, without affirmative action on the part of the Commission or its staff pursuant to delegated authority. This proposal, which would be in the nature of an experiment, is taken in conjunction with other Commission action of this date adopting a revised Form S-8 (Securities Act No. 5767) (November 22, 1976).

The Commission also specifically invited comments on possible amendments to expand Rule 153 (17 CFR 230.153) to permit delivery of prospectuses relating to securities registered on Form S-8 which are traded in unsolicited transactions on the automated quotation system of a national securities association registered under Section 15A of the Securities Exchange Act of 1934 ("Exchange Act") (15 U. S. C. 78a et seq., as amended by Pub. L. 94-29 (June 4, 1975)).

INTRODUCTION AND BACKGROUND

Under the present procedure, Section 8(c) of the Act requires that all amendments filed after the effective date of a registration statement shall become effective on such date as the Commission may determine.[1] Thus, affirmative action by the Commission presently is always required for a post-effective amendment to become effective. In contrast, new registration statements may become effective automatically pursuant to Section 8(a) of the Act twenty days after they are filed.

The Commission has determined that under certain conditions it would be appropriate for a post-effective amendment to become effective automatically, in the same manner a new registration statement presently may become effective. Although the staff of the Commission will continue to review post-effective amendments filed pursuant to Rule 480(a), the rule, if adopted, will eliminate any need for affirmative action by the Commission or its staff, and issuers filing amendments under the new rule may have some added assurance that their filings will become effective on the schedule which they establish. The Commission intends to issue orders confirming that amendments have become effective pursuant to Rule 480, and copies of these orders will be transmitted to registrants and included in the Commission's public files. However, any failure or delay in issuing an order would not prevent an amendment from becoming effective pursuant to Rule 480, if the conditions of the rule are met.

In the event the Commission determines that the disclosure in a post-effective amendment filed pursuant to Rule 480 includes any untrue statement of a material fact, or omits to state any material fact required to be stated therein or necessary to make the statements therein not misleading, the Commission may, of course, issue a stop order pursuant to Section 8(d) of the Act.

SYNOPSIS OF THE PROPOSED AMENDMENT

Proposed Rule 480(a) sets forth several conditions which must be satisfied in order for the post-effective amendment to become effective automatically. The first condition is that the amendment and any prospectus included therein must be prepared in accordance with the requirements of Form S-8 under the Act, including new General Instruction E of Form S-8. Due to the novel nature of the rule, the Commission believes it is appropriate at this time to limit the scope of the rule in this manner.

Subparagraph (a) also requires that the effective date selected by the registrant be not less than twenty days following the date of filing the amendment. The twenty-day requirement parallels that of Section 8(a) of the Act for new registration statements and is required to be set forth on the facing page of the amendment. Since Rule 474 (17 CFR 230.474) states that the date on which amendments are actually received by the Commission shall be the date of their filing, registrants who, for example, mail amendments to the Commission for filing should take into account whatever time might be required for the mail. In the event an amendment filed pursuant to proposed Rule 480(a) does not conform with the twenty-day requirement, the rule would not cause the amendment to become effective, unless the registrant

[1] Section 8(c) states that: An amendment filed after the effective date of the registration statement, if such amendment, upon its face, appears to the Commission not to be incomplete or inaccurate in any material respect, shall become effective on such date as the Commission may determine, having due regard to the public interest and the protection of investors.

files another amendment to extend the proposed effective date set forth on the cover page to comply with the twenty-day requirement. Normally, the Commission would not object if an amendment filed solely to extend the effective date specifies a new effective date which is twenty days or more after the filing of the earlier post-effective amendment to which it relates.

The final condition of proposed Rule 480(a) is that the registrant must include a legend on the facing page of the amendment and satisfy the conditions described in the legend. The legend would require that the registrant state the date on which it intends for the amendment to become effective, subject, of course, to the twenty-day requirement discussed above. Also the legend would require that the registrant state that it has filed in a timely manner all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months, and have been subject to such filing requirements for the past 90 days.[2] The legend also states that the registrant not be required to file a quarterly or annual report pursuant to Section 13 or 15(d) prior to the date it has specified for the amendment to become effective, unless the financial data in such report is included in the prospectus. One purpose of this condition is to assure that any updating material which may be required by Guide 22 of the Guides for Preparation and Filing of Registration Statements Under the Securities Act of 1933 is included in the prospectus before the amendment becomes effective under the proposed rule.

Paragraph (b) of proposed Rule 480 states that if an amendment filed pursuant to proposed Rule 480(a) includes a copy of a prospectus, such amendment shall not become effective under the rule if a subsequent amendment, also relating to the prospectus, is filed before the prior amendment becomes effective. Rule 472(a) (17 CFR 230.472(a)) states that every amendment which relates to a prospectus shall include copies of the prospectus as amended. Thus, if the registrant files an amendment revising the prospectus during the period during which the earlier amendment is yet to become effective, proposed Rule 480(b) would preclude the earlier amendment from becoming effective under the rule. to provide a convenient means by which registrants may revise the proposed effective date of an amendment filed under proposed Rule 480(a), paragraph (b) also states that amendments which do nothing more than revise the date on which a prior amendment is to become effective may be made by telegram or letter. This provision parallels the one for new registration statements in Rule 473(c) (17 CFR 230.473(c)).

Proposed Rule 480(c) simply states that post-effective amendments not filed pursuant to proposed Rule 480(a) shall become effective on such date as the Commission may determine, pursuant to Section 8(c) of the Act. Also, conforming amendments are being proposed to Rule 459 to indicate the manner in which days are counted in computing the twenty-day requirement.

Operation of the Proposals

Any interested person wishing to submit written comments concerning the rule and amendments to rules proposed herein is invited to do so during the comment period which terminates on February 15, 1977. Mindful of its responsibilities to weigh with care the costs and benefits which result from its rules, the Commission specifically invites comments on the cost to registrants and others of these proposals.

All communications should be submitted in triplicate and addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 on or before February 15, 1977. Such communications should refer to File No. S7–659 and will be available for public inspection.

Solicitation of Public Comments on Possible Amendments to Rule 153

As a result of several letters of comment responding to the proposed amended Form S–8 as set forth in Securities Act Release 5723 (July 2, 1976) (41 FR 30273), the Commission has authorized the study and consideration of extending the procedures available under Rule 153 under the Act to transactions effected on the automated quotation system of a national securities association registered under Section 15A of the Exchange Act. Rule 153 provides generally that the requirement of Section 5(b)(2) of the Act that a transaction be "preceded by a prospectus" may be satisfied constructively through the actual delivery of prospectuses to the national securities exchange on which the transaction is effected. The rule contemplates that such prospectuses then may be redelivered to members of such exchange upon their request. Initially, the Commission is considering the feasibility of permitting delivery to a national securities association registered under Section 15A of the Exchange Act or to member market makers of such associations of certain prospectuses, including those used in connection with reoffers and resales of securities registered on Form S–8, in connection with transactions effected on such quotation systems. In this regard, the Commission recognizes the importance of receiving the views of all persons and entities associated with and affected by such a revision, including members of the general public, individual investors, companies with securities registered on Form S–8, interested professionals, members of the investment community, market makers and any other interested parties. After considering the comments in response to this request, and at a later stage in the development of specific amendments, if any, to Rule 153, the Commission intends to solicit the views of all interested parties on specific proposals.

Accordingly, the Commission hereby invites all interested parties to submit their views in writing, on any or all issues raised by such an expansion of the use of Rule 153, including the feasibility of, need for and impact of any such amendment. It is requested that these comment letters be submitted, by separate letter, in the manner indicated above.

The Commission hereby proposes for comment proposed Rule 480 and a proposed amendment to Rule 459 pursuant to Sections 6, 8, and 19(a) of the Act. The text of the proposals is set forth below.

By the Commission.

George A. Fitzsimmons,
Secretary.

November 22, 1976.

Text Of Proposed Amendments

I. Securities Act Rule 480 (Section 230.480) is proposed to read as follows:

§ 230.480 Effective date of post-effective amendments on Form S–8.

(a) Except as provided by section 8(d) of the Act and by paragraph (b) of this rule, an amendment in which any prospectus filed therewith is prepared in accordance with the requirements of Form S–8 (17 CFR 239.16b), including General Instruction E thereunder, and which is filed after the effective date of the registration statement, shall become effective on such date as the registrant may specify, provided: (1) such date is not less than twenty days following the date of filing such amendment; and (2) the registrant, on the facing page of the amendment, sets forth the following legend and satisfies the conditions thereof.

This amendment shall hereafter become effective in accordance with the provisions of Section 8(c) of the Act and Rule 480(a) thereunder on _____. The registrant:
(Date)

(i) has filed in a timely manner all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months; (ii) has been subject to such filing requirements for the past 90 days; and (iii) has included in the prospectus financial data, including interim earnings information, to be disclosed in any quarterly or annual report required to be filed by it on or before the above specified date.

(b) An amendment filed in accordance with paragraph (a) of this rule and which includes a copy of a prospectus shall not become effective under this rule if a subsequent amendment relating to such prospectus is filed before the prior amendment becomes effective. Any subsequent amendment which does nothing more than revise the date on which a prior amendment is to become effective may be made by telegram or letter; each

[2] Although these conditions, in certain respects, duplicate proposed conditions governing the availability of Form S–8, the Commission believes they are necessary and appropriate for proposed Rule 480. See Securities Act Release No. 5723, 9 SEC Docket 1014 (July 2, 1976), 41 FR 30273 (July 22, 1976).

such telegraphic amendment shall be confirmed in writing within a reasonable time by the filing of a signed copy of the amendment.

(c) In accordance with section 8(c) of the Act, an amendment filed after the effective date of the registration statement and not filed pursuant to paragraph (a) of this rule shall become effective on such date as the Commission may determine, having due regard to the public interest and the protection of investors.

II. Securities Act Rule 459 (Section 230.459) is proposed to be amended to read as follows:

§ 230.459 Calculation of effective date.

Saturdays, Sundays and holidays shall be counted in computing the effective date of registration statements under section 8(a) of the Act and of post-effective amendments under Rule 480 (17 CFR 230.480) of the Act. In the case of statements and amendments which become effective on the twentieth day after filing, the twentieth day shall be deemed to begin at the expiration of nineteen periods of 24 hours each from 5:30 p.m. eastern standard time or eastern daylight-savings time, whichever is in effect at the principal office of the Commission on the date of filing.

(Secs. 6, 8, 19(a), 48 Stat. 78, 79, 85 sec. 209, 48 Stat. 908 sec. 301, 54 Stat. 857 sec. 1, 79 Stat. 1051; 15 U.S.C. 77f, 77h, 77s(a).)

[FR Doc.76-35298 Filed 11-30-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Chapter I]

[Docket No. 76-21; Notice 1]

REVIEW OF REGULATIONS AND DIRECTIVES

The Federal Highway Administration is undertaking a review of its entire spectrum of regulations and subsidiary directives with a view to determining how its delivery procedures for Federal aid for highways may be improved.

This advance notice is being issued pursuant to the FHWA's policy for the early institution of rulemaking proceedings. Such advance notice is particularly appropriate when it is found that the resources of the FHWA and reasonable outside inquiry do not yield sufficient bases for precise identification of the problems involved or for the selection of tentative course or alternative courses of action. Supplemental notices of proposed rulemaking to further develop these factual bases may be issued from time to time.

Public comment from interested persons on this advance notice of proposed rulemaking is invited in all areas relating to FHWA procedures for Federal aid delivery. Specific comments on the burdens imposed on recipients would be particularly welcome.

Those wishing to comment on the matters raised in this advance notice of proposed rulemaking are asked to submit their views in writing. Comments should identify the FHWA docket number (FHWA Docket No. 76-21) and be submitted in triplicate to Room 4230, Federal Highway Administration, Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590. All comments received on or before January 7, 1977, will be considered. Comments received will be available for public inspection both before and after the closing date at the above address.

This advance notice of proposed rulemaking is issued under the authority of 23 U.S.C. 315 and 49 CFR 1.48.

Issued on: November 29, 1976.

J. R. COUPAL, Jr.,
Deputy Federal Highway Administrator.

[FR Doc.76-35569 Filed 11-30-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-2454]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for Township of Marple, Delaware County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Marple, Delaware County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Marple Municipal Building, on the front door, Springfield and Sproul Roads, Broomall, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Jack E. Lantrip, Manager of Marple, Springfield and Sproul Roads, Broomall, Pennsylvania 19008. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Crum Creek	Paxton Hollow Rd	130
	Crum Creek Rd	123
	Media bypass	121
	Downstream corporate limits	117
Darby Creek	Upstream corporate limits	204
	Marple Rd	191
	West Chester Pike	185
	Downstream corporate limits	161

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

Issued: November 1, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-35097 Filed 11-30-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2457]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for Township of Salisbury, Lehigh County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Salisbury, Lehigh County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must

adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the meeting room in the Municipal Building, Salisbury.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. William J. Ganster, Township Manager, 3000 South Pike Avenue, Allentown, Pennsylvania 18103. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Lehigh River	Downstream corporate limit	239
	4,000 ft above downstream corporate limit	241
	8,000 ft above downstream corporate limit	243
	12,000 ft above downstream corporate limit	244
	Upstream corporate limit	245
Cedar Creek	Downstream corporate limit	261
	Richards Fertilizer Plant bridge	263
	ConRail	267
	Upstream corporate limit	267
Little Lehigh Creek	Devonshire Rd	299
	Keystone Rd	306
	Downstream corporate limit	308
	Upstream corporate limit	309

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

Issued: November 1, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-35098 Filed 11-30-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2456]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for Township of Liberty McKean County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Liberty, McKean County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Township Hall, Brooklyn Side, Port Allegany.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Hugh H. Thompson, Secretary of the Board of Supervisors, R.D. 1, Port Allegany. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Allegheny River	Skinner Creek confluence	1,478
	Mill St. (State Route 118)	1,477
	U.S. Route 6	1,474

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

Issued: November 1, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76–35099 Filed 11–30–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–2455]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Borough of Freemansburg, Northampton County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), (42 U.S.C. 4001–4128), and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Freemansburg, Northampton County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board in the Borough Hall, 600 Monroe Street, Freemansburg, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Honorable Dean Finicle, 600 Monroe Street, Freemansburg, Pennsylvania 18017. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Lehigh River	580 ft below Shimersville Bridge	221
	Downstream to corporate limits	221
	Shimersville Bridge	224
	50 ft above Shimersville Bridge to 1,700 ft above bridge	225
	Due south of Canabria St	226
	At upstream corporate limits	228
Nancy Run	Con Rail tracks	221

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

Issued: November 1, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76–35100 Filed 11–30–76;8:45 am]

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[37 CFR Part 1]

PATENT EXAMINING AND APPEAL PROCEDURES

Change in Location of Hearing

The location of the hearing on the proposed Patent Examining and Appeal Procedures announced in the notice published October 4, 1976 (41 FR 43729) is being changed. The hearing will be held at the Hospitality House Motor Inn, 2000 Jefferson Davis Highway, Arlington, Virginia, rather than at Building 3, 2021 Jefferson Davis Highway. The date and time for the hearing remain the same: December 7, 1976 at 9:30 a.m.

Dated: November 24, 1976.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

Approved: November 24, 1976.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.76–35256 Filed 11–30–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20990; RM–1617; RM–2152; RM–2223; FCC 76–1045]

[47 CFR Part 15]

REMOTE CONTROL AND SECURITY DEVICES

Operation

Adopted: November 10, 1976.

Released: November 24, 1976.

By the Commission: Commissioner Lee absent.

1. This Notice of Proposed Rule Making is initiated in response to three petitions seeking amendment of Part 15 of FCC Rules to permit the operation of limited range security devices.[1]

2. In essence the petitions state that the present Part 15 regulations limit the usefulness of a transmitter for various security applications. The major objection is to the duty cycle limitation in § 15.120(b) which limits operation to a maximum of 1 second in duration and requires a 30 second silent period between transmissions.

3. The Commission agrees that the duty cycle limitation is a serious problem and agrees in part with the solutions recommended by the petitions. As discussed in detail below, the Commission proposes to amend Part 15 in the following manner: (1) delete the present provisions for low power transmitters operating above 70 MHz (47 CFR 15.120) (2) delete the present provisions for door opener controls (47 CFR 15.184); (3) promulgate new rules for security and remote control devices, including door opener controls. The proposed rules are set out below.

The Petitions. 4. One petition, RM–1617, filed by Mr. Milton F. Allen, dba, Property Protection Service of America, seeks amendment of Section 15.120(c) (the duty cycle restriction) to permit the operation of a low power transmitter in the FM broadcast band (88–108 MHz) for the purpose of detecting and tracking burglarized valuables or monies. The system, called "Alarmtrace," consists of a miniaturized transmitter concealed within, or attached to, an article of value, as within a stack of bank bills kept at a cashier's window in a cash draw. The transmitter is activated by an internal magnetic switch being displaced from a magnetic member. The petitioner requests a waiver of the duty cycle provision to permit a continuous signal for 4 to 6 hours to enable detection, tracking and location of the criminal.

[1] For the purpose of this proceeding, the term "security device" will be used to mean any radio frequency device used in a system designed to protect property and to serve notice by alarms, bells, dialers, etc. of unauthorized entrances through windows and doors, and similar types of applications.

5. The second petition, RM-2152, filed by the Security Equipment Industry Association (SEIA), seeks addition of a new Section to Part 15 for security devices, similar to the present rules for garage door openers. The technical provisions for garage door openers permit the transmission of a signal for each activation of the transmit switch with a higher level of emission than that currently allowed for devices operating under the provisions in § 15.120. In addition to the above, SEIA seeks a new but separate provision for security devices for a so-called "supervised system" in which a continuous series of intermittent signals is used for the purpose of alerting the operator of a system-failure. For this type of system, SEIA recommends a duty cycle limitation of $^3/_{10}$ to 1 second transmit period followed by a silent period of not less than 30 times the transmission period. Reduced levels of emissions are also recommended for supervised systems.

6. In addition to supporting the SEIA petition, The Stanley Works filed a separate petition for rulemaking, RM-2223, seeking amendment of § 15.120(c) to permit variable length silent periods, based on a fixed ratio to transmission periods. The adoption of a ratio of 30 to 1 for transmission length to silent period, they claim, would allow them to market their new intrusion alarm system, which consist of a miniaturized transmitter concealed in a door or window hinge. The concealed transmitter is energized by the relasing of a spring action bolt whenever the door or window is opened. Because the frequency with which the doof is opened cannot be controlled, Stanley Works requests modification of the duty cycle requirement.

7. Comments in support of the SEIA petition were also received from the Central Station Industry Frequency Advisory Committee.[2] The Central Station Committee, however, stated that the petition was inadequate in two respects. They objected to the preclusion of the 265–285 MHz frequency in the SEIA petition and objected to the reduced level of emissions for supervised systems.

Commission Proposal. 8. Due to the rapid increase in crime in the United States and attendant public concern, as documented in the SEIA petition, the Commission in close coordination with the Law Enforcement Assistance Administration (LEAA) is investigating methods of providing additional aids in the fight against crime. One method under consideration is this proceeding which, in line with above requested amendments, proposes the establishment of rules to provide for reasonably priced security systems intended to protect small business and homes. This can be accomplished however only if the likelihood of these devices causing harmful interference to either authorized radio stations or to other security devices is sufficiently small.

9. Petition RM-1617 for the "Alarmtrace" specifically proposed operation in the band 88–108 MHz. The other two petitions are silent on the question of specific frequencies from which it may be assumed that authority to operate on any frequency above 70 MHz is desired. The Commission is amenable to amending Part 15 to make special provisions for security devices, but we do not believe such devices should operate on any frequency at the manufacturer's discretion. Accordingly, the Commission is proposing specific frequency bands. Because of technical restriction and spectrum congestion, permitted levels of radiation on frequencies below 400 MHz must be more stringent. More lenient radiation levels are proposed for devices operating above 900 MHz. The Commission cannot stress too strongly the need for industry to seriously investigate the possibilities of using frequencies above 900 MHz for these control and security devices.

10. The Commission is well aware that at present devices operating above 900 MHz are in general more costly than those operating on frequencies below 400 MHz. However, it notes that cost is a relative factor depending on technology, demand and quantities produced. In this connection, the expected expansion of the land mobile operation into the 900 MHz band will advance technology and will undobutedly lead to the development of relatively low cost solid state devices and other components for use in the microwave bands. This development together with the demand visualized for security devices should make it possible to produce such equipment for operation above 900 MHz at competitive prices.

11. In line with current practice, certification of both the receiver and transmitter parts of the system will be required.[3] The limits for both of the receivers and the transmitters will be based on measurements being made in accordance with the test procedure in FCC Technical Report T-7001, titled: "Procedure for Measurement of the Level of RF Energy Emitted By A Radio Control For A Door Opener." However, as discussed below, this procedure requires revision to accommodate emission in terms of peak level and broadband pulse emission. Suggestions for modifying this test procedure are accordingly solicited.

Receiver radiation problem. 12. Essentially all the receivers used in present day door open control systems are of the superregenerative type (see discussion in paragraphs 17–18 below) and we are informally advised that the receivers to be used in security alarm systems will also be superregenerative. Such receivers emit RF energy over a wide band of frequencies and have the potential for causing harmful interference to radio communications. This and the fact that the receivers are on continuously was recognized when special, more restrictive requirements were imposed on door opener control receivers in Section 15.63(d).[4] With the additional proliferation of such receivers in security alarm systems, we find that even greater restriction of radiation is necessary. Accordingly Section 15.63(d) is being revised by reducing the limit for receivers operating in the range 25–70 MHz, by requiring measurement of the peak level of the emission instead of the average value as heretofore required, and by applying a single limit (in some instances two limits) to all the emissions emanating from the receiver. The actual limit that will apply will depend on the operating frequency of the receiver.

13. A superregenerative receiver produces a broadband random noise signal characteristic, i.e., the RF spectrum of the receiver emission is wider than the bandwidth of the measuring instrument. When the specifications for radiation from the door opener control receiver in Section 15.63(d) were adopted, the Commission by-passed consideration of the broadband problem. With the addition for security alarm receivers (which we are informed will also be superregenerative) we can no longer by-pass this problem but must give it special consideration. Accordingly we are soliciting information on suitable limits and a measurement procedure to be added to Section 15.63(d), or to be substituted therefore, to control this broadband emission characteristic.

14. In this connection, the Federal Aviation Administration (FAA) has recommended that 50μV/m/200 kHz at 30 meters is a suitable limit when measured in accordance with the FAA recommended measurement procedure. The recommended limit and measurement procedure are described in two reports prepared for FAA by the DOD Electromagnetic Compatibility Analysis Center (ECAC) at Annapolis Maryland.[5] Copies

[2] The Central Station Industry Frequency Advisory Committee is claimed to be broadly representative of the central station protection industry whose member companies are all engaged in providing a variety of central station protective services to government, industrial, commercial and private residential.

[3] Certification is one of three equipment authorizations required by the Commission as a prerequisite for marketing. Briefly, it is a procedure in which the manufacturer/applicant submits to the Commission certain specified information demonstrating that the equipment is capable of complying with FCC technical requirements (See 47 CFR 2.901 et seq.).

[4] The present rules for garage door openers were adopted in the Second Report and Order of FCC Docket No. 15657, (36 FR 6504, 4–6–71), subsequently revised in a Memorandum Opinion and Order (36 FR 12905, 7–9–71).

[5] Both FAA reports are available from the National Technical Information Service, Springfield, Virginia:

Report No: FAA-RD-72-80 Vol. 1, "Radio Frequency Emission Characteristic and Measurement Procedures of Incidental Radiation Devices and Industrial, Scientific and Medical Equipment." Sept. 1972. Accession No. AD-771-099, cost $5.

Report No: FAA-RD-72-80 Vol. 2, "The Electromagnetic Compatibility of Aeronautical and Navigational Systems with Radio Frequency Dielectric Heaters and Superregenerative Receivers." Oct. 1975. Accession No. AD-771-088, cost $6.00.

of these reports have been inserted in the record in this proceeding for convenient reference. The Commission is giving serious consideration to the FAA recommendation and comments are solicited as to the suitability of the FAA limits and measurement procedure for adoption as an FCC regulation.

15. In the band 25–70 MHz, the radiation limit proposed herein for security receivers is the same as the limit recently promulgated for CB receivers [6], even though they appear to be different. For CB receivers, the total radiation limit which is in terms of average value, is 110μV/m at 3 meters.[7] For security receivers the proposed limit which will require peak value measurements, is 155-μV/m at 3 meters. Substracting 3dB from the proposed limit to take account of peak value versus average value measurements will show that both limits are the same.

16. Emissions from any receiver, whether used in the Citizen Band Service or in security and control applications are completely undesired, serve no useful purpose and may be a source of harmful interference to radio communications. The Commission's radiation limits for receivers are designed to minimize this interference potential. Limits are established based on a number of closely interrelated factors: expected proliferation of the receiver, the susceptibility of the device that will receive the interference, location or distance separating the interfering and susceptible device, and frequency spectra of the radiating receiver. The limits for CB and security receivers are purposely tighter than the limits for other receivers because of the expected proliferation and interference potential of these receivers.

Radio Control Devices. 17. The security devices envisioned in this proceeding are low power, limited range, transmitters and receivers used for protection of persons and property by serving notice in the form of alarms, bells, dialers, etc. against unauthorized entrances through doors and windows and other similar types of operation. As a practical matter, these same devices, transmitters, receivers, etc., can and probably will be used for any number of other (control) functions and applications. For example, the low power transmitter used as a door opener control is ideal for turning lights on remotely from the car—a use suggested for their devices by several garage door opener manufacturers. It is also suitable when used with an appropriate sensor for wireless firealarm protection and for industrial control purposes to name just a few practical uses. For these reasons, the proposed regulations are not limited solely to security devices, but will be available for use in any legitimate radio control application, including security, door opening, industrial control, etc.

18. Section 15.120 in Part 15 permits operation of a transmitter on any frequency above 70 MHz, provided the emissions are limited in accordance with the 30 second duty cycle restriction. The duty cycle restrictions was imposed to prevent the use of these frequencies for voice communications. Devices operating under these provisions are thus, for all practical purposes, limited in use to control applications where a single short transmission is all that is required. Moreover, in many cases, the field strength provided under Section 15.120 has provided only marginal operation. The Commission has reassessed this situation and proposes to delete the general provision now in § 15.120. In lieu thereof, it is proposed to make a number of frequency bands available specifically for control purposes (as well as for security applications). These bands will be made available without a duty cycle requirement and with a higher level of radiation. At the same time, the proposed rule will specifically prohibit voice communication and will permit only the transmission of intermittent signals. Transmission of a continuous carrier, whether modulated or not, will be prohibited. Devices operating under the present provisions of § 15.120, will be phased out over a period of 10 years. Manufacture and marketing will be terminated within one and two years, respectively, after the adoption of the rules. Operation of such devices will be allowed for an additional eight years.

Garage Door Opener Controls. 19. Present day garage door openers are a particular type of radio control device, which operate under the special provisions in § 15.184–15.187 of the rules. These special provisions no longer appear necessary or desirable. As mentioned above, it is difficult to control the use of a radio control transmitter, which is as widely distributed as the garage door opener. The Commission is constantly getting requests from manufacturers and the public to use door opener controls in other applications. Actually, we have received a number of reports that the door opener control is being put to other uses which constitutes a violation of our present regulations. Like devices operating under the present provisions in § 15.120, garage door openers, can and do operate on almost any frequency above 70 MHz, except that door openers are precluded from operating on certain frequencies listed in § 15.184 (47 CFR § 15.184) of the rules. With the increased use being made of the radio spectrum, and the resultant higher probability that door opener controls will become a source of harmful interference, it is now becoming evident that the frequencies of these devices must be controlled.

20. For the above reasons, the Commission is proposing to delete the present separate provisions for door opener controls and, in lieu thereof, require the door opener controls to operate under the regulations for remote control and security devices proposed herein. Since most present day door opener controls operate in the 225–400 MHz region of the spectrum, three (3) specific bands in this region are included in the proposal for these devices. Transmitters operating in these bands will be restricted to manual activation to minimize interference to government radio communications. The 10 year amortization period in paragraph 10, above, will also be permitted for door opener controls. Provisions for door opener controls manufactured prior to July 15, 1963 will be deleted, since 13 years is considered sufficient time to have used up this type of consumer product. Provisions for door opener controls manufactured between July 15, 1963 and March 24, 1971 will be terminated March 24, 1981 for the same reason.

Administrative Provisions. 21. The proposed amendments are set out below. Authority for the adoption of the amendments herein proposed is contained in section 4(a), 302, and 303(r) of the Communications Act of 1934, as amended.

22. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's Rules, interested persons may file comments on or before December 27, 1976, and reply comments on or before January 6, 1977. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision on the rules of general applicability which are proposed herein, the Commission also may take into account other relevant information before it, in addition to the specific comments invited by this notice.

23. In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, an original and 11 copies of all statements, briefs, or comments shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Docket Reference Room (Room 239) at its Headquarters in Washington, D.C. (1919 M Street, N.W.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 15 is proposed to be amended as follows:

1. Paragraph (d) of § 15.63 is revised to read as follows:

§ 15.63 Radiation interference limits.

* * * * *

(d) Notwithstanding the provisions of paragraph (a) of this section, the peak level of emission of RF energy trom the receiver part of a remote control or security device shall not exceed the values listed below when measured in accordance with the procedures in FCC Technical Report T–7001.

[6] Docket No. 20746, 1st Report and Order adopted July 27, 1976, 41 FR 32590.

[7] See paragraph 7 of the Memorandum Opinion and Order in Docket No. 20746 adopted October 18, 1976, 41 FR 47442.

F_o operating frequency of receiver in megahertz	Peak level of field strength of emission in μV/m at 3 m	
25 to 70	On any frequency	155
70 to 200	do	450
200 to 1500	On any frequency below (F_o−100 MHz)	450
	On any frequency above (F_o−100 MHz)	$450 \times \frac{F_o}{200}$
Above 1500	On any frequency below (F_o−100 MHz)	450
	On any frequency above (F_o−100 MHz)	3,380

NOTE.—1. T-7001 will be modified to provide for measurement of peak level emissions and broadbound pulse emissions. 2. In its notice of proposed rulemaking in docket No. 20746, the Commission has proposed to add a requirement to sec. 15.63 that would limit radiation on the harmonics of the receiver oscillator to a value of 20 dB below the level permitted at the fundamental. An alternative measurement procedure is also proposed. 3. See par. 14 for proposed limit on broadband emissions from superregenerative receivers.

2. Section 15.120 is amended by revising the introductory text to read as follows:

§ 15.120 Operation above 70 MHz.

A low power communication device complying with all the provisions of paragraphs (a) through (c) of this section may be operated until July 1, 1987. Manufacture and marketing of such a device shall cease (one year after effective date) and (two years after effective date) respectively.

* * * * *

§ 15.182 [Deleted]

3. The present text and title of § 15.182 is deleted.

4. The introductory text of § 15.183 is revised to read as follows:

§ 15.183 Operation above 70 MHz: Devices manufactured between July 15, 1963 and March 24, 1971.

A radio control for a door opener manufactured between July 15, 1963 and March 24, 1971 may be operated until July 24, 1981, on any frequency above 70 MHz provided it meets all of the following conditions:

* * * * *

5. Section 15.184 is amended by revising the introductory text to read as follows:

§ 15.184 Operation above 70 MHz: Devices manufactured after March 24, 1971.

A radio control for a door opener manufactured after March 24, 1971 may be operated until July 1, 1987 on any frequency above 70 MHz provided it complies with all the provisions of this section. Manufacturing and marketing of such a device shall cease (1 year after effective date) and (2 years after effective date) respectively.

* * * * *

6. A new undesignated heading followed by §§ 15.201–15.215, inclusive, is added to read as follows:

REMOTE CONTROL AND SECURITY DEVICES

§ 15.201 General technical provision.

A remote control or security device may operate in any of the frequency bands listed under Subpart D of this Part, pursuant to the provisions therein.

§ 15.203 Alternative technical provisions.

A restricted radiation device that uses radio frequency energy to remotely control an object, including the opening and closing of a door, or the initiation of an alarm to protect property, may be operated without an individual license provided it complies with all the following conditions:

(a) Devices operating under this section must be designed for intermittent operation. The following types of operation are not considered intermittent and therefore are prohibited:

(1) Transmission of voice communications.

(2) Data transmissions regardless of type of modulation used.

(3) Transmission of continuous emissions.

(4) Transmission of a signal at a regular, predetermined interval.

(b) The device may operate in any of the following frequency bands:

40.66–40.77 MHz	2.400–2.500 GHz
72.0–73.0 MHz	5.725–5.875 GHz
220.0–225.0 MHz	10.500–10.550 GHz
902–928 MHz	24.000–24.250 GHz

(c) In addition to the frequencies listed in paragraph (b) of this section, the device may operate in the following frequency bands, provided it is energized only by a manually activated switch and is designed so that each transmission is limited to not more than one second duration.

310–320 MHz	390–399.9 MHz
350–360 MHz	

(d) The maximum peak level of emissions from the device shall not exceed those specified in the table, below, when measurement pursuant to the procedures in FCC Technical Report, T–7001.

NOTE.—T–7001 will be modified to accommodate measurement of peak level emissions and broadband pulse emissions.

Fundamental frequency in the band (megahertz)	Peak level of emission μV/m at 3 meters	
	On fundamental frequency	Out of band emissions
40.66 to 40.70	4,500	450
72.00 to 73.00	900	90
220.00 to 225.00	900	90
310.00 to 320.00	2,700	270
350.00 to 360.00	2,700	270
390.00 to 400.00	2,700	270
902.00 to 928.00	45,000	1,500
2,400.00 to 2,500.00	45,000	3,000
5,725.00 to 5,875.00	45,000	3,000
10,500.00 to 10,550.00	45,000	3,000
24,000.00 to 24,250.00	45,000	3,000

(e) Emissions from a device operating on a frequency below 400 MHz shall be confined within a band of 100 kHz wide centered on the operating frequency. The 100 kHz band shall be wholly within the frequency ranges below the 400 MHz specified in pargaraphs (c) and (d) above, over a temperature variation of −20° to +50° C at normal supply voltage and for a variation in primary suply voltage from 85 percent to 115 percent of the rated supply voltage at 20° C. Emissions outside the 100 kHz band, including harmonics, shall be suppressed to the level specified for out of band emissions.

(f) Emissions from a device operating on a frequency above 902 MHz shall be confined within a band 5 HMz wide centered on the operating frequency. The 5 MHz band shall lie wholly within the frequency ranges above 902 MHz specified in paragraph (c) of this section, over a temperature variation of −20° to +50° C at normal supply voltage and for a variation in primary supply voltage from 85 percent to 115 percent of the rated supply voltage at 20° C. Emissions above 902 MHz and outside the 5 MHz band including harmonics, shall be suppressed to the level specified for out of band emissions. Emissions below 902 MHz shall not exceed 300 μV/m at 3 meters.

(q) If the device is designed to operate from public utility lines, the RF energy fed back into the power lines shall not exceed 100 microvolts on any frequency below 25 MHz when measured pursuant to the procedure listed in § 15.75 (b) (2) of this part.

§ 15.207 Certification.

(a) A remote control or security device operating under the provisions of this Subpart shall be certified pursuant to Subpart B of this Part.

(b) The receiver part of a remote control or security device operating under the provisions of § 15.203 shall be certificated to show compliance with the applicable technical specifications in Subpart C of this Part.

§ 15.211 Identification.

(a) A remote control or security device and its associated receiver shall be identified pursuant to Subpart B of this Part.

NOTE.—In Docket No. 20790, (41 FR 19349), the Commission is proposing to require a new identification system involving the use of FCC assigned identifiers. The provisions of this section will be conformed to any rules that may be adopted in the proceeding in Docket No. 20790.

(b) Notwithstanding the identification requirements in Subpart B of this Part, the receiver and transmitter shall each have permanently attached label which contains the following information.

(1) Name pursuant to § 2.1045(a) of this chapter.

(2) Model number pursuant to § 2.1045 (b) of this chapter.

(3) The following statement: This device complies with FCC Rules Part 15. Operation of this device is subject to the following two conditions: (1) This device may not cause harmful interference. (2)

This device must accept any interference that may be received including interference that may cause undesired operation.

§ 15.215 Report of measurements.

The report of measurements for a remote control or security device operating under the provisions of § 15.203 shall cover the range of frequencies in § 15.142 and shall contain the information required by § 15.143.

[FR Doc.76-35195 Filed 12-1-76;8:45 am]

[47 CFR Part 95]

[Docket No. 21000; FCC 76-1054]

CLASS D TRANSMITTERS OPERATING IN CITIZENS RADIO SERVICE

Inquiry and Addressing of Matter of Further Attenuation of Spurious and Harmonic Emissions

Adopted: November 16, 1976.

Released: November 30, 1976.

In the matter of amendment of the Commission's rules to address the matter of further attenuation of the spurious and harmonic emissions for Class D transmitters operating in the Citizens Radio Service under Part 95, Docket No. 21000.

1. Notice of inquiry and proposed rulemaking is hereby given in the above-captioned matter. The Commission has, in recent months, received requests to increase the amount of attenuation of harmonic frequencies generated by transmitters used in Class D stations in the Citizens Radio Service under Part 95 of the Commission's rules. These requests, notably, have come from petitions for reconsiderations filed by the American Broadcasting Company, Inc. and the Association of Maximum Service Telecasters, Inc., for reconsideration of Docket No. 20120, released July 29, 1976. These petitions were published in the FEDERAL REGISTER on September 15, 1976, 41 FR 39378 (1976). In disposing of these petitions, the Commission said that it would institute a new proceeding to deal specifically with the matter of adopting a more stringent harmonic suppression requirement, on the order of approximately 100 dB.

2. We believe that increased attenuation of spurious emissions will result in a decrease in the probability of television interference and interference to other users including those in the Citizens Radio Service itself. To this end, the Commission is proposing to require an attenuation level of 100 bB below the mean power output for all spurious and harmonic radiation removed from the center of the authorized bandwidth by more than 250 percent of the authorized bandwidth (see attached below).

3. With the above objective in mind, specific comments upon this proposal should be made. The comments should address such matters as a realistic time schedule for implementation, any possible economic burdens on the manufacturer or consumer, the measurement procedures to be employed, and the practicality of attaining such a level of attenuation. In regard to the latter, the Commission realizes that 100 dB of suppression may be difficult to measure or obtain, especially at frequencies a little more than 250 percent of the authorized bandwidth removed from the carrier. Therefore, the comments should reflect what would be considered a practical value of attenuation including, possibly, a range of values dependent upon the separation from the center of the emission.

4. In addition to the comments solicited in this notice, the Commission will also consider comments and reports from current studies being conducted on Class D CB operation. These include but are not limited to studies by the Personal Use Radio Advisory Committee (PURAC and the tests conducted by the Electronic Industries Association (EIA).

5. Due to the seriousness of the interference problems, the Commission will soon issue a series of Notices addressing the matter of harmonic and spurious attenuation for all other services below 1 GHZ, including the TV broadcast services and the Amateur Radio Service. The forthcoming Notices will be concerned with the inter-relationship between all of the operations in the various services and their interference potential. However, the time has long passed where all of the blame for interference can be placed on the transmitter. Therefore, the future Notice will solicit comment concerning the degree of interference susceptibility or rejection possessed by the receiver. The receiver should be capable of providing its appropriate share of interference rejection.

6. While the Commission will not be accepting comments on the future Notices in this proceeding, it was felt that such an issue is important enough to mention in this proceeding in order to allow the participants in the affected services ample time to develop their ideas on this matter. It is the sincere desire of the Commission that any changes in the emission limitations for these other services be done with due consideration of the allowable receiver susceptibility, the economic impact involved, the amount of protection required, and the feasibility of obtaining the protection levels which the respondents may suggest.

7. Authority for the adoption of the amendment proposed herein and for the request for comments is contained in sections 4(i), 302, 303(e), and 303(f) of the Communications Act of 1934, as amended.

8. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before March 2, 1977, and reply comments on or before April 1, 1977. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account specific information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions of § 1.419 of the rules, an original and 11 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. In an effort to obtain the widest possible response in this proceeding, informal comments (without extra copies) will be accepted. Responses will be available for public inspection during regular business hours in the Commission's Docket Reference Room (Room 239) at its Headquarters in Washington, D.C. (1919 M Street, NW.).

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

The Commission's rules and regulations (Chapter I of Title 47 of the Code of Federal Regulations) is amended as follows:

In § 95.49, paragraph (e) is re-designated paragraph (f), a new paragraph (e) is added, and in paragraph (d), subparagraph (d)(5) is modified and a new subparagraph (d)(6) is added, as follows:

§ 95.49 Emission limitations.

* * * * *

(d) * * *

(5) On any frequency twice or greater than twice the fundamental frequency removed from the center of the authorized bandwidth: at least 60 decibels for Class D transmitters type accepted after September 10, 1976. Additionally, if it is shown that a licensee causes interference to television reception because of insufficient harmonic attenuation, he may be required to insert a low-pass filter between the transmitter RF output terminal and the antenna feedline.

(6) On any frequency removed from the center of the authorized bandwidth by more than 250 percent of the authorized bandwidth: at least 100 decibels for Class D transmitters type accepted after (effective date of the rules).

(e) The requirements of paragraph (d) of this section must be met both with and without connection of all attachments acceptable for use with Class D transmitters. External speakers, microphones, power cords, and antennas are among the devices included in this requirement.

* * * * *

[FR Doc.76-35308 Filed 11-30-76;8:45 am]

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[1] Commissioners Hooks and Fogarty absent; Commissioner White not participating.

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 AGRICULTURE

Forest Service

CONECUH UNIT PLAN

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Conecuh Unit Plan, National Forests in Alabama, USDA–FS–R8–DES (Adm.) 77–02.

This unit contains 84,400 acres of National Forest Land located in Covington, Escambia, and Coffee Counties in South Alabama. Major actions are harvesting timber products, development and maintenance of wildlife improvements, development of recreation facilities for dispersed recreation and construction and reconstruction of roads.

This draft environmental statement was transmitted to CEQ November 22, 1976. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3230,12th St. and Independence Ave., SW, Washington, D. C. 20250.
USDA, Forest Service, 1720 Peachtree Street, N. W., Rm. 804, Atlanta, Georgia 30309.
U.S. Forest Service, 1765 Highland Avenue, Box 40, Montgomery, Alabama 36101.

A limited number of single copies are available upon request to Forest Supervisor, National Forests in Alabama, 1765 Highland Avenue, Box 40, Montgomery, Alabama 36101.

Comments are invited from the public, and from State and Local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, National Forests in Alabama, 1765 Highland Avenue, Box 40, Montgomery, Alabama 36101. Comments must be received by January 21, 1977 in order to be considered in the preparation of the final environmental statement.

Dated: November 22, 1976.

THOMAS W. SEARS,
Acting Regional Environmental Coordinator.

[FR Doc.76-35310 Filed 11-30-76;8:45 am]

LAND USE PLAN SIOUX PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Land Use Plan—Sioux Planning Unit, Forest Service Report Number USDA–FS–R1(08)–FES–Adm–76–15.

The environmental statement concerns the proposed implementation of a Multiple Use Plan for the Sioux Planning Unit, Sioux Ranger District, Custer National Forest, in Harding County, South Dakota, and Carter County, Montana. The gross area of the planning unit totals 175,312 acres including 162,889 acres of National Forest land. The plan proposes a mix of development and environmental concern. Emphasis is placed on the continued use of the renewable natural resources and a moderate increase in the development of energy related resources. Adverse environmental effects range from low to moderate for most of the 27 activities considered.

This final environmental statement was transmitted on CEQ on November 23, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., S.W., Washington, DC 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59807.
USDA, Forest Service, Custer National Forest, P. O. Box 2556, Billings, MT 59103.

A limited number of single copies are available upon request to Forest Supervisor D. C. MacIntyre, Custer National Forest, P. O. Box 2556, Billings, MT 59103.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

KEITH M. THOMPSON,
Regional Forester, Northern Region, Forest Service.

NOVEMBER 23, 1976.

[FR Doc.76-35311 Filed 11-30-76;8:45 am]

SABINE UNIT PLAN

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Sabine Unit Plan, National Forests in Texas, USDA–FS–R8–DES (Adm.) 77–01.

This unit includes the entire Sabine National Forest, comprising 187,081 acres in Jasper, Newton, Sabine, Shelby, and San Augustine Counties, Texas. Major actions proposed include timber harvest and site preparation; increased diversity of wildlife habitat with emphasis on tree squirrels; road construction and reconstruction; and establishment of special interest areas.

The draft enivironmental statement was transmitted to CEQ November 18, 1976. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3230, 12th St. and Independence Ave., S.W., Washington, D.C. 20250.
USDA, Forest Service, 1720 Peachtree Rd., N.W., Rm. 804, Atlanta, Georgia 30309.
U.S. Forest Service, Federal Building, Box 969, Lufkin, Texas 75901.

A limited number of single copies are available upon request to Forest Supervisor, National Forests in Texas, Federal Building, Box 969, Lufkin, Texas 75901.

Comments are invited from the public, and from State and Local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, National Forests in Texas 75901. Comments must be received by January 17, 1977 in order to be considered in the preparation of the final environmental statement.

Dated: November 18, 1976.

THOMAS W. SEARS,
Acting Regional Environmental Coordinator.

[FR Doc.76-35257 Filed 11-30-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 22859, 26838; Order 76-10-136]

ALLEGHENY AIRLINES, INC.

Domestic Air and Priority Reserved Air Freight Rates Investigation; Order of Suspension

Correction

In FR Doc. 76-32468, appearing at page 48556 in the issue for Thursday,

November 4, 1976, the headings should read as set forth above.

[Docket 29935; Order 76-10-118]

CONTINENTAL AIR LINES, INC., ET AL.

Order Regarding Mainland-Hawaii General Fare Increase

Correction

In FR Doc. 76-31902 appearing at page 47991 in the issue for Monday, November 1, 1976, the heading should have read as set forth above.

[Docket No. 29999; Order 76-10-149]

FLYING TIGER LINE, INC.

Proposed Reduced Multi-Shipment Pickup Rates at Chicago; Order of Suspension and Investigation

Correction

In FR Doc.76-32469, appearing at page 48559 in the issue for Thursday, November 4, 1976, the heading should read as set forth above.

[Order 76-11-73; Docket 27592, Agreement C.A.B. 26202; Docket 29123, Agreement C.A.B. 26204 R-1 through R-6, Agreement C.A.B. 26206 R-1 and R-2, R-4 through R-9, Agreement C.A.B. 26214, Agreement C.A.B. 26231]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fare Matters

Correction

In FR Doc. 76-34269 appearing on page 51432 in the issue for Monday, November 22, 1976, the following changes should be made:

(1) Beneath the heading there should be the following: "Issued under delegated authority November 12, 1976."

(2) In the second table, the Agreement number "26206" should appear directly above "R-1".

[Docket No. 27573; Agreement C.A.B. 26254; Order 76-11-132]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding to Specific Commodity Rates

Issued under delegated authority November 24, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 3 of the International Air Transport Association (IATA). The agreement was adopted at the 16th Meeting of the TC3 Specific Commodity Rates Board held in Miami Beach, Florida on October 18, 1976.

The agreement would make various changes to specific commodity descriptions as shown in the attachment and establish specific commodity rates for several items to apply between various world markets outside of air transportation. We will approve the new descriptions which have general application within air transportation as defined by the Act but will disclaim jurisdiction with respect to the new rates which involve points solely outside of air transportation.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the new specific commodity descriptions incorporated in Agreement C.A.B. 26254,[1] which have general application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act.

2. It is not found that the specific commodity rates incorporated in Agreement C.A.B. 26254 which involve transportation solely between foreign points affect air transportation within the meaning of the Act.

Accordingly, it is ordered, That: 1. Those portions of Agreement C.A.B. 26254 set forth in the Attachment which have general application in air transportation as defined by the Act, be and hereby are approved; and

2. Jurisdiction be and hereby is disclaimed with respect to that portion of Agreement C.A.B. 26254 described in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-35342 Filed 11-30-76;8:45 am]

[Docket No. 29123; Agreement C.A.B. 26156 R-2; Order 76-11-120]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Agency Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23rd day of November 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which would amend IATA Resolution 203b (Group Educational Trips for Passenger Agents), was adopted at the Fall 1976 meeting of IATA held in Miami, Florida.

The resolution under consideration would revise IATA's passenger-agency rules to reduce the time period from one year to six months during which a travel agency must be on IATA's Passenger Agency list before its agents may participate in free educational trips. The agreement would also permit every IATA carrier to issue two passes for educational trips rather than one to each IATA-approved passenger agency before the educational travel is deducted from the number of trips allotted to agents under other and more general reduced-fare programs offered by the IATA carriers.[1]

Upon full consideration of the agreement and other relevant matters, we have decided to disapprove the resolution.

The Board has recently approved, with some reluctance, Resolution 203b, which allows free transportation for educational trips by travel agents, insofar as the resolution applies to U.S.-based travel agents (Order 76-8-118). In so doing, we acknowledged the benefits of such travel by agents to familiarize themselves with international travel and foreign destinations. However, we also expressed the opinion that such travel should be circumscribed in order that regular-fare passengers are not inordinately burdened by higher fares to support such free or reduced rate travel. We regarded the free and reduced-fare programs porvided by IATA Resolutions 203 and 203b as more than adequate for the educational purposes sought.

In the agreement before us, the number of free/reduced-fare trips each IATA carriers could offer to each eligible travel agency would be increased significantly, allowing hundreds of additional agents to travel on international services without charge, or at fare levels admittedly below the carriers' cost. The need for expansion of the program for free educational trips by doubling the number of nondeductable tickets has not been justified. Absent persuasive justification, we do not find the agreement to be in the public interest.

Pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), and 412 thereof, it is found that the following resolution, incorporated in the agreement indicated, is adverse to the public interest and in violation of the Act:

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[1] Filed as part of the original document.

[1] Under IATA Resolution 203 (Reduced Fares for Passenger Agents) each IATA approved passenger agent may receive two tickets per year at a discount of not more than 75 percent of the applicable fare. Under the recently approved IATA Resolution 203b, IATA carriers are permitted to offer free educational trips for groups of six or more agents, with these trips being deducted from the agent's allotment under Resolution 203. Each carrier is currently permitted to offer one free educational trip per passenger agency under Resolution 203b which is exempt from being deducted from Resolution 203 allotments.

Agreement CAB	IATA No.	Title	Application
26156; R-2	203b	Group Educational Trips for Passenger Agents	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.

Accordingly, it is ordered, That: Agreement C.A.B. 26156, R–2 be and hereby is disapproved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[1]
Secretary.

[FR Doc.76-35344 Filed 11-30-76;8:45 am]

[Docket No. 23080-2; Order 76-11-129]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES PHASE—2

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of November 1976.

By petition filed on March 17, 1976, United Air Lines, Inc. (United) requested increases in the temporary domestic service mail rates established by Order 74–10–94,[2] to compensate for increased fuel costs.[3]

The basic trust of United's petition is that fuel costs have continued to increase dramatically since the adoption of Order 74–10–94 without a corresponding adjustment to the current temporary service mail rates. United also asserts that costs in areas other than fuel have increased but, in the interests of expedition, requests increased temporary service mail rates for documented fuel-cost increases only.

Answers to the petition have been filed by the United States Postal Service (Postal Service) and various route carriers.[4] The carriers unanimously support United's request, while the Postal Service opposes any increase in the current temporary rates on two grounds. First, the Postal Service concludes that in Order 74–6–73[5] dealing with temporary fuel surcharges, the Board signaled its intention to make any further adjustments to the temporary rates prospective only. Secondly, the Postal Service, based on its position set out in the brief to the administrative law judge in the formal investigation, contends that the current temporary rates have provided approximately $45.3 million for 1974 and 1975 in overpayments to the carriers which more than offset any fuel cost increases since the third quarter of 1974.

On October 18, 1976, United filed a motion to expedite consideration of its petition. Answers have been filed by several carriers in support and by the Postal Service in objection. The answers of the various parties basically repeat their positions vis a vis United's original petition.

Upon consideration of the pleadings and all relevant matters, we believe the need for increased temporary rates based solely on demonstrated increases in fuel costs has now been reasonable justified. Formal proceedings in this investigation have been pending for over one year and we have been reluctant to adjust the temporary rate while these proceedings were before the administrative law judge for trial. However, now that public hearings have been concluded and the judge has issued an initial decision which concludes that increased final rates are required for the past periods and for future application we are prepared to review our earlier determination insofar as fuel costs are concerned. Of course, we do not at this time endorse that decision or suggest any predisposition as to the merits of the conclusion reached therein. However, the Board has frequently in the past used the relevant findings of an initial decision, pending review by the Board, as an interim benchmark of reasonableness in dealing with such nonfinal, interim matters as temporary rates and tariff suspensions. Further, the carriers have unquestionably continued to incur increases in aviation fuel costs which have increased their costs of transporting the mail. Viewed in that context United's request for increased fuel surcharges appears supportable. In these circumstances and considering that the proposed temporary rates do not exceed the rates proposed in the initial decision, it is believed reasonable at this time to grant the requested relief subject, of course, to retroactive adjustment on the basis of the final rates established in this proceeding.[6] Again, our action herein does not in any way prejudice the formal proceeding in this docket which is now being reviewed by the Board.[6]

Appendix A sets forth the computations, consistent with past practices, for the service linehaul mail rates fuel surcharges per mail ton-mile covering the periods June 22, 1974, through June 20, 1975; June 21, 1975, through June 18, 1976; and on and after June 19, 1976.[7] The resulting linehaul rate increments of 4.59, 6.72, and 6.08 percent for the periods, respectively, are equivalent to respective overall surcharges of approximately 3.1, 4.5, and 4.1 percent per mail ton-mile for sack mail.

Based on the foregoing, the Board tentatively finds and concludes:

Order 74–10–94, October 18, 1974, should be amended by incorporating therein the rates set forth in Appendix B of this order as the fair and reasonable temporary rates of mail compensation to be paid effective June 22, 1974, through June 20, 1975; June 21, 1975, through June 18, 1976; and, on and after June 19, 1976, to the carriers specified in Order 74–1–89, January 16, 1974 and in Order 74–7–91, July 19, 1974, for the services covered therein.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR Part 302:

It is ordered, that: 1. All interested persons and particularly the Postmaster General and all carrier parties of record in Docket 23080–2, are directed to show cause why the Board should not amend Order 74–10–94, October 18, 1974, so as to adopt the following linehaul charges per nonstop great-circle ton-mile to be paid by the Postmaster General:

(a) From June 22, 1974, through June 20, 1975, 19.61 cents for sack and sa tdadr 123456-3N
standard container mail; 11.14 cents for daylight container mail; and 14.30 cents for parcel air lift (PAL) mail.

(b) From June 21, 1975, through June 18, 1976, 20.01 cents for sack and standard container mail; 11.37 cents for daylight container mail; and 14.59 cents for parcel air lift (PAL) mail.

(c) On and after June 19, 1976, 19.89 cents for sack and standard container mail; 11.30 cents for daylight container mail; and 14.50 cents for parcel air lift (PAL) mail;

2. Further procedures herein shall be in accordance with the rules of practice, 14 CFR Part 302, and if there is any objection to the rates and charges or to the other findings and conclusions proposed herein, notice thereof shall be filed within 8 days, and, if notice is filed, written answer and supporting documents shall be filed within 15 days, after the date of service of this order;

3. If notice of objection is not filed within 8 days, or if notice is filed and answer is not filed within 15 days, after service of this order, or if an answer

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[1] Robson, Chairman, Dissented.

[2] Order 74–10–94, October 18, 1974, fixed temporary service mail rates for sack mail, standard and daylight container mail, and parcel air lift (PAL) mail to reflect increased fuel costs effective February 2, 1974 through April 26, 1974, and on and after April 27, 1974.

[3] United's proposed quarterly surcharges—effective with the third quarter of 1974 through February 1976, and on and after March 1, 1976—ranged from 1.92 percent of the current temporary linehaul charge to 10.72 percent.

[4] American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., the Local Service Carriers, jointly, Northwest Airlines, Inc., and Trans World Airlines, Inc.

[5] June 13, 1974.

[6] The Postal Service is incorrect in its conclusion that the Board intended to foreclose retroactive temporary rate relief in the event such was found to be warranted.

[6] Order 76–11–68, November 12, 1976.

[7] These dates coincide with the U.S. Postal Service accounting periods corresponding to fiscal years 1975 and 1976, and July 1, 1976; and the within temporary fuel surcharges are established effective therewith for administrative purposes.

timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of an order fixing temporary service mail rates and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the temporary rates herein specified;

4. If notice of objection and answer are filed presenting issues for hearing, issues going to the establishment of the fair and reasonable temporary rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR Section 302.307; and

5. This order shall be served upon all parties to Docket 23080–2.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX A.—*Computation of industry[1] fuel cost increase adjustment to domestic service temporary mail rates fixed by order 74–10–94 based on fuel cost increases fiscal years 1975 and 1976 and month of July 1976 over month of May 1974*

	Fuel cost per revenue ton-mile (cents)	Percent increase in fuel cost over base	Fuel cost per mail ton-mile (cents)		Fuel surcharge as a percent of linehaul rate [4]
			Amount [2]	Surcharge [3]	
Base: Month of May 1974 [5]	9.40		3.87		
Fiscal year 1975	11.50	22.34	4.73	0.86	4.59
Fiscal year 1976	12.45	32.45	5.13	1.26	6.72
Month of July 1976	12.16	29.36	5.01	1.14	6.08

[1] Domestic trunks and Flying Tiger, less Pan American.
[2] Month of May 1974, fuel cost per mail ton-mile increased by percentage increment in fuel cost per revenue ton-mile for periods indicated, over month of May 1974.
[3] Difference between fuel cost per mail ton-mail for periods indicated and month of May 1974.
[4] Fuel surcharge as a percent of sack/standard container current temporary linehaul rate of 18.75 ¢ per mail ton-mile.
[5] Order 74–9–100, app. B.

Computation of industry[1] fuel cost increase adjustment to domestic Service temporary mail rates fixed by order 74–10–94 based on fuel cost increases fiscal years 1975 and 1976 and month of July 1976 over month of May 1974

	Reported fuel cost all services (thousands)	Revenue aircraft hours [2]			Percent scheduled to total revenue hours	Scheduled services		
		Scheduled	Nonscheduled	Total		Fuel cost (thousands)	Revenue ton-miles [2] (thousands)	Fuel cost per revenue ton-mile (cent)
Base: Month of May 1974 [3]	$118,960.8	307,256	4,352	311,608	98.60	$117,295.4	1,247,577	9.40
Fiscal year 1975	1,703,269.9	3,772,475	65,733	3,838,208	98.29	1,674,144.0	14,557,872	11.50
Fiscal year 1976	1,991,790.4	3,682,263	64,602	3,746,865	98.28	1,957,531.6	15,718,463	12.45
Month of July 1976	190,619.4	339,962	8,134	348,096	97.66	186,158.9	1,530,791	12.16

[1] Domestic trunks and Flying Tiger, less Pan American.
[2] CAB "*Air Carrier Traffic Statistics.*"
[3] Order 74–9–100, app. B.

APPENDIX B.—*Amended temporary domestic service mail rates[1] effective June 22, 1974, to June 20, 1975, inclusive, June 21, 1975, inclusive, and, on and after June 19, 1976[2]*

[In cents]

	Station type	Sack mail	Container Mail		PAL mail
			Standard rate	Daylight rate	
Terminal charges per pound of mail at station of origin, per order 74–1–79.	X	4.48	2.17	2.17	2.61
	Y	8.96	6.65	6.65	5.22
	Z	17.92	15.61	15.61	10.44
Linehaul charges per nonstop great-circle mail ton-mile, per order 74–9–100.		18.75	18.75	10.65	13.67
Fuel surcharge nonstop great-circle mail ton-mile effective:					
June 22, 1974, through June 20, 1975		.86	.86	.49	.63
June 21, 1975, through June 18, 1976		1.26	1.26	.72	.92
On and after June 19, 1976		1.14	1.14	.65	.88

[1] Except for the addition of fuel surcharges for the periods indicated, all temprorary service mail rates and related charges set forth in order 74–1–89 remain unchanged.
[2] For administrative purposes, the effective dates of the temporary fuel surcharges are established to coincide with the relative U.S. Postal Service accounting periods.

[FR Doc. 76-35343 Filed 11-30-76; 8:45 am]

[Docket No. 23080-2; Order 76-10-131]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

Order Reclassifying Stations

Correction

In FR Doc. 76-32467, appearing at page 48558 in the issue for Thursday, November 4, 1976, the heading should read as set forth above.

COMMISSION ON CIVIL RIGHTS

ALABAMA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Alabama Advisory Committee (SAC) of the Commission will convene at 10:30 a.m. and end at 12:30 p.m. and will reconvene at 2 p.m. and end at 4 p.m. on December 16, 1976, at the Holiday Inn Downtown, 924 Madison Avenue, Queen Bess Room, Montgomery, Alabama.

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, Atlanta, Georgia 30303.

The purpose of this meeting is discussion of proposed study of discrimination against women and minorities in Alabama State Government and planning of projected task assignments; staff report to Committee on Covington County field investigation of allocations of denial of voting rights and denial of equal protection in the administration of justice.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 29, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Office.

[FR Doc.76-35531 Filed 11-30-76;8:45 am]

NEBRASKA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Nebraska Advisory Committee (SAC) of the Commission will convene at 9:30 a.m. and end at 4:00 p.m. on January 4, 1977, at Howard Johnson's, 3650 S. 72nd Street, Omaha, Nebraska.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Bldg., Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to discuss new project directions and follow-up on past reports.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 24, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-35288 Filed 11-30-76;8:45 am]

UTAH ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Utah Advisory Committee (SAC) of the Commission will convene at 7:00 p.m. and end at 9:30 p.m. on January 27, 1977, at the Salt Lake Board of Education, 440 E. 1st So., (Library), Salt Lake City, Utah.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Executive Tower Inn, Suite 1700, Denver, Colorado 80202.

The purpose of this meeting will be to discuss field interviews conducted for criminal justice hiring practices project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 24, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-35289 Filed 11-30-76;8:45 am]

VERMONT ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. and end at 10:30 p.m. on December 20, 1976, at the Tavern Motor Inn, Montpelier, Vermont.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss status of SAC projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 24, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-35290 Filed 11-30-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

KC-135 TANKERS

Environmental Determination

On April 9, 1976 the Department of the Air Force announced in the FEDERAL REGISTER (page 15038) its intent to prepare Environmental Impact Statements on certain proposed management actions announced by Secretary of the Air Force Thomas C. Reed on March 11, 1976.

Among the actions for which an Environmental Impact Statement was to be prepared was the transfer of KC-135 tankers to the Air Reserve Forces at Chicago-O'Hare IAP, Illinois. After careful review of the Environmental Impact Assessment (EIA) it was determined that the proposed action was not a major Federal action significantly affecting the quality of the human environment nor was it likely to be highly controversial with regard to its environmental impacts.

a. Analysis of the noise environment indicates an insignificant contribution by the proposed KC-135 operations at O'Hare. Installation of a sound suppressor on the engine test stand is programmed. High power, long duration engine runs on the aircraft will be suppressed/muffled.

b. The changes in air pollutant emissions will be an increase in visible smoke emissions, a very slight increase in the amount of particulates, sulfur oxides, and nitrogen oxides and a substantial decrease in the carbon monoxide and hydrocarbon emissions from the present NGB operations. Visible smoke emissions will be minimized as normal training takeoffs will be in the non-augmented (dry) mode a majority of the time. Ambient air quality measurements in the vicinity of Chicago-O'Hare Airport revealed no violation of Ambient Air Quality Standards. It is anticipated that the proposed aircraft operation would have a minimal effect on present ambient quality levels in the vicinity of the airport.

c. The proposed action has been widely publicized in the local area. There is no known unresolved opposition or concern which has surfaced pursuant to the announcement of the proposed conversion.

For the reasons outlined above, the United States Air Force has decided not to file a Draft Environmental Statement with the Council on Environmental Quality but has prepared an Environmental Determination.

Copies of the Environmental Determination and the supporting documentation are available upon request to HQ USAF/PREV, Pentagon, Washington, D.C. 20330.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.76-35312 Filed 11-30-76;8:45 am]

Department of the Army

SPECIAL COMMISSION ON THE UNITED STATES MILITARY ACADEMY

Open Meeting

1. In accordance with section 10(a)(2) of The Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name of Committee: The Special Commission on the United States Military Academy.
Date of Meeting: December 15, 1976.
Place: The Pentagon, Washington, D.C.
Time: 0800–1200 hours, December 15, 1976, unless additional time is required to complete necessary tasks, in which event the sessions may extend beyond 1200 hours.
Proposed Agenda: The Commission will meet from 0800–1200 hours December 15, 1976 (unless additional time is required each day to permit the completion of necessary tasks in which event the sessions may extend beyond 1200 hours) to present the Commission's final report regarding the eight questions posed by the Secretary of the Army (F.R. September 3, 1976).

2. This entire meeting will be open to the public. Persons wishing additional information on the above scheduled meeting or who wish to attend the meeting should write the Executive Director, Room 3E721, The Pentagon, Washington, D.C. 20310 or telephone the Executive Director at 202–695–6184.

3. It is recognized that this notice is being published with one day less than the required 15 days public notice; however, it is in the public interest that this meeting be held at the earliest possible date. The 15th day of December is the latest date that this meeting can be held without unduly delaying the presentation of the Commission's final report to the Secretary of the Army.

Dated: November 30, 1976.

R. S. SEEBERG,
LTC, United States Army, Acting Director, Administrative Mgt. Dir. TAGCEN.

[FR Doc.76–35574 Filed 11–30–76;10:01 am]

Department of the Navy

UNDERWATER SOUND ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is given that the Underwater Sound Advisory Committee will meet on December 16, 1976, at the facilities of the Office of Naval Research, 800 North Quincy Street, Arlington, Virginia. Sessions of the meeting will commence at 9:00 a.m. The purpose of the meeting is to hold discussions on nomination of new non-Government (University) members, recommendations of future symposia and new text books and/or summary reports in connection with underwater acoustics.

Dated: November 24, 1976.

C. E. McDOWELL,
Deputy Judge Advocate General.

[FR Doc.76–35239 Filed 11–30–76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

WAIVER DETERMINATIONS

Public Availability of Updated Record

Pursuant to section 9(c) of Public Law 93–577 (42 U.S.C. 5908), ERDA shall maintain a publicly available, periodically updated record of waiver determinations. Accordingly, a record of final waiver determinations may be viewed at ERDA's public document room located in the first floor library at ERDA Headquarters, 20 Massachusetts Avenue, Washington, D.C.

Dated at Washington, D.C. this 22nd day of November, 1976.

For the U.S. Energy Research and Development Administration.

JAMES A. WILDEROTTER,
General Counsel.

[FR Doc.76–35255 Filed 11–30–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18875; FCC 76–1069]

FUTURE LICENSING OF FACILITIES FOR OVERSEAS COMMUNICATIONS

Further Statement of Policy and Guidelines

Adopted: November 19, 1976.

Released: November 29, 1976.

In the matter of policy to be followed in future licensing of facilities for overseas communications, Docket No. 18875.

1. On October 15, 1975, the Commission adopted its Third Notice of Inquiry in this proceeding[1] to obtain written comments and recommendations to aid the Commission in updating, refining and expanding our 1971 Statement of Policy and in applying these revised policies to the planning of future international communications facilities. In order to provide the Commission with a broad spectrum of views and sufficient information upon which to base any further statement of policy, we requested common carriers engaged in international communications and all other interested parties to address themselves in considerable detail to questions concerning methods of cost analysis which should be employed to evaluate facility alternatives, traffic forecasting methodology, specific projections of demand, service reliability considerations and projected technological development. The Commission has been engaged in a comprehensive analysis of the parties' detailed filings with respect to this inquiry. The Office of Telecommunications Policy filed recommendations in December 1975 regarding policies we should consider in this proceeding. Those views as well as the information and recommendations filed pursuant to the Third Notice of Inquiry have been considered in formulating the Policies announced herein. We have also benefitted from a series of consultative meetings with European and Canadian telecommunications entities.

2. In formulating policy on this matter, we are governed by the provisions of the Communications Act of 1934, which established the regulatory framework and specific guidelines for the regulation of interstate and foreign communications. The Commission's primary objective is "to make available, so far as possible, to all the people of the United States a rapid, efficient, nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges * * *" (Section 1). The Communications Act of 1934 also requires that the rates charged by a United States common carrier be just, reasonable and nondiscriminatory, and provides that the Commission may conduct such hearings and investigations as may be necessary to ensure these objectives are achieved (Sections 201, 202, 204 and 205). In addition, the Communications Act requires that a carrier obtain authorization from the Commission to construct and/or operate facilities to be used in establishing a new line of communication and that authorization for such facilities can only be granted where the Commission has made a determination that such authorization will serve the public interest, convenience and necessity (Sections 214 and 319).

3. The policies of the Commission in authorizing appropriate facilities are further governed by the provisions of the Communications Satellite Act of 1962, which states that "it is the policy of the United States to establish, in conjunction and in cooperation with other countries, * * * a commercial communications satellite system, * * * which will be responsive to public needs and national objectives, which will serve the communication needs of the United States and other countries and which will contribute to world peace and understanding." (Section 102(a)). The Satellite Act requires that the Commission "prescribe such accounting regulations and systems and engage in such ratemaking procedures as will insure that any economies made possible by a communications satellite system are appropriately reflected in rates for public communication services." (Section 201(c)(5)).

4. Our regulatory framework therefore mandates that the Commission's primary consideration in authorizing the construction and use of communications facilities must be to ensure that the facilities used or proposed for construction and use by United States carriers are clearly required to satisfy projected traffic demand and that the facilities represent the lowest cost means for meeting the projected traffic demand, consistent with appropriate service standards.

5. Fulfillment of this statutory mandate involves consideration of highly complex factors, owing to the nature of the international telecommunications market. This market is characterized by

[1] Notice of Inquiry FCC 70–620, released June 16, 1970, 35 FR 10166; Statement of Policy and Guidelines 30 FCC 2d 571 (1971); Further Notice of Inquiry 53 FCC 2d 121 (1975); Third Notice of Inquiry FCC 76–161, released October 21, 1975, 40 FR 50129, 41 FR 9227, March 3, 1976.

a rapidly growing demand necessitating continuing, periodic additions of facilities to the international telecommunications network. At the same time, technological advancement is making available increasingly more efficient transmission facilities which can provide increased capacity, lower costs, and improved techniques. These advances in technology both parallel the growth in demand for services, and tend to stimulate that demand. In the context of this dynamic market, the Commission faces questions concerning the proper time to augment capacity, the appropriate capacity to install, the types of facilities to install, and the appropriate time to retire existing facilities.

6. The existing structure of the international telecommunications industry leads to differing economic and operational incentives and thus differing preferences with respect to the optimum choice and mix of telecommunications facilities. International telecommunications service is a joint undertaking by various U.S. entities and their foreign counterparts, each of whom owns and operates only a part of the required facilities. For the United States, AT&T is the sole correspondent for overseas public message telephone service from the U.S. mainland which it provides as an extension of its domestic telephone services. For international record services (e.g., telegraph, telex and leased channel services), there are several U.S. entities (RCA, WUI, ITT, TRT, French Cable) who engage in varying forms and degrees of competition in providing such services. Finally, Comsat has been designated under the Communications Satellite Act as the sole U.S. entity authorized to participate in the ownership and operation of INTELSAT satellites; however, Comsat does not serve the public directly as either a competitor or a sole source supplier, but rather provides satellite transmission channels on a lease basis to the end-service carriers previously mentioned, a a "carriers carrier."

7. At the foreign end of each international communications route, the ownership and operating arrangement differs markedly from that in the United States. Telecommunications facilities and services in other countries are generally provided by a single organization, which is typically either a government agency or a government-owned and controlled corporation. Even where record and message telephone services are provided by separate entities, there are no competitive suppliers within each of these services classifications. Moreover, while some countries have separate agencies to participate in satellite communications undertakings, these typically are under either direct or common ownership and control with other telecommunications activities.

8. Since each U.S. common carrier is permitted by law to recover its reasonable operating expenses plus an allowed rate of return on invested capital, each carrier has an economic incentive to invest in, rather than lease, facilities which it requires to provide its authorized services. Moreover, it also has an incentive, within broad market limits, to make capital investments in facilities which may exceed the minimum cost combination necessary to provide the required service. Finally, there are indirect economic reasons as well as non-economic reasons for a carrier to prefer investment, ownership and direct control of particular facilities to any form of lease arrangement. These various incentives and motivations apply to Comsat, of course, as well as to other U.S. carriers. The combined effect of these incentives, considering the entire U.S. international telecommunications industry, is to create substantial pressure for overinvestment in the totality of cable and satellite facilities available for U.S. international communications services. This leads to both conflicting applications for the authorization of additional cable and satellite facilities, and to conflicting proposals regarding the optimum utilization of already authorized facilities.

9. While the underlying reasons may differ, the U.S. carriers' foreign correspondents also have varying economic and other incentives which lead to differing preferences between cable and satellite facilities. Since satellite space segment facilities are jointly owned by all members of the global INTELSAT Consortium, while cable facilities are owned primarily by smaller groups of countries between which such discrete facilities are established, countries involved in major traffic streams (e.g., North America-Europe) have proportionately higher investment and ownership shares in, and thus control over, cable facilities as compared to INTELSAT facilities. Moreover, since satellite system earth stations and interconnecting terrestrial facilities are individually owned, whereas the space segment is jointly owned, there are economic incentives to shift cost burdens to the space segment rather than to minimize total system cost where the latter would require additional earth station or terrestrial interconnection costs. Here the possibility exists for individual members to make decisions regarding earth station or interconnecting facilities which, although minimizing that members short term costs, can lead to inefficient utilization of satellite facilities and increased costs for other system users. There are also varying capabilities among nations with respect to the manufacture of cable and satellite facilities, and varying political, social, and economic objectives beyond the simple objective of low-cost, reliable international communications service which may affect each country's preference between cable and satellite facilities. Finally, of course, there are differing views not only about the relative performance, reliability, and cost of cable and satellite facilities, but also about the degree of diverse routing and restoration capability and facilities required to ensure reliable service in the event of facility failures and interruptions.

10. With regard to cable facilities each U.S. and foreign participant incurs an initial capital expenditure and a continuing maintenance responsibility which are fixed by contractual agreement, and thus do not vary (within these bounds) with the level of actual use of the facility. Thus cable owners have a strong and natural economic incentive to fully utilize the cable facilities in which they invest.

11. In contrast to cable systems, there is no fixed investment commitment in satellite facilities. As a result, individual participants do not have the similar economic incentives to utilize satellite facilities, once authorized and established as cable owners have for cable systems. In the short term, at least, an individual member can reduce its share of these investment costs if it can reduce its relative use of the facilities. Practically, if every member were to attempt this course of action, the relative investment shares would remain the same. However, the average cost per circuit used would increase due to inefficient utilization of the facilities. In the long term, such practices must inevitably result in higher average charges for satellite circuits.

12. As is clearly demonstrated by the preceding discussion, there is not and cannot be real marketplace competition between satellite and cable technologies under present statutes, industry structures, and ownership and operating arrangements. One half of each international communications circuit is owned or provided by a foreign correspondent which does not generally favor nor even accept the concept that these transmission media are competitive, viewing them rather as complementary. This fact alone serves as an effective barrier to any real inter-modal competition. The fact that Comsat's only significant customers for satellite circuits are the very same carriers who have exclusive ownership rights to the U.S. half of cable circuits, as well as the only significant access to U.S. telecommunications consumers and to foreign telecommunications service organizations, further emphasizes this point. The only effective inter-modal rivalry is that which occurs before the Commission in seeking the authorization of facility investments and circuit activation. Barring significant changes in existing statutes, industry structure, and ownership and operating arrangements between the U.S. carriers and their foreign correspondents, we believe the public interest will best be served if the authorization process is thorough and demanding, stimulating such competitive forces as may exist while requiring rigorous development and justification of both investment and utilization plans prior to authorization of facility investments and use.

13. In the discharge of our statutory obligations, it has been and continues to be the Commission's objective to establish guidelines which will afford United States carriers reasonable flexibility to exercise their judgment in the planning and operation of the transatlantic network. In order to foster international comity we also recognize the

need to avoid possible situations in which our actions adversely affect the sovereign actions of other nations. However, as indicated above, the existing telecommunications structure does not possess adequate internal safeguards to protect the U.S. communications user from the burden of excessive investments or inefficient operations. This necessitates Commission scrutiny of U.S. carriers investment proposals and utilization plans to ensure that these represent the most timely and cost effective establishment and use of such facilities.

14. In our 1971 Policy Statement regarding the authorization of additional transatlantic facilities the Commission adopted four general guidelines which continue to be a part of our basic policy:

(a) The public interest requires that we promote the continued development of both cable and satellite technologies and their most effective and timely applications to meet future requirements for international communications services;

(b) The public interest also requires that we authorize the most modern and effective facilities available via both cable and satellite technology with due regard for efficiency, economy, diversity and redundancy;

(c) The public interest and due regard for the concerns of the Administrations which operate the foreign end of the cables require that care should be taken to minimize the need for imposing artificial formulae to govern the distribution of traffic among available media;

(d) The pubic interest requires that the economies available from each advance in technology be reflected in charges for service.

Our Guidelines for TAT–6 Utilization, FCC 76–161, released February 19, 1976, further clarified our policies relative to facility authorizations.

This Commission does not, as a matter of policy, favor the use of one technology over another nor any predetermined distribution of traffic or transmission capacity among alternative technologies or suppliers. Our primary policy objective has been and remains the achievement and efficient utilization of the lowest cost combination of facilities which can satisfy valid traffic needs and service standards, irrespective of technology or supplier.

15. In applying and implementing these guidelines to specific situations, we will seek to authorize those facilities which will result in the least cost combination of facilities which is consistent with meeting specified traffic requirements and acceptable service standards. The necessary degree, and proper mix, of route diversity and redundant capacity for restoration of failed circuits to maintain the service standards needs to be considered and planned well in advance. Unreasonable standards and unnecessary levels of diversity and redundant capacity must be avoided if efficient utilization of facilities is to be realized. In this respect we will require specification of the service and reliability objectives, the analytical methods used to determine the trade-offs between diversity and restoration in maintaining the stated grade of service, and the methods used to assess any differences in meeting the grade of service among various alternative mixes of facilities and levels of use of those facilities.[2]

16. As a corollary to this cost minimization criterion, the Commission shall, in its evaluation of facility alternatives, examine the recurring costs associated with continued use of existing facilities and may, in the interest of authorizing only the least cost mix of facilities, require the removal from the carrier's rate base or the accelerated depreciation of existing higher cost facilities rendered obsolete by technological advancement or which are no longer necessary to satisfy service requirements.

17. In evaluating facility implementation and utilization plans, the relevant costs to be considered are those associated with committing resources to the international telecommunications network for an extended period of time. For a cable system, the cost to be evaluated is the sum of the construction and operating costs to be incurred. For a satellite system, the relevant costs are those incurred to build, place into operation and maintain the satellite and affiliated earth stations. In past filings with this Commission, carriers have submitted cost justifications for proposed facilities in the form of a comparison of each carrier's yearly revenue requirement per circuit for the proposed facility with Comsat's tariffed rate for an equivalent circuit. Such tariff rates do not reflect the current or projected costs of providing satellite transmission service, but rather a consideration of past and current actions concerning, inter alia, investments in prior satellite systems, the utilization (fill) of those facilities, satellite ratemaking principles, etc., which are not relevant to the analysis of future investment and operating costs. Accordingly, we shall accept only those analyses which are based on true investment and operating expenses, rather than lease charges, as a basis for future facility authorization.

18. The major difficulties encountered in achieving the basic objective of ensuring that proposed facilities are needed and will be effectively and efficiently used are the lack of definitive advance information and a structured approach to study the need for and use of proposed facilities. We believe this deficiency must be corrected before we can responsibly authorize further investments by any U.S. carrier, including Comsat, in new transatlantic communications facilities. We will, of course, continue to authorize the activation and use of circuits in existing facilities in accord with our existing policies and guidelines.

19. A second and equally difficult problem which must be resolved is the fact that, while the U.S. carriers and the European correspondents use both cable and satellite circuits, there are no commitments to the level of use of satellite circuits prior to or subsequent to decisions taken regarding satellite investments. This is not the case with submarine cables, since the contractual arrangement between the correspondents specifies the ownership and specific allocations of circuits to be used. This fndamental distinction is due to different institutional arrangements and the varying economic incentives discussed above. Nevertheless, the absence of necessary prior commitments for the use of satellite circuits can lead to situations where our public interest basis for authorizing satellite investments can subsequently be negated as a result of decisions by foreign correspondents. This can result in U.S. consumers being burdened with investments for facilities which are not, in fact, needed or effectively and efficiently used. Accordingly, a cornerstone of our future authorization policy will be a requirement that Comsat, the U.S. carriers, and their foreign correspondents enter into comparable commitments concerning the future use of cable and satellite facilities.

20. It is apparent that international facility applications cannot realistically be viewed as competing applications for the same exclusive license or franchise, nor as independent applications from marketplace competitors. Instead, these applications seek authorization to establish separate but complementary facilities which will, in the aggregate, serve the future transmission needs of the U.S. international communications industry. The role of the Commission in authorizing these facilities is to ensure that the various facilities are indeed required to serve these needs over time, that they are reasonably prudent, and that they will be deployed and used in an effective and efficient manner. Clearly, this cannot be accomplished either by viewing each application in isolation or by granting authorizations which carry with them no commitment on the part of all elements of the international communications community to their subsequent use. Thus an essential prerequisite to the authorization of future facilities must be the development of a comprehensive plan, including appropriate commitments, regarding the overall deployment and use of future cable and satellite facilities within a particular geographic area during a specified planning period. Such a comprehensive plan should be developed using the best possible forecasts of future communications needs, specified service objectives, with cost comparisons of the various possible combinations of facilities and levels of use that would satisfy demand and meet service objectives. Only in the context of such an overall plan can we effectively assess the public interest effects of authorizing individual applications for cable and satellite facilities.

21. We recognize, of course, that considerations of national sovereignty and international comity require that no nation have a final unilateral determination with respect to facility deployment and use. We will therefore adopt a procedure whereby the overall plan to be developed pursuant to the policies announced herein regarding the establishment and use of future transatlantic

[2] Where no significant differences arise in the resulting levels of service reliability between aternative means of meeting stated service objectives, consideration of service reliability is not a determining factor in the selection of the least cost combination of facilities.

facilities will not be finalized until all interested and affected parties—both U.S. and foreign—have had an opportunity to comment upon the proposed plan. We believe that through pleadings and comments by the U.S. carriers following consultation with their European correspondents, plus direct consultation between the FCC and these correspondents if desired, a plan can be evolved which is mutually acceptable to the Commission and the European entities. Action will not be taken on U.S. carrier applications for the authorization of specific new facilities until such a plan is evolved. This should however, remove most obstacles to rapid and favorable action on those subsequent applications which conform to the long-range plan. Annex 1 to this Statement describes the mechanism and detailed information necessary to develop a comprehensive plan and the procedural approach to finalize a plan and authorize the facilities required.

Accordingly, for the reasons indicated herein, the existing policies heretofore cited are reaffirmed and the following additional policies and clarifications are hereby adopted:

(a) The continuing availability of adequate, reliable, low cost communications facilities and services between Europe and North America is a matter of common interest and concern to communications users, operating entities, and governments in Europe and North America.

(b) This Commission does not, as a matter of policy, favor the use of one technology over another nor any predetermined distribution of traffic or transmission capacity among alternative technologies or suppliers. Pursuant to our statutory mandate, our primary policy objective has been and remains the achievement and efficient utilization of the lowest cost combination of facilities which can satisfy valid traffic needs and service objectives, irrespective of technology or supplier. Within this basic policy framework, both cable and satellite technologies—as well as any other—can and should be afforded the opportunity to evolve.

(c) The existing operational structure and attendant economic and other incentives of the international communications industry are not such as to lead automatically to the realization of the basic public interest policy objective enunciated above. Accordingly, this Commission must and will continue to scrutinize thoroughly both facility installation and utilization proposals of U.S. carriers prior to authorizing these carriers' participation in such facility programs, in order to ensure that U.S. communications users are not unnecessarily burdened with excessive facility investments or inefficient utilization of authorized facilities.

(d) The need to consider such interrelated factors as diversity, redundancy, restoration and other means to provide continuity of service within the context of the operational structure and varying economic and other incentives and preferences previously cited severely limits our ability to make the necessary public interest evaluations in the context of isolated applications for individual facility authorization. Accordingly, we will not in the future consider the authorization of major facility investments and utilization proposals as isolated instances, but will instead evaluate them in the context of a comprehensive long-range plan for the establishment and use of facilities to serve a particular geographic area during a specified future planning period. To ensure that all interested and affected parties have a full opportunity to participate in the evolution of a mutually acceptable long range plan for future facility estalishment and use, we shall approach the adoption of such a plan through an iterative process as set forth in the Annex to this decision.

(e) In our public interest evaluation of both long range plans and specific facility applications, the primary criteria shall be those set forth in (b) above. For the purpose of cost analyses and comparisons, we shall consider as relevant only historical and/or projected investment and operating expenses—as opposed to lease charges or tariff rates. Moreover, before we can adopt any such long range plan as a basis for specific facility planning and authorization, we would necessarily require comparable commitments regarding the use of cable and satellite facilities.

(f) The evolution of mutually acceptable long range facility plans and the subsequent authorization of specific facilities will necessarily be a difficult and time-consuming process, given the necessity of accommodating this process to the differing legal requirements and operating arrangements of the sovereign nations involved. We shall make every effort to ensure the success of this effort, within our basic statutory mandate, public interest obligations, and legal system. As a part of our effort to achieve an acceptable plan, we also desire to explore, where beneficial, changes in the present ownership arrangements and provision of circuits within future transatlantic facilities. Specifically, we propose to explore the feasibility and desirability of substitutng end-to-end provision of whole circuits within facilities, for the present arrangement whereby each terminal country provides fifty percent of each transatlantic circuit.

We believe that this statement of policy should afford the United States carriers and Comsat sufficient guidance for developing plans, providing sufficient information and advocating before the Commission on a timely basis the public interest arguments in favor of a particular overall plan that this Commission should adopt regarding the licensing of facilities for transatlantic service over the next several years.

Authority for the actions taken herein is formed in section 4(i), 214 and 403 of the Communications Act of 1934, as amended, and section 201(c) of the Communications Satellite Act of 1962, as amended.

FEDERAL COMMUNICATIONS COMMISSION.
VINCENT J. MULLINS,
Secretary.

ANNEX 1

As set forth in this Policy Statement, we have found that an essential prerequisite to the licensing of future facilities is the development of a comprehensive plan covering a reasonable time frame. In order to develop such a plan, we are herein instituting a mechanism through which the U.S. carriers and Comsat will develop and analyse alternative means of satisfying stated traffic requirements and service objectives. In this Annex we outline the objective of the planning mechanism, the framework within which to proceed, the time period within which to develop the necessary plans, the basic data and information required to be submitted and the general terms of procedure.

The objective of the planning mechanism being established is to provide a means for the cable planners and the satellite planners to systematically evaluate alternative mixes of facilities, alternative timing of the introduction of these facilities and alternative ultilization of proposed future facilities. This coordinated planning should provide the basis for the adoption by the Commission of an overall plan that meets our basic policy objectives and leads to the authorization of specific facilities necessary to implement the plan.

In developing and analyzing the various alternative plans for the establishment and use of transatlantic facilities up to approximately the mid-1980's, the U.S. carriers' and Comsat must provide full documentation of the analyses used, including basic data and information upon which alternative plans are based.[1] In developing such plans the parties will be guided by the Policy Guidelines contained in this Statement. A description of the procedures used, the asumptions made and the conclusion drawn under each alternative plan must be provided in such a form as to enable the Commission to independently assess the results.

We recognize that in order to carry out this program of future planning, the utilization of existing transatlantic facilities must be known with reasonable certainty. Therefore, we intend to act expeditiously on the applications required to be filed for utilization of TAT-6 cable circuits[2] in conjunction with existing satellite facilities for the period 1977-79. This information will then be available for the parties to use in analyzing future alternative facilities plans. The time required for the processing of the TAT-6 applications can be used beneficially by the U.S. carriers and Comsat to establish working procedures, systematic approaches to analyze alternative plans, the information required to consider these alternative plans, and the time table necessary to conclude the work within the period provided herein. We believe the

[1] The sections describing demand and cost requirements are appended to this Annex. Also see paragraph 15 herein regarding service reliability consideration.

[2] See Memorandum Opinion, Order and Authorization, 59 FCC 2d 1026 (1976) and Memorandum Opinion, Order and Authorization, FCC 76-657, released July 16, 1976.

guidance provided in this statement is sufficient for the parties to proceed to implement the mechanism herein established.

In order that this process may be carried out within the proper regulatory framework we shall direct the Chief, Common Carrier Bureau to maintain close liaison with the U.S. carriers and Comsat during the course of their work and keep apprised of the progress being made. We do not find it necessary, however, that a Commission representative attend the meetings that will be held between the U.S. carriers and Comsat for the exchange of the information required. The process established by our action herein shall remain under the jurisdiction of the Commission and is subject to review and termination at any time upon notice to the parties concerned.

We will set April 31, 1977, as the final date for submitting to the Commission the information and detail plans required to be developed. We expect the patries to proceed expeditiously to complete their work and file the results of that work at the earliest practical date.

We do not intend to prescribe any rigid rules of procedure concerning the arrangements that will be necessary among the U.S. carriers and Comsat in order to implement this process. The parties should determine the meeting schedule, the locations for the meetings, the manner in which the meetings will be conducted, etc. We will require that summary records of each meeting be available to the Commission upon request.

Following our review of the carriers submissions, we shall put forth for further comment a specific proposed plan for future transatlantic facility implementation and use during a specified planning period. The exact nature of the further comment procedures, including the method by which the views of foreign correspondents will be solicited and received, will be set forth at that time; however, the process shall in all instances conform to the public rulemaking standards of the Commission's rules and the Administrative Procedures Act.

Upon final adoption of this long range plan, applications for specific facility authorizations in conformance with that plan will be processed. It is expected that atuhorizations subsequently granted will provide for near-automatic activation of circuits in the authorized facilities where such activation is in substantial accord with the comprehensive long range plan. Where significant deviation from the plan is proposed, this will be treated as a de novo application subject to the full review, comment, and authorization process.

In summary the process established herein involves four phases:

Phase 1. Development and submission of alternative plans for the establishment and use of future transatlantic facilities by the U.S. Carriers and Comsat by April 31, 1977.

Phase 2. FCC adoption of a tentative long range plan for the establishment and utilization of future transatlantic facilities. This will require approximately two months, assuming the information submitted is comprehensive. The tentative plan is subjected to comments, pleadings and the appropriate coordination before the adoption of a final plan.

Phase 3. FCC adopts a final plan and entertains applications from the U.S. Carriers and Comsat necessary to implement the plan. About 3 to 4 months will be required between adoption of the tentative plan and adoption of the final plan, to complete the comment and consultation process.

Phase 4. Applications are submitted to the FCC. Approximately two months will be required for processing, after which the FCC issues authorizations for the establishment and utilization of future transatlantic facilities.

Forecast Information for Comprehensive Plan

We are not specifying herein any particular methods or procedures that should be used by the U.S. Carriers or Comsat to develop demand forecasts. We realize that a variety of methods are available and employed. However, for those methods and procedures that are used to develop demand forecasts, we will require complete and detailed explanations. The information and data enumerated herein indicate the kinds of material to be included in the plans. For methods which do not rely on a particular type of information or data listed below, it obviously need not be submitted. For all information and data used in the development of demand forecasts, it shall be submitted for each service category (e.g., telephone service, telegraph service, telex service, private line service, and television service), and for each overseas destination for which forecasts are developed. Where only summary data or results are explicitly requested, it should be understood that all relevant input or support data shall be made available on request.

1. Summary descriptions of the basic data (e.g., paid minutes, terminal messages, total terminal revenue via messages, minutes and revenues, etc.) that are utilized to develop forecasts for each communications service shall be submitted. These descriptions shall include the types of data and the time period for which the data are available and used to develop the forecasts.

2. Summary descriptions of non-communications data that are utilized to develop forecasts for each communications service (e.g., economic, political and demographic data, etc.) shall be submitted.

3. For econometric investigations, econometric models used to develop forecasts should be completely described in detail and the reasons given for each assumption and statistical specification. The effects on the final results of changes in the assumptions shall be made clear. When alternative models and variables have been employed, a record should be kept of these alternative studies and be made available to the FCC upon request. The following items shall be included for each econometric model and set forth clearly in the submission: the formulas used for statistical estimates, standard errors, all test statistics, the description of statistical tests, all related computations, computer programs and final results. Summary descriptions of the input data shall be submitted.

4. For each other method utilized to develop basic forecasts (e.g., total paid minutes, messages, etc.), there shall be a clear, detailed description of the techniques. This shall include all relevant assumptions, a description of any adjustments in the observed data, the computations involved in developing the forecasts, formulas used, standard errors, test statistics, and a description of statistical tests. In addition, where specific factors are incorporated into the forecasts like rate changes, new or improved facilities, etc., there shall be a justification for the assumed impact, a quantitative estimate of the impact, and a clear explanation of how this quantitative impact is determined.

5. The results of special studies and other analyses for particular factors (e.g., introduction of direct or improved quality facilities, expected impact of the introduction or expansion of customer dial, proposed changes in traffic operating procedures, the effect of price changes), that are utilized in the development of demand shall be submitted with the forecasts. These results shall include a clear statement of the study plan, all relevant assumptions, and a detailed description of the techniques of data collection, estimation and/or testing. If the results of these studies are derived from statistical studies or econometric analyses, the data and information described in (3) above shall be submitted. In the case of sample surveys, there shall be a clear description of the survey design, including the definition of the universe under study, the sampling frame, and the sampling unit; an explanation of the method of selecting the sample and the characteristics measured or counted. In addition, for these particular factors where they are used for developing forecasts, there shall be a clear statement of the facts and judgments used to quantify them and a statement of the relative weights given to the various factors in arriving at each result.

6. Forecasts for basic data, e.g., paid minutes, messages, revenues, etc., shall be submitted for each service category on a country-by-country basis for each year included in the planning period.

7. Where forecasts of other variables are used as input data in the development of forecasts of the demand for communications service, e.g., GNP, personal income, etc., they shall be submitted. The procedures used to develop these forecasts shall be completely described, including input data, estimating techniques, statistical tests, results, etc.

8. Where several different techniques are used to develop forecasts of basic data and the results of these techniques are combined to produce a composite forecast, the procedures used to develop the weights for each country and each technique should be explained. Where the weights are based upon experience, the criteria used to determine the exact weights, as opposed to other weights, should be explained. Where quantitative methods are used to determine the weights, they should be described in detail. The effects on the final forecasts of changes in the weights should be described. If the weights are the same for all countries, there shall be an explanation as to why this should be the case. If the weights differ among countries, the reason for the differences shall be explained.

9. There shall be a clear statement and description of the technique used to translate forecasts of basic data (e.g., paid minutes) into forecasts of circuits. This shall include a description of all historical data used, all computations, and the final results. There shall be an explicit description of the manner in which non-revenue factors (e.g., machine set-up time, operator set-up time, N.C. conditions, line busy) are used in the conversion. Summary descriptions of each non-revenue factor shall be submitted including definitions, methods of collecting the data, the time period for which the data applies, whether the non-revenue factors measure busy hour conditions or some other period, the procedures used to incorporate these factors into the forecasts and the quantitative values of the factors. Where forecasted values differ from historical data, all relevant assumptions shall be included, the basis for changed values clearly described, and the expected impact of these changed values included. There shall be a clear statement of the facts and judgments upon which these conclusions are based and a statement of the relative weights given to each factor.

10. Forecasts, denominated in voice grade circuits, shall be submitted for each service category on a country-by-country basis for each year included in the planning period.

COST INFORMATION FOR COMPREHENSIVE PLAN

The cost analyses shall include all information that is used to evaluate each alternative mix of facilities identified for the study period. Models that are developed to evaluate costs shall be completely described and included in the results. The following information shall be included: (1) All assumptions and the reasons for each assumption: (2) The impact of alternative assumptions considered; (3) If any costs are allocated, the methods used, the rationale for these methods and alternative methods considered shall be presented; (4) Techniques used to account for the futurity of costs (e.g., PWAC, present value, discounted cash flow, undiscounted costs, etc.), the rationale for the particular one selected, and the reason for using it rather than another technique; (5) The rationale and method used to account for the costs of facilities having service lives extending beyond the study period; (6) Any formulas that are used; (7) All calculations and computations; (8) Computer programs; (9) If costs are estimated, the methods and basis for the estimating procedures shall be included; and, (10) The final results of all cost analyses.

In addition, basic cost data for each facility and all alternative mixes that are identified shall be submitted. Since the costs relate to a comprehensive plan for a future period of time, only costs that will be incurred during this period shall be considered. For new facilities all costs are relevant, e.g., investment costs and operating expenses. For facilities in existence prior to the planning period, only the operating expenses are relevant unless some modification or alteration of existing facilities is anticipated that will require additional capital expenditures. In this case, the capital expenditures are also relevant. The costs associated with each facility included in the cost analyses shall be identified separately by facility and by year of the planning period. The basic cost data which shall be submitted is summarized by technology.

CABLE TECHNOLOGY

1. Original investment cost of the cable system including installation costs, engineering costs for the project, interest during construction, spare cables and repeaters, other capital items, e.g., land and buildings, and cable extensions.

2. Total Research and Development expenditures associated with the particular submarine cable generation, an allocation to each cable in the generation and a clear, concise explanation of the method employed to allocate the expenses among the cables.

3. For submarine cables in existence prior to the beginning of the planning period, list, by major category of equipment or some other relevant criteria, any changes, alterations, modifications, additions, etc., in cable systems expected to occur during the planning period.

4. For any equipment identified in "3", submit original investment cost, the date of occurrence, and the net quantitative impact on annual depreciation expense.

5. Total annual operations and maintenance expenses associated with each cable system. These expenses shall be identified separately by cable system. The cost categories included in operations and maintenance expenses shall be identified. An explanation of the data and methods used to estimate the expenses shall be submitted.

6. The annual operating costs for cable ships which service the cables shall be included.

7. List separately by type of tax and provide estimates for each tax associated with the cable systems included in the cost analyses.

8. Annual depreciation expense for each cable.

SATELLITES

1. Original investment cost for each satellite facility and the expected date of launching.

2. Launch costs associated with each satellite included in "1" above.

3. Interest during construction for each satellite listed in "1" above.

4. Length of time over which each satellite listed in "1" above will be depreciated and the associated annual depreciation expense.

5. Total Research and Development expense associated with the particular satellite generation, an allocation to each satellite in the generation and a clear, concise explanation of the allocation method employed.

6. Original investment cost of satellite spares, both on ground and in orbit spares, launch costs and dates of service or availability. Include interest during construction, allocated Research and Development expense and storage costs.

7. Original investment cost of new earth stations, if any, to be used with the satellites included in the cost analyses. Include separately, where applicable, interest during construction, anuual depreciation expense, allocated R&D, and the cost (both original investment cost and annual storage cost) of spare earth station equipment, dates of service and depreciation period.

8. For earth stations in existence prior to the beginning of the planning period, list, by major category of equipment or some other relevant criteria, any changes, alterations, modifications, additions, etc., which will be required as a result of bringing into operation each satellite listed in "1" above, and/or the introduction of a new generation of satellites.

9. For each piece of equipment listed in "8" above, indicate the original investment cost, the date of operation, and the net quantitative impact on annual depreciation expense of the changes.

10. Total annual operations and maintenance expenses, listed separately, for each satellite, any new earth stations, and each earth station in existence at the beginning of the planning period. The cost categories included in operations and maintenance expenses shall be identified. Include an explanation of the data and methods used to estimate the operations and maintenance expenses.

11. Tracking, telemetry, and control costs, and the cost of any terrestrial facilities required to extend the satellite circuits from the earth station to the international switching center, including original investment costs for changes, modification, etc., and total annual operations and maintenance expenses.

12. List separately by type of tax and provide estimates for each tax associated with the satellite operations included above. Include an explanation of the methods and data used to derive these estimates.

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FEDERAL ENERGY ADMINISTRATION

INTERNATIONAL ENERGY AGENCY, INDUSTRY ADVISORY BOARD

Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94-163) notice is hereby provided of a meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) to be held on December 9, 1976, at the headquarters of the IEA, 2 Rue Andre Pascal, Paris, 16, France, beginning at 10:00 a.m. The purpose of the IAB meeting and this notice is to permit attendance by representatives of the IAB at certain portions of a meeting of the IEA Standing Group on Emergency Questions (SEQ) which will take place on December 9, 1976. The parts of the SEQ meeting open to the IAB representatives constitute all or part of items (3)-(11) of the SEQ agenda, the open portions to be determined by the SEQ. The agenda of the SEQ meeting is as follows:

1. Approval of the draft agenda.

2. Summary Record of the Fourteenth Meeting. (See para. 27 of IEA/SEQ/M(75)(23)).

3. Emergency Reserves:

Conclusions of the Governing Board meeting of November 8-9.

Chapter D of Emergency Management Manual.

Report on Emergency Reserve Situation of the Group on July 1, 1976.

4. National Emergency Operations Organizations:

Presentation by the Canadian Delegation.

Establish procedure for bilateral discussions between Participating Countries and Secretariat.

5. Allocation Systems Test. Preliminary oral report by Secretariat and IAB representatives of results of the Test.

6. SEQ Forecast.

7. Quarterly Oil Statistics. Report by the Secretariat on timeliness and quality of the data including its relevance to the emergency oil sharing system and the SEQ Forecast.

8. Demand Restraint. Work program for ad hoc group.

9. Oil Pricing in an emergency. Draft procedures for inclusion in the Emergency Management Manual (text to follow).

10. 1977 Work Program. (Note by the Secretariat.)

11. Any other business.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., November 24, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-35243 Filed 11-26-76;10:41 am]

FEDERAL MARITIME COMMISSION

CITY OF OAKLAND 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 December 21, 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:

J. Kerwin Rooney, Port Attorney, Port of Oakland, P.O. Box 2064, 66 Jack London Square, Oakland, California 94604.

Agreement No. T–1953–5, between City of Oakland (City) and Matson Terminals, Inc., (Matson), modifies the parties' basic agreement providing for the 20-year lease to Matson of certain marine terminal property and berthing areas at Oakland, California. The purpose of this modification is to include in the premises additional berthing area to be known as Berthing Area A–1 and make other related changes. As compensation, City will receive $406.18 per month subject to adjustment after three years and every three years thereafter. In addition, Matson will increase public liability and property damage insurance as set forth in the agreement.

Dated: November 26, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–35357 Filed 11–30–76;8:45 am]

[Docket No. E–8911]

FEDERAL POWER COMMISSION

GULF POWER CO.

Notice of Extension of Time

NOVEMBER 16, 1976.

On November 11, 1976, Gulf Coast Electric Cooperatives, Inc., and other Cooperatives (Intervenors) filed a motion to extend the date for filing Briefs on Exceptions to the Initial Decision, issued October 18, 1976, in the above-designated proceeding. The motion states that parties to the proceeding have no objection to the extension of time.

Upon consideration, notice is hereby given that the date for filing Briefs on Exceptions to the Initial Decision is extended to and including December 10, 1976, and the date for filing Briefs Opposing Exceptions is extended to and including December 30, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–35442 Filed 11–30–76;8:45 am]

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

PRIVACY ACT OF 1974

Systems of Records

On August 27, 1976, this agency published in the FEDERAL REGISTER (41 FR 36222), a Notice of Systems of Records, and Public Access Regulations, pursuant to the provisions of the Privacy Act of 1974, Pub. L. 93–579 (5 U.S.C. 552a). The public and other agencies were given the opportunity to submit, on or before September 27, 1976, written comments regarding the proposed Systems of Records and the proposed Regulations. Comments were received which resulted in the addition of two additional routine uses to the Appendix to the Systems of Records, for (1) disclosure of records to the General Services Administration, and (2) disclosure of records to the Office of Management and Budget in connection with the review of private relief legislation.

The proposed Notice—exclusive of the new routine uses—is hereby adopted. Interested persons should address comments on the new routine uses within 30 days of publication of this Notice (January 3, 1977), to the Executive Secretary, Harry S. Truman Scholarship Foundation, 712 Jackson Place, N.W., Washington, D.C. 20006. In the event that no comments requiring change are received, these amendments to the Appendix will become final on January 3, 1977.

ROBERT E. CLEARY,
Executive Secretary.

NOVEMBER 24, 1976.

The following two paragraphs are proposed to be added at the end of the Appendix to the Systems of Records maintained by the Harry S. Truman Scholarship Foundation:

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

As revised, the appendix reads as follows:

Appendix—Harry S. Truman Scholarship Foundation

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or protential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

A record from this system of records may be disclosed to officers and employees of a Federal agency for purposes of audit.

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to ths agency under agreement with GSA.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

[FR Doc.76–35347 Filed 11–30–76;4:11 pm]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ENVIRONMENTAL EDUCATION PROGRAM

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Section 3 of the Environmental Education Act (20 U.S.C. 1531–1536, as amended by P.L.

93-278 (88 Stat. 121)) applications are being accepted from institutions of higher education, State and local educational agencies, regional research organizations, and other public and private nonprofit agencies, organizations, and institutions for environmental education project grants.

In Fiscal Year 1977, $3.5 million will be available for approximately 100 projects, including new and competing continuation projects. Grants averaging $50,000 for General Project activities and not exceeding $10,000 for Minigrant activities will be awarded for a 12-month period. Minigrants are available for community workshops, conferences, symposia, or seminars on a local environmental problem.

Applications must be received by the U.S. Office of Education Application Control Center on or before February 23, 1977.

A. APPLICATIONS SENT BY MAIL

An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.522. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than February 18, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. HAND DELIVERED APPLICATIONS

An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m., on the closing date.

C. PROGRAM INFORMATION AND FORMS

Information and application forms may be obtained from the Bureau of Elementary and Secondary Education, Office of Environmental Education, Federal Office Building Six, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

D. APPLICABLE REGULATIONS

The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and the Environmental Education regulations published in the FEDERAL REGISTER on May 21, 1974, Vol. 39 at 17842, as amended March 24, 1975, Vol. 40, No. 57 at 12990 (45 CFR Part 183).

(20 U.S.C. 1531-1536)

(Catalog of Federal Domestic Assistance Number 13.522 Environmental Education Program)

Dated: October 27, 1976.

EDWARD AGUIRRE,
Commissioner of Education.

[FR Doc.76-35236 Filed 11-30-76;8:45 am]

Office of the Secretary

PARTNERSHIPS FOR EFFECTIVE HUMAN SERVICES POLICY MANAGEMENT

Intent To Revise Policy

Notice is hereby given that the Department of Health, Education, and Welfare is reviewing a possible revision of its Capacity Building Policy, first issued on March 20, 1975. Following is a draft version of the revised Policy Statement which the Department is considering, under the above title, and a brief discussion of changes from the original Policy. The Department invites comments from the public on this draft.

The purpose of this Policy is to establish a coordinated Department position on, and give direction to, Department activities designed to assist general executives of State and local governments to further develop their capabilities to plan, manage, and deliver human services. In order to accomplish this goal, the Department recognizes in the Policy the need to increase and improve the partnership among Federal, State, and local governments. (See the Introduction to the Policy Statement for the background and rationale of the Policy.)

The Department solicits suggestions and comments on any part or aspect of the Policy Statement. In addition, the following questions are of concern to us:

SECTION II (POLICY)

1. Definition of "general executives": Do you believe that the definition is adequate? Is the focus on the chief official of general purpose government appropriate? Should the definition be broad enough, as it is in the draft Statement, to include other units of government?

2. *Special emphases of the Policy.* Are the general goals of the Policy stated in this section adequate and appropriate? Should there be special emphasis on services integration?

SECTION III (OBJECTIVES OF THE POLICY)

1. Are the objectives of the Policy clear and understandable?

2. Are the objectives reasonable? Are there are other objectives you believe are more appropriate or of higher priority?

SECTION IV (IMPLEMENTATION OF THE POLICY)

1. *Departmental Policy Reforms.* What mechanisms should there be for identifying and eliminating troublesome administrative or regulatory barriers imposed by HEW? How can HEW improve the involvement of general executives in the policy and program decisions of the Department?

2. *Dissemination of Information and Technology.* The principal initiatives in this area are Project SHARE, an information clearinghouse, and a small number of demonstration projects to develop and transfer information and technology. What are the topics and priorities for information and technology transfer activities that HEW should pursue? Is this a useful and effective strategy for improving policy management?

3. *Technical Assistance.* For which aspects of human services planning, management, and delivery, and for which programs, is technical assistance most needed? Who should provide this assistance; that is, what are alternatives for the technical assistance roles of HEW, State and local governments, public interest groups, regional organizations, and the private sector? How should assistance be financed and delivered?

4. *Demonstration Grants.* Is the limited program of demonstration grants (the Parnership Grants) a useful and effective strategy for improving policy management?

DEPARTMENT ORGANIZATIONAL ISSUES

1. In the continuing implement of the Policy, what should be the roles and responsibilities of the Office of the Secretary, the Regional Office, and the HEW Agencies?

2. What aspects of the organizational structure of HEW impede constructive partnerships between the Department and State and local governments and limit general executives' capabilities to plan, manage, and deliver human services?

The Department emphasizes that the attached version of the Policy Statement is a draft to which additions, deletions, or other modifications can and will be made. All comments received within 45 days will be considered by the Department. Comments should be addressed to the Director, Division of Intergovernmental Systems, Department of Health, Education, and Welfare, Room 440D (South Portal), 200 Independence Avenue, SW., Washington, D.C. 20201. All comments received on or before January 17, 1977 will be available for inspection at the above address during normal business hours.

Dated: November 24, 1976.

MARJORIE LYNCH,
Under Secretary.

MAJOR CHANGES FROM THE 1975 POLICY STATEMENT

1. The Introduction has been rewritten to reflect the experience of the last several years in presenting the rationale for the Policy.

2. The term "chief elected officials" is replaced by the term "general executives" to broaden the scope of the Policy. The latter focuses primarily on chief elected officials, but also can include legislatures and appointed officials where these are acting with authority for human services policy management in their capacities as direct appointees of an elected executive.

3. The Policy makes it explicit that improvements in human services policy management depend upon reform in HEW as well as in State and local governments, and commits the Department to working at both of these levels.

4. At the Departmental level, the Policy commits HEW to develop new methods by which general executives will be more involved in policy and program decisions.

5. The concept of services integration, formerly given special emphasis in the policy section of the Statement, is listed as one of the objectives that guide policy implementation, recognizing that services integration is just one of several models for improved policy management.

6. Increased emphasis is given to technical assistance, both direct assistance from the Department as well as the promotion of assistance from one government to another and through the use of agents such as councils of government, municipal leagues, and contractors.

7. The "Roles and Responsibilities" section of the original Statement has been omitted.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

POLICY ON PARTNERSHIPS FOR EFFECTIVE HUMAN SERVICES POLICY MANAGEMENT

I. *Introduction*

Enormous human problems and a increased social consciousness that these problems can and must be attacked by government have greatly accelerated the demand for human services in the twentieth century. Federal, State, and local governments have become heavily committed to the provision of services. Of necessity, partnerships in human service delivery have developed among government agencies at all three levels. Defining the roles and responsibilities inherent in those partnerships will be at the heart of governing America in the balance of this century.

For HEW in the 1970's, many of the issues of intergovernmental partnership are addressed in the context of the grant-in-aid system. With more than half of the categorical programs which aid state and local government now based in HEW, the hundreds of interactions between HEW and State and local governments make up the environment for much of the intergovernmental agenda in human services.

The strength of the grant-in-aid system has been its ability to address the complex and expanding needs of American citizens while maintaining the basic roles and relationships of the Federal structure. Its weaknesses, which became more and more apparent during the 1960's, include excessive fragmentation of program responsibility in independent agencies, boards, and commissions at all levels of government, piece-meal approaches to complex issues, the overcentralization of decision-making in Washington, and an excessive administrative burden at all levels. The consequence has been the severe limitation of the role, authority, and accountability of chief elected officials of State and local general purpose governments in the planning and delivery of human service programs.

In the 1970's, Congress and the Federal departments and agencies have made some progress in acting upon these criticisms of the Federal grant system. The existing block grant and General Revenue Sharing programs today comprise more than one-fourth of the funding for State and local assistance, but categorical programs still constitute the remaining three-fourths. The new block grant proposals of 1976 would further expand the government's use of block grants. While these actions are positive experiments in expanding State and local authority, there has been only limited concern in the Federal government for the impact of its operational structure and policies on forging an effective partnership among the three levels of government for the delivery of human services.

In 1975, HEW adopted a Capacity Building Policy that made it Departmental policy to create a partnership between Federal, State, and local officials designed to upgrade the effectiveness and efficiency with which these three levels of government meet their responsibilities in the planning, management, and delivery of human services. The Department has implemented this policy through demonstration grants for stimulating and testing alternative approaches to human service reform, the dissemination of information on human services management through a Clearinghouse, and efforts to link the Regional Offices with elected executives. In addition, a procedure to allow requests for waivers of HEW regulations impeding coordination or integration of services is being developed.

State and local governments themselves have instituted reforms in the organization and delivery of human service programs. Major reorganizations in more than half of the 50 States have been undertaken during the past five years setting up Departments of Human Resources or their umbrella-like equivalents, organizationally linking most health and welfare services. Similar reorganizations have been instituted in many city and county governments. Adopting some of the same goals as these reorganizations other governments have made extensive non-structural management changes: improved budgeting across agency lines, integrated human service information systems, and greater use of human services sub-cabinets and other staff units. Reform has been slower at the legislative level, but State and local governments have begun to focus on the legislature. Committee structures often have to be revised when services are combined in umbrella agencies, and mechanisms are being developed to increase the authority and accountability of legislatures in the planning of human service systems.

One lesson that emerges from several years of reform and demonstration projects is that these efforts of State and local governments are not sufficient by themselves. Our experience indicates that Federally imposed constraints flowing from both legislative and administrative policy can often be obstacles to improving the planning, management, and delivery of human services, and to increasing the authority and accountability of elected officials.

Another lesson is that while there is certainly no "best model" of State or local human services management, a body of experience with widely varying approaches is being assembled and is proving valuable to State and local officials seeking information about what techniques and procedures work. The Department's own capacity for identifying and transferring such results is being strengthened, and the need for even greater efforts to collect and disseminate these lessons of policy management has been documented as a major requirement of State and local officials.

Finally, we have learned that the policy management efforts defined by the original and this Policy Statement are a significant and necessary addition to categorical efforts of the program agencies. Program managers have taken major initiatives to expand and build new links among programs within their jurisdictions. These are important efforts, and should continue. But it is crucial to distinguish clearly between those activities which cluster around separable programs and those which seek to assist general executives to develop their capabilities to plan, manage, budget, and evaluate human services programs across the functional boundaries of each of the programs operated by their administrations. It is this critical policy management and resource allocation role in human services which is properly the decision arena for general executives. It is in this arena where intergovernmental partnerships can be most valuable in assisting these officials to make the hard choices among competing programs. Thus the form and target of assistance in policy management expressed in this Policy Statement remains the proper priority for the Office of the Secretary, as the office within the Department which is responsible for framing issues as broadly as they are seen at the State and local general executives' level.

II. *Policy*

It is the continuing policy of the Department of Health, Education, and Welfare to create partnerships among the Federal, State, and local governments to asisst general executives of State and local governments to further develop their capabilities to plan, manage, and deliver human service programs. The goal which motivates this policy is to improve the efficiency and effectiveness of services delivered to families and individuals.

For the purposes of this policy statement, general executives are defined as officials who (1) are elected or are directly appointed by elected officials as the senior managerial officials of government, and (2) exercise authority across a broad range of governmental functions. Although the primary focus is on the chief official of general purpose government (governors, mayors, city managers, county executives, Tribal councils), it also includes legislatures at the State, county, and city level and can include planning and budget directors, heads of human services umbrella agencies, and other designated officials where any of these are acting with authority for human services policy management in their capacities as direct appointees of an elected executive.

The Department recognizes that implementation of this policy necessarily involves reform at the State and local level as well as at the Departmental level. At the State and local level, a special emphasis of these activities is on identifying approaches to planning, evaluation, management, and delivery that both improve the efficiency and effectiveness with which service programs are administered and increase the impact of those programs at the delivery level. Because of the diversity of human service systems and State and local settings, this effort requires the continued testing and dissemination of alternative approaches to human service management and delivery at the administrative, legislative, and delivery levels. This Policy reiterates the commitment of HEW to provide financial and technical assistance to State and local governments to this end.

In HEW, the special emphases of policy management activities are the identification of Departmental regulations and practices that limit the capacities of State and local governments to plan and manage their human service programs, and the development of new opportunities for State and local governments to shape the Departmental policies and activities which affect their human service systems. This effort to build the capacity of the Department to respond to and assist governments seeking to improve service delivery will require the commitment and active involvement of each of the Department's major components—the Office of the Secretary, the Regional Offices, and the Agencies.

III. *Objectives of the Policy*

The following objectives will continue to guide implementation of the policy on partnerships for effective policy management in human services:

Establish clearer accountability for human service programs. To provide better access for the general public and intended recipients of services to elected and appointed officials responsible for human services.

Define and rationalize the roles of general purpose governments. To develop more rational patterns of functional responsibilities for service delivery between State and local governments, among local governments (city/county/special districts), and between State and local governments and private service providers.

Integrate the planning, evaluation, and delivery of human services. To serve individuals and families better by addressing all of their needs and by making services more accessible and effective.

Improve planning systems. To permit State and local officials to make more rational decisions on the priorities to be assigned to various human service programs, and to match available resources to those priorities.

Improve the evaluation of delivery systems. To assist elected officials to make more rational decisions on program continuations, expansions, and realignments.

Improve the use of innovative management approaches and program designs. To increase the efficiency of service delivery by reducing costs and saving clients' time through the application of management approaches and program designs that have proven successful elsewhere.

IV. *Implementation of the Policy*

The major components designed to implement the above policy objectives are as follows:

Departmental policy reforms. HEW will modify its programs, regulations, and administrative procedures to permit financial assistance to be used more flexibly by State and local governments. Legislative barriers to flexibility will be identified and new legislation will be sought by the Department where required. The Department will identfy the organzational changes and staffing requirements necessary to implement the policy. The Department has already adopted a new regulatory process that will promote input from external sources in the development of regulations, and is considering a procedure that would enable State and local officials to request the waiver of existing regulations impeding the integrated or coordinated planning management, or delivery of services. The Department will also develop new methods by which general executives will be more involved in policy and program decisions.

Dissemination of information and technology. The Department will continue to sponsor activities to collect information on new developments in human services planning and management. Through Project SHARE, the National Clearinghouse for Improving the Management of Human Services, it will disseminate this information to State and local governments.

Technical assistance. The Department will provide technical assistance in the planning and management of human services to State and local governments. This will be a two-pronged effort. On the one hand, the Department will provide assistance directly through its staff or through use of the Intergovernmental Personnel Act. On the other hand, the Department will promote technical assistance from one governmental unit to another or through the use of agents such as Councils of Governments, Municipal Leagues, contractors, or other non-governmental sources. HEW is currently sponsoring a project to learn more about effective means of transferring information systems technology from one site to another.

Demonstration grants. The Department will continue to award special grants, principally through the Partnership Grant program, to State and local governments to develop and test new approaches and techniques in the planning and management of human services at both the administrative and the legislative levels.

[FR Doc.76-35302 Filed 11-30-76;8:45 a.m.]

STANDARD ADMINISTRATIVE CODE SYSTEM

Redesignations of Department Organizations

The Principal Operating Components, the Office of the Secretary, and the Regional Offices of the Department of Health, Education, and Welfare have been assigned codes at all levels of approved organization in accord with the Department's new Standard Administrative Code system. The various parts and chapters of the Department's Statement of Organization, Functions, and Delegations of Authority also have been assigned Administrative Code identifiers consistent with the Administrative Codes. For the guidance of those who follow HEW organization notices in the FEDERAL REGISTER, the principal organizations and their new Administrative Codes, together with cross references to the former organization codes are listed below:

	New code	Former code
Part A—Office of the Secretary:		
Office of the Secretary	AA	1A.
Office of the Under Secretary	AB	1B.
Office of Assistant Secretary, Comptroller	AC	1W.
HEW Regional Office:		
Region I	AD1	1ES1.
Region II	AD2	1ES2.
Region III	AD3	1ES3.
Region IV	AD4	1ES4.
Region V	AD5	1ES5.
Region VI	AD6	1ES6.
Region VII	AD7	1ES7.
Region VIII	AD8	1ES8.
Region IX	AD9	1ES9.
Region X	ADX	1E91.
Office of Assistant Secretary for Planning and Evaluation	AE	1G.
Office of the General Counsel	AG	1S.
Office of Assistant Secretary for Legislation	AL	1Q.
Office of Assistant Secretary for Administration and Management	AM	1T.
Office of Assistant Secretary for Public Affairs	AP	1H.
Office for Civil Rights	AT	1D.
Office of Consumer Affairs	AW	1A20.
Part D—Office of Human Development:		
Office of Assistant Secretary for Human Development	DA	1R.
Office of Child Development	DC	1R40.
Office of Rural Development	DF	1R80.
Administration on Aging	DG	1R10.
Office of Youth Development	DY	1R20.
Developmental Disabilities Office	DJ	1R30.
Office for Handicapped Individuals	DH	1R55.
President's Committee on Mental Retardation	DL	1R60.
Office of Administration and Management	DM	1R90.
Office of Native American Programs	DN	1R91.
Office of Manpower	DP	1R92.
Office of Planning and Evaluation	DE	1R93.
Rehabilitation Services Administration	DR	1R94.
Part E—Education Division:		
Office of Assistant Secretary for Education	EA	1K.
Office of Education	EE	Pt. 2.
National Institute of Education	EN	Pt. 12.
Part H—Public Health Service:		
Office of Assistant Secretary for Health	HA	Ch. 1N.
Food and Drug Administration	HF	Pt. 6.
Alcohol, Drug Abuse, and Mental Health Administration	HM	Pt. 13.
National Institutes of Health	HN	Pt. 8.
Health Resources Administration	HR	Pt. 7.
Health Services Administration	HS	Pt. 3.
Center for Disease Control	HC	Pt. 9.
Part S—Social Security Administration:	SA	Pt. 4.
Office of the Commissioner	SG	Do.
Bureau of Hearings and Appeals	SH	Do.
Bureau of Health Insurance	SM	Do.
Office of Management and Administration	SP	Do.
Office of Program Operations	SR	Do.
Office of Program Policy and Planning	SS	Do.
Office of Advanced Systems	SX	Do.
Office of External Affairs		
Part W—Social and Rehabilitation Service:	WA	Pt. 5.
Office of the Administrator	WC	Do.
Public Services Administration	WE	Do.
Office of Planning, Research, and Evaluation	WF	Do.
Office of Associate Administrator for Policy Control	WH	Do.
Medical Services Administration	WM	Do.
Office of Associate Administration for Management	WP	Do.
Assistance Payments Administration	WR	Do.
Office of Field Operations	WS	Do.
Office of Associate Administrator for Information Systems		

As functional statements are added or amended, they will include references to the new Administrative Codes.

Dated: November 22, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-35213 Filed 11-30-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A-9697]

ARIZONA

Proposed Withdrawal and Reservation of Mineral Estate; Correction

In FR Doc. 76-29747 appearing at page 44716 in the FEDERAL REGISTER of Octo-

ber 12, the following changes should be made:

1. In the legal description of lands under sec. 17, the third description should read "NE¼SE¼" instead of N¼SE¼ as published;

2. In the legal description of lands in said sec. 17, the final description should read "N½SE¼SE¼" instead of SE¼SE¼ as published.

NOVEMBER 23, 1976.

ROBERT O. BUFFINGTON,
State Director.

[FR Doc.76-35353 Filed 11-30-76;8:45 am]

ARIZONA

[Serial No. A-6630]

Proposed Withdrawal and Reservation of Lands; Correction

In FR Doc.76-28586 appearing at page 43203 in the FEDERAL REGISTER of September 30, 1976, the following change should be made:

The second legal description on the third line under Sec. 19 should read "E½NE¼ SW¼" instead of E½NE½SW¼ as published.

Date: November 23, 1976.

ROBERT O. BUFFINGTON,
State Director.

[FR Doc.76-35316 Filed 11-30-76;8:45 am]

IDAHO FALLS DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Idaho Falls District Advisory Board will be held January 7, 1977 beginning at 9:00 a.m. in the conference room of the Bureau of Land Management building, 940 Lincoln Road, Idaho Falls, Idaho.

The Board was established to provide the Idaho Falls District of the Bureau of Land Management with advice and recommendations as to the proper management of the National Resource Lands to produce goods and services for the American people.

The purpose of the meeting is to reorganize and discuss composition and function of Advisory Boards, and discuss the Organic Act; the proposed Great Rift Primitive Area; proposed resource area boundary changes; the proposed grazing regulations; and distribution of Advisory Board funds. The Advisory Board will also make recommendations on those items discussed.

The meeting is open to the public. Oral statements may be made on agenda items. One written copy of all oral statements identifying the author is desired to provide a record for the minutes. Also any interested person may file a written statement with the Board for its consideration. It is expected that 5 persons will be able to attend the session in addition to the Committee members. Persons wishing to make statements oral and/or written must inform the Official listed below at least five days prior to the meeting.

Further information concerning this meeting may be obtained from O'dell A. Frandsen, District Manager, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401, Phone (208) 522-7460. Minutes of this meeting will be available for public information and copying four weeks after the meeting from the District Manager at the address listed above.

Dated: November 23, 1976.

O'DELL A. FRANDSEN,
District Manager.

[FR Doc.76-35315 Filed 11-30-76;8:45 am]

NEVADA

Change of Office Location and Mailing Address

Notice is hereby given that the mailing address of the Carson City District Office of the Bureau of Land Management is hereby changed effective Friday, December 17, 1976. New office location and mailing address from that date forward will be U.S. Department of the Interior, Bureau of Land Management, 1050 E. Williams Street, Carson City, Nevada 89701. The telephone number will remain the same (Area Code 702/882-1631).

L. PAUL APPLEGATE,
District Manager, Carson City.

[FR Doc. 76-35261 Filed 11-30-76;8:45 am]

[NM 29260]

NEW MEXICO

Application

NOVEMBER 23, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 N., R. 12 W.,
Sec. 17, W½SW¼ and SE¼SW¼;
Sec. 20, N½NW¼ and SE¼NW¼.

This pipeline will convey natural gas across .594 miles of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-35317 Filed 1130-76;8:45 am]

[NM 29152]

NEW MEXICO

Application

NOVEMBER 24, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Mapco, Inc. has applied for one 2⅜-inch liquid hydrocarbon pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 17 S., R. 27 E.,
Sec. 35, SE¼SW¼.

The pipeline will convey liquefied hydrocarbons across .093 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-33518 Filed 11-30-76;8:45 am]

[NM 29264, 29265 and 29266]

NEW MEXICO

Applications

NOVEMBER 24, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Company has applied for three 4-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 9 W.,
Sec. 10, NE¼NW¼;
Sec. 24, lots 6, 7 and SE¼SW¼;
Sec. 28, NE¼NW¼.
T. 31 N., R. 10 W.,
Sec. 19, lot 16.
T. 32 N., R. 10 W.,
Sec. 20, lots 6, 10 and 11;
Sec. 22, lot 6;
Sec. 27, lots 3, 6 and 7.
T. 31 N., R. 11 W.,
Sec. 6, lot 7.
T. 31 N., R. 12 W.,
Sec. 11, lots 5 and 12.

These pipelines will convey natural gas across 1.497 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their

name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-35319 Filed 11-30-76;8:45 am]

[Oregon 0121]

OREGON

Order Providing for Opening of Public Land

NOVEMBER 23, 1976.

1. In an exchange of lands made under the provisions of the Act of July 31, 1939, 53 Stat. 1144, the following land has been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 26 S., R. 2 W.,
Sec. 14, All, except those parcels containing 24.05 acres, more or less, as described in warranty deed to the United States recorded April 17, 1951, in Volume 192 at Page 130, Deed Records of Douglas County, Oregon;
Sec. 22, N½, except those parcels containing 110.06 acres, more or less, as described in warranty deed to the United States recorded April 17, 1951, in Volume 192 at Page 130, Deed Records of Douglas County, Oregon;
Sec. 24, N½, except those parcels containing 50.36 acres, more or less, as described in warranty deed to the United States recorded April 17, 1951, in Volume 192 at Page 130, Deed Records of Douglas County, Oregon.

The area described contains, after making the aforesaid exceptions, 1,095.53 acres in Douglas County and is administered under the policy of sustained-yield forest management which governs the administration of the revested Oregon and California Railroad lands.

2. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of law applicable to revested Oregon and California Railroad lands, the land described in pargraph 1 hereof is hereby open to operation of the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.), and the mineral leasing laws. All valid applications received at or prior to 10:00 a.m. December 29, 1976, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon, 97208.

FREDERICK S. CRAFTS,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-35320 Filed 11-30-76;8:45 am]

[Wyoming 57557]

WYOMING

Application

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Panhandle Eastern Pipe Line Company of Kansas City, Missouri, filed an application for a right-of-way to construct a 4 inch and 6 inch pipeline for the purpose of transporting natural gas across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 16 N., R. 91 W.,
Sec. 22, S½SW¼, SW¼SE¼;
T. 19 N., R. 91 W.,
Sec. 20, S½S½;
T. 19 N., R. 92 W.,
Sec. 24, N½S½.

The four inch pipeline will transport natural gas from Deep Gulch No. 1 well into Western Transmission's four inch flow line in sec. 22, T. 16 N., R. 91 W., Carbon County, Wyoming. The six inch pipeline will transport natural gas from North Creston No. 1 well in sec. 21, T. 19 N., R. 91 W., and Tom Federal No. 1 well in sec. 20, T. 19 N., R. 19 W., to a point of connection into Western Transmission's twelve inch pipeline located in sec. 24, T. 19 N., R. 92 W., Carbon County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-35260 Filed 11-30-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-160]

KNITTING MACHINES FOR LADIES' SEAMLESS HOSIERY FROM ITALY

Determination of No Injury or Likelihood Thereof or Prevention of Establishment

On August 25, 1976, the United States International Trade Commission received advice from the Department of the Treasury that knitting machines for ladies' seamless hosiery from Italy are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). On September 2, 1976, the Commission instituted investigation No. AA1921-160 under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. Notice of the institution of the investigation and of the public hearing was published in the FEDERAL REGISTER on September 13, 1976 (41 FR 38827).

In arriving at its determination, the Commission gave due consideration to written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of its investigation, the Commission has unanimously determined that an industry in the United States is not being and is not likely to be injured, and is not prevented from being established, by reason of the importation of knitting machines for ladies' seamless hosiery from Italy that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS

This investigation was made to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of knitting machines for ladies' seamless hosiery from Italy which the Department of the Treasury (Treasury) has determined are being, or are likely to be, sold at less than fair value (LTFV). In order to find affirmatively, the Commission must find two conditions satisfied in this investigation. First, there must be injury, or likelihood of injury, to an industry in the United States, or an industry in the United States must be being prevented from being established. Second, such injury, or likelihood of injury, or prevention of establishment of an industry must be "by reason of" the importation into the United States of the class or kind of foreign merchandise which Treasury has determined is being, or is likely to be, sold at LTFV.

On the basis of the information developed in the investigation, we have determined that any injury which a domestic industry may have experienced or may be likely to experience is not by reason of LTFV imports; nor is a domestic industry being prevented from being established by reason of LTFV imports. Therefore, the second condition, that of causation, has not been satisfied, and we have made a negative determination.

THE PRODUCT

Knitting machines for ladies' seamless hosiery are circular knitting machines typically having a cylinder of 3¾ or 4 inches in diameter.[1] Current models have 400 needles or more disposed around the cylinder.

Knitting machines for ladies' seamless hosiery make panty hose, full-length stockings, knee-high stockings, and anklets from fine-gage yarn and are distinguished from other circular knitting machines for knitting hosiery which knit hose from coarser yarns; these other machines of necessity have larger and therefore fewer needles, commensurate

[1] Ladies' full-fashioned hosiery, which is seamed, is made on noncircular knitting machines.

with the coarser yarns. All circular hosiery-knitting machines are distinguished from so-called large-diameter circular knitting machines, such as single knit, double knit, and sweater strip machines, such as single knit, double knit, and sweater strip machines, which have large, slow-moving cylinders.

THE U.S. INDUSTRY [3]

In making this determination we considered that the industry most likely to be adversely affected by LTFV imports would consist of the manufacturing facilities in the United States that are, or reasonably could be, producing knitting machines such as described above for ladies' seamless hosiery and parts for these machines. No evidence was developed during the investigation which showed that any other industry in the United States was adversely affected by these LTFV imports of knitting machines.

Textile Machine Works, the dominant U.S. producer of knitting machines for ladies' seamless hosiery during the mid-1960's, was acquired by Rockwell International, the complainant, in late 1968. During the period 1969–70 Rockwell was the largest producer of knitting machines for ladies' seamless hosiery in the world, and after 1970 Rockwell was the only U.S. producer. After 1970, however, the older style Rockwell machines were unable to compete successfully with machines from Italy; therefore, Rockwell sales declined almost 90 percent between 1970 and 1971 and to zero by January 1975. Rockwell shipped its last of the older style machines to the U.S. market in 1974, but it continues to supply replacement parts for machines shipped prior to 1975. Replacement parts for Rockwell machines have been produced throughout the period under consideration.

In 1973 Rockwell introduced a new machine designed to be faster and more versatile than its former models and intended for competition with the Italian machines. This machine, the Quadrasonic, was never perfected, produced in commercial quantities, or sold. For all practical purposes, with the demise of the Quadrasonic project in the summer of 1976, Rockwell ceased attempting to supply complete machines.

IMPACT OF LTFV SALES ON THE DOMESTIC INDUSTRY

We have determined that Rockwell's inability to sell knitting machines and parts thereof for ladies' seamless hosiery, as outlined above, did not occur "by reason of" LTFV imports and, therefore, the second criterion, that of causation, is not satisfied. Instead, the industry's rapid decline was caused by its failure to develop, produce, and market a fast, versatile, and reliable machine competitive with knitting machines offered by Italian manufacturers.

[3] Commissioner Ablondi does not concur with the definition of the U.S. industry hereinafter set forth.

It is unnecessary to consider the questions of injury, likelihood of injury, or prevention of establishment separately with respect to the older U.S. models, the newer Quadrasonic model, or their parts sold or offered for sale. This consideration is unnecessary since the reasons for any adverse impact are the same and are not related to the LTFV aspect of the subject imports.

Repeated testimony that was not contested at the Commission's hearing emphasized the importance of considerations other than price in the selection of a knitting machine. One imported knitting machine produces, on the average, about 68,000 dozen pairs of panty hose over a 10-year period; therefore, the initial cost of a machine priced significantly higher than a competitive machine would add an insignificant amount per dozen to the cost of hosiery. Therefore, it is understandable that the initial cost of a knitting machine, within limits, is not the primary factor determining which machine a mill buys.

Hosiery manufacturers indicated that they would have purchased the Italian machines in preference to Rockwell models had the Italian machines been sold at significantly higher prices. It should be noted, however, that even had the Italian machines been sold at fair value (this would have required adding an average of roughly $1,200 to the Italian sales price) during the period of LTFV sales (March-October 1975), on the average the imported machine would still have been able to undersell the U.S. product by a substantial margin (more than $2,000). Furthermore, these manufacturers stated that they would not have purchased Rockwell machines if their prices had been lower than the prices of Italian machines. The reason for this is simply that the Italian machines greatly outperformed the Rockwell machines, especially with respect to machine speed and ease of changing patterns.

The decline in sales of replacement parts for knitting machines for ladies' seamless hosiery came as a direct result of the drop in and cessation of sales of older model Rockwell machines. Therefore, the adverse effect on that portion of the industry producing and selling replacement parts is unrelated to LTFV imports for the same reasons that the adverse effect on the part of the industry producing machines is not related to such imports.

With respect to Rockwell's attempt to market its Quadrasonic machine, several U.S. hosiery manufacturers that tested the machine testified at the Commission's hearing concerning that machine's unreliability and inefficiency. One major U.S. hosiery manufacturer reported as follows:

> After 2½ months of testing the Quadrasonic in 1974 under laboratory conditions, Hanes determined that the machine would not operate reliably and efficiently because of numerous technical and design problems * * *.

> In July 1975, Hanes received an "improved" Quadrasonic supposedly incorporating features responding to the problems we had experienced. This 1975 Quadrasonic was, however, essentially unresponsive to these earlier problems.[3]

In contrast to the above-mentioned experience with respect to cooperative effort between the machine producer and user, Hanes further reported:

> Both Italian companies have been very helpful in assisting Hanes to utilize the machines. They have also been very prompt in responding to new engineering modifications suggested by Hanes, and in dealing with any defects that developed.[4]

Other factors besides price that caused U.S. hosiery mills to purchase knitting machines from Italy in preference to the Quadrasonic included Rockwell's terms of sale for the Quadrasonic, which were unacceptable. For example, long delivery schedules were quoted, with no assurance when production of the machine would begin. Furthermore, Quadrasonic machines were not always available for trial use in mills. Testifying to this point, L'eggs Products, Inc., reported at the Commission's hearing as follows:

> * * * Rockwell proposed to deliver to L'eggs a test Quadrasonic for its evaluation. Weeks and months went by, but the machine was not delivered. When L'eggs periodically asked why it was taking so long, Rockwell's response was that it was having problems and that the test model would not be delivered until the problems had been corrected. Apparently Rockwell never corrected those problems because Rockwell never delivered a test model Quadrasonic to L'eggs.[5]

Additionally, some customers were asked to place a firm and often large order for a Quadrasonic, either without a trial machine or without a favorable experience with a trial machine. In summary, Rockwell stopped short of committing the resources, notably for tooling and pilot production, necessary for establishing the efficacy of the Quadrasonic machine.

Lastly, it should be noted that the demand for panty hose declined abruptly and sharply in 1971, primarily because of a shift in fashion toward the pants suit. Accordingly, the demand for knitting machines for ladies' seamless hosiery slackened, adversely affecting Rockwell's opportunities in the market. The declining demand for machines, of course, bears no relationship to the subject LTFV sales.

CONCLUSION

We conclude, therefore, that an industry in the United States is not being and is not likely to be injured, and is not prevented from being established by reason of the importation of knitting machines for ladies' seamless hosiery from Italy that are being, or are likely to be, sold at LTFV within the meaning of the Antidumping Act, 1921, as amended.

[3] Transcript of the proceedings before the U.S. International Trade Commission, p. 33.
[4] Transcript of the proceedings before the U.S. International Trade Commission, p. 30.
[5] Ibid., p. 36.

This conclusion is based on our finding that various nonprice considerations caused the domestic industry producing knitting machines and parts thereof for ladies' seamless hosiery to decline sharply after 1970 and prevented a reestablishment of this industry in recent years, rather than LTFV aspects of the subject imports. Therefore, the second criterion, that of causation, is not satisfied with respect to injury, likelihood of injury, or prevention of establishment of an industry.

Issued: November 26, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-35305 Filed 11-30-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CONTROLLED SUBSTANCES IN SCHEDULES I AND II

Final 1976 Aggregate Production Quota Pethidine

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On October 19, 1976, a notice of the proposed revised aggregate production quota for 1976 for Pethidine was published in the FEDERAL REGISTER (41 FR 46033). All interested parties were invited to comment or object to the proposed aggregate production quota on or before November 19, 1976. No comments or objections were received.

Therefore, under the authority vested in the Attorney General by Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator of the Drug Enforcement Administration hereby orders that the aggregate production quota for the controlled substance listed below, expressed in grams of anhydrous base, be established as follows:

Basic class:	*Issued 1976*
Pethidine	11,678,000

This order is effective on December 1, 1976.

Dated: November 24, 1976.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc. 76-35356 Filed 11-30-76;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON CONSUMER AND WHOLESALE PRICES

Cancellation of Meeting

The meeting of the Business Research Advisory Council's Committee on Consumer and Wholesale Prices scheduled for December 3, 1976, has been cancelled. The meeting will be rescheduled at a later date.

The announcement of this meeting was published in the FEDERAL REGISTER Document 76-33453, Friday, November 12, 1976, Vol. 41, No. 220 (41 FR 50033).

Signed at Washington, D.C., this 29th day of November 1976.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.76-35571 Filed 11-30-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

NATIONAL SCIENCE BOARD

Meeting

As previously announced the National Science Board, the policy-making body of the National Science Foundation, met on Thursday and Friday, November 18–19, 1976, in Room 540, 1800 G Street, NW., Washington, D.C. 20550

Three additional items were added to the agenda for the portion of the meeting to be closed to the public:

1. Selection of individuals for Distinguished Public Service and Meritorious Public Service Awards.

2. Report on the West Coast Projects Office of the Research Applications Directorate.

3. Proposal to send official letters to certain individuals.

Requests for information on these items may be directed to the Office of the National Science Board, Washington, D.C. which may be reached on 202/632-5840. If the person receiving your call is unable to answer your question, please ask for Miss Vernice Anderson, Executive Secretary, National Science Board.

M. REBECCA WINKLER,
Acting Committee Management Officer.

NOVEMBER 26, 1976.

[FR Doc.76-35240 Filed 11-30-76;8:45 am]

NATIONAL SCIENCE BOARD

Meeting

The National Science Board, the policy-making body of the National Science Foundation, will meet on Thursday and Friday, February 3 and 4, 1977, in Room 540, 1800 G Street, NW., Washington, D.C. 20550.

Much of this meeting will be open to the public in keeping with the spirit of the Government in the Sunshine Act, which becomes formally effective in March 1977. Attached is an agenda for the meeting. As indicated, the session of this meeting that will be open to the public is scheduled for Thursday, February 3, from 1:00 to 5:30 p.m.

The agenda indicates the subjects to be discussed in both open and closed sessions.

Requests for information on the meeting may be directed to the Office of the National Science Board in Washington, D.C., which may be reached on 202/632-5840. If the person receiving your call is unable to answer your question, please ask for Miss Vernice Anderson, Executive Secretary, National Science Board.

AGENDA

187th meeting National Science Board National Science Foundation, Washington, D.C., February 3-4, 1977; Beginning at 1:00 p.m. Thursday, February 3; Adjourning by 1:00 p.m. Friday, February 4.

Thursday—February 3

OPEN SESSION

1:00-5:30 P.M.

1. Minutes—186th Meeting
2. Chairman's Report
3. Director's Report
4. Programs and Report Items
   a. *Astronomical, Atmospheric, Earth and Ocean Sciences.* (1) *Ocean Sciences.*—Status Report on Coastal Upwelling Ecosystems Analysis Project. (2) *Polar Programs.*—Report on "Research in the Arctic Tundra Environment Project".
   b. *Science Education.* (1) Science for Citizens: Public Service, Residencies and Internships—New Program and 1977 Guidelines. (2) Ethics and Values in Science and Technology Program—1977 Guidelines. (3) Science Education Development Program—Final 1977 Guidelines.
   c. *Scientific, Technological, and International Affairs—Science Information.* Operational Trials of Electronic Information Exchange by Small Research Community.
5. Board Committees—Meetings
6. Advisory Committees
7. Agenda for March Board Meeting
8. Other Business
9. Next Meetings

4:00-5:30 P.M.

10. Program Review—Behavioral and Neural Sciences

Friday—February 4

8:30 A.M.-1:00 P.M.

11. Closed Session
    a. Minutes—Closed Session—186th Meeting
    b. Grants and Contracts
       (1) Action Items
       (2) Report Items

M. REBECCA WINKLER,
Acting Committee Management Officer.

NOVEMBER 26, 1976.

[FR Doc.76-35242 Filed 11-30-76;8:45 am]

PRESIDENT'S COMMITTEE ON THE NATIONAL MEDAL OF SCIENCE

Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92-463, the National Science Foundation announces the following meeting:

Name: President's Committee on the National Medal of Science.
Date and time: December 19, 1976, 8:30 a.m.
Place: Room 540, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. Richard S. Nicholson, Special Assistant to the Director, National Science Foundation, Washington, D.C. 20550. (202) 632-4394.
Purpose of Award Committee: To provide recommendations to the President concerning recipients of the National Medal of Science.
Agenda: To review nominations as part of the selection process for the award.
Reason for closing: The nominations being reviewed include information of a personal nature. These matters are within the exemptions of 5 U.S.C. 552(b), (6), Freedom of Information Act.
Authority to close meeting: The determination made on November 18, 1976 by the Acting Director of the National Science Foundation pursuant to provisions of section 10(d) of Public Law 92-463.

M. REBECCA WINKLER,
Acting Committee Management Officer.

NOVEMBER 26, 1976.

[FR Doc.76-35241 Filed 11-30-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 20-1048A261, 3-4844 etc.]

ASCOT OILS, INC.

Order Permanently Suspending Regulation B Suspension

NOVEMBER 26, 1976.

In the matter of Schedule D Offering Sheets Filed by Ascot Oils, Inc., Shreveport, Louisiana, Huestis No. 1 Lease, (File No. 20-1048A261, 3-4844), Mulhall No. 1 Lease, (File No. 20-1048A263, 3-4845), No. 1 Wright Lease, (File No. 20-1048A-264, 3-4846), Johnson No. 1 Lease, (File No. 20-1048A271, 3-4847), Huddleston No. A-1 Lease, (File No. 20-1048A272, 3-4848), Wylie (No. 1 Lease, (File No. 20-1048A273, 3-4849).

I. On December 4, 1975, the Commission issued an order temporarily suspending the Regulation B exemption in the captioned offering sheets filed by Ascot Oils, Inc., stating that it had reasonable cause to believe that:

1. No exemption is available for the Huestis No. 1, Mulhall No. 1, and Wright No. 1 offerings under Regulation B because Ascot Oils, Inc. failed to comply with Rule 310(b) (17 CFR 230.310(b)) by failing to deliver the offering sheet to the investor at or prior to the time of the initial offer to sell.

2. No exemption is available for the Huestis No. 1, Mulhall No. 1, and Wright No. 1 offerings under Regulation B because Ascot Oils, Inc. failed to comply with Rule 310(d) (17 CFR 230.310(d)) by failing to deliver the offering sheet to the investor 48 hours before the sale was made.

3. No exemption is available for the Huestis No. 1, Mulhall No. 1 and Wright No. 1 offerings under Regulation B because Ascot Oils, Inc. failed to comply with Rule 318(b) (17 CFR 230.318(b)) by utilizing, in addition to the offering sheets, prohibited sales literature in connection with the offering of securities.

4. No exemption is available for the Johnson No. 1, Huddleston No. A-1, and Wylie No. 1 offerings under Regulation B according to Rule 306(a)(2) (17 CFR 230.306(a)(ii)) because Belmont Oil Co., an affiliate of Ascot Oils, Inc., was restrained and preliminarily enjoined on November 3, 1975, by the Harris County District Court, in Houston, Texas, from offering or selling securities within and from the state of Texas in violation of the securities registration, broker-dealer registration, and anti-fraud provisions of the Securities Act of the state of Texas.

5. No exemption is available for the Johnson No. 1, Huddleston No. A-1, and Wylie No. 1 offerings under Regulation B according to Rule 306(a)(2) (17 CFR 230.306(a)(ii)) because Arch L. French, a vice-president of Ascot Oils, Inc. was restrained and preliminary enjoined on November 3, 1975, by the Harris County District Court in Houston, Texas, from offering or selling securities within and from the state of Texas in violation of the securities registration, broker-dealer registration and anti-fraud provisions of the Securities Act of the state of Texas.

6. No exemption is available for the Johnson No. 1, Huddleston No. A-1, and Wylie No. 1 offerings under Regulation B because the offering sheets on file with the Commission fail to comply with Rules 330(a) and 330(b) (17 CFR 230.330(a) and (b)) of Regulation B in that the offering sheets did not disclose to prospective investors that an affiliate and an officer of Ascot Oils, Inc. were restrained and preliminarily enjoined on November 3, 1975, by the Harris County District Court, in Houston, Texas, from offering and selling securities within and from the state of Texas in violation of the securities registration, broker-dealer registration, and anti-fraud provisions of the Securities Act of the state of Texas.

II. A hearing was requested by Ascot Oils, Inc. on January 2, 1976. By letter dated March 11, 1976, the request was withdrawn. Therefore, the Commission finds that it is in the public interest and for the protection of investors that the exemption be permanently suspended.

Accordingly, it is ordered, Pursuant to Rule 334 of Regulation B under the Securities Act of 1933, that the exemption from registration with respect to Ascot Oils, Inc.'s Huestis No. 1 Lease (20-1048A261), Mulhall No. 1 Lease (20-1048A263), No. 1 Wright Lease (20-1048A264), Johnson No. 1 Lease (20-1048A271), Huddleston No. A-1 Lease (20-1048A272) and Wylie No. 1 Lease (20-1048A273) offerings be, and hereby are, permanently suspended.

For the Commission, by its Secretary, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-35295 Filed 11-30-76;8:45 am]

[File Nos. 20-2001A23, 3-4842, 20-2001A24, 3-4843]

BELMONT OIL CO.

Order Permanently Suspending Regulation B Exemption

NOVEMBER 26, 1976.

In the matter of Schedule D Offering Sheets Filed By Belmont Oil Company, Houston, Texas, Browder No. 1 Lease, (File No. 20-2001A23, 3-4842), Cockrell No. 1 Lease, (File No. 20-2001A24, 3-4843).

On December 4, 1975, the Commission issued an order temporarily suspending the Regulation B exemption in the captioned offering sheets filed by Belmont Oil Company, stating that it had reasonable cause to believe that:

1. No exemption is available for these offerings under Regulation B because the offeror failed to comply with Rule 310(b) (17 CFR 230.310(b)) by failing to deliver the offering sheet to the investor at or prior to the time of the initial offer;

2. No exemption is available for these offerings under Regulation B because the offeror failed to comply with Rule 310(d) (17 CFR 230.310(d)) by failing to deliver the offering sheet to the investor 48 hours before the sale was made; and,

3. No exemption is available for these offerings under Regulation B because the offeror failed to comply with Rule 318(b) (17 CFR 230.318(b)) by utilizing, in addition to the offering sheet, prohibited sales literature in connection with the offering of securities.

No hearing having been requested by the issuer within thirty days after the entry of the order temporarily suspending its exemption under Regulation B, the Commission finds that it is in the public interest and for the protection of investors that the exemption be permanently suspended.

Accordingly, it is ordered, Pursuant to Rule 334 of Regulation B under the Securities Act of 1933, that the exemption from registration with respect to Belmont Oil Company's Browder No. 1 Lease (20-2001A23) and Cockrell No. 1 Lease (20-2001A24) offerings be, and hereby are, permanently suspended.

For the Commission, by its Secretary, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-35296 Filed 11-30-76;8:45 am]

[Rel. No. 19772; 70-4538]

AMERICAN ELECTRIC POWER CO., INC. AND MICHIGAN POWER CO.

Proposed Extension of Time For Issue and Sale of Notes and Open Account Advances

NOVEMBER 23, 1976.

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), 2 Broadway, New York, New York 10004, a registered holding company, and its public-utility subsidiary company, Michigan Power Company ("MPC"), 100 South Main Street, Three Rivers, Michigan 49093, have filed with this Commission a posteffective amendment to their declaration, as previously amended, in this proceeding pursuant to Sections 6 (a), 7 and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the declaration, as amended, for a complete statement of the proposed transactions.

By orders dated October 10, 1967, May 2, 1968, May 26, 1969, December 16, 1969, October 28, 1970, December 21, 1971, March 23, 1972, November 29, 1972, December 27, 1973, December 4, 1974 and December 16, 1975 (HCAR Nos. 15872, 16051, 16383, 16559, 16880, 17405, 17508, 17783, 18232, 18686 and 19297), this Commission authorized MPC to make borrowings from time to time prior to December 31, 1976, from the National Bank of Detroit ("National") and the First National Bank of Canton ("Canton") in an aggregate amount not to exceed $4,000,000 outstanding at any one time. The maximum amounts of such borrowings outstanding at any one time are to be $4,000,000 from National and $1,400,000 from Canton; however, in no event is the aggregate amount of such borrowings to exceed $4,000,000 outstanding at any one time. The Commission has also authorized AEP to make open-account advances to MPC up to $12,000,000 outstanding at any one time. Such advances are to be repaid on or before December 31, 1976, provided that advances are not to be repaid before the preferred stock of MPC is retired. As of November 12, 1976, MPC had $2,750,000 of notes payable outstanding to National and $1,250,000 of notes outstanding to Canton.

Declarants now request authorization for an extension of time to make the bank borrowings from December 31, 1976 to the earlier of (i) December 31, 1977 or (ii) 30 days following such time as MPC receives notice of approval from this Commission to enter into a term bank loan agreement (proposed by amendment in File No. 70-5213). Declarant also request a like extension of time to make the aforesaid open account advances and to repay such advances, provided that the advances are not to be repaid prior to the retirement of the preferred stock of MPC.

The proposed notes to National and Canton will be dated as of the date of the borrowing, and will mature in not more than 270 days from the date of issuance or reissuance thereof. The notes will bear interest at a rate per annum equal to the prime rate in effect from time to time at the lending bank and will be prepayable, in whole or in part, at any time by MPC, without premium or penalty. It is stated that sufficient bank balances to meet operating and financial needs are generally kept at National and Canton, so that no additional balances will generally be required in connection with the borrowings. If the average of such balances were maintained solely in order to fulfill prevailing compensating balance requirements of approximately 20%, the effective interest cost of MPC of the issuance and sale of the notes would be approximately 8½%, based on a prime rate of 6½%.

The proceeds from the notes to National and Canton and the open-account advances are required by MPC in connection with its construction program, which for the year 1977 is expected to amount to approximately $2,700,000, and to pay bank loans the proceeds of which were used in connection with past expenditures in connection with MPC's construction program. Declarants state that the open-account advances will be repaid with a portion of the proceeds to be realized by MPC in connection with the divestment by MPC of its gas assets and that the bank loans will be repaid from internal cash sources or the issuance of such securities by MPC as the Commission may authorize.

Any fees or expenses to be incurred in connection with the proposed transactions will be supplied by amendment. It is stated that no state commission or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 20, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, and reasons for such request, and the issues of fact or law raised by said declaration, as further amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said, the declaration, as further amended by said post-effective amendment, or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-35248 Filed 11-30-76;8:45 am]

[Rel. No. 13002; SR-Amex-76-23]

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

NOVEMBER 23, 1976.

On October 8, 1976, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, New York 10006, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to rescind Rules 957 and 983 of the "Amex Option Rules" which require the filing with "Amex" of certain information which is available to the Exchange through other sources. The changes are to relieve members and member organizations of the Exchange from what have been found by Amex to be time consuming, duplicative and costly reporting requirements.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12899, (October 15, 1976)) and by publication in the FEDERAL REGISTER (41 FR 46658 (October 22, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on October 8, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-35249 Filed 11-30-76;8:45 am]

[Rel. No. 13003; SR-Amex-76-24]

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Changes

NOVEMBER 23, 1976.

On October 8, 1976, the American Stock Exchange, Inc., 86 Trinity Place,

New York, New York 10006, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of proposed rule changes. The rule changes would (1) add the requirement that compared trades used to effect the computerized comparison and clearance of options transactions agree as to trade date if other than the date of submission (Amex Rule 963); and (2) permit allocation of exercise assignment notices to customers on the basis of the type of margin deposited with respect to their short positions as directed to do so by the Options Clearing Corporation (Amex Rule 981 (a)).

Notice of the proposed rule changes together with the terms of substance of the proposed rule changes was given by publication of a Commission Release (Securities Exchange Act Release No. 12902 (October 18, 1976)) and by publication in the FEDERAL REGISTER (41 FR 46659 (October 22, 1976)).

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule changes filed with the Commission on October 8, 1976, be, and they hereby are, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-35250 Filed 11-30-76;8:45 am]

[Administrative Proceeding File No. 3-5013; File No. 24D-3420]

CHEMEX CORP.

Order Permanently Suspending Exemption and Statement of Reasons Therefor

NOVEMBER 19, 1976.

On October 25, 1974, Chemex Corporation (the "Issuer"), Broadway and Park, Riverton, Wyoming 82501, filed with the Denver Regional Office a Notification and Offering Circular pursuant to Regulation A, promulgated under Section 3(b) of the Securities Act of 1933, as amended. The Issuer proposed to offer 3,000,000 shares of its $.01 par value Common Stock at $.10 per share, for an aggregate offering price of $300,000. The filing indicated that the Casper, Wyoming firm of United Securities Corporation would serve as underwriter for the offering. The offering commenced on or about January 17, 1975 and, according to the Issuer's Form 2-A Sales Report filed on February 27, 1975, was concluded on February 18, 1975. The Issuer reported that 3,000,000 shares had been sold resulting in proceeds of $300,000.

On April 28, 1976, the Commission issued an order temporarily suspending the Regulation A exemption of the Issuer. Pursuant to Rule 261, the Issuer was sent notice that it had thirty days after entry of the order temporarily suspending its exemption in which to request a hearing. On May 17, 1976, the Issuer requested such a hearing, but withdrew its request on August 18, 1976.

In its order temporarily suspending the Regulation A exemption of the Issuer, the Commission stated that it had reason to believe that:

A. The Notification and Offering Circular of the Issuer contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose the actual plan of distribution, in that, a substantial number of shares were issued to insiders;

2. The failure to name certain underwriters who resold shares to the public;

3. The failure to disclose that the public offering price was higher than $.10 per share, as stated in the Offering Circular;

4. The misleading nature of claims concerning the medicinal benefits of "Larrea Divaricata" (a perennial evergreen shrub commonly known as the "creosote bush") in its affect on the growth and development of tumor cells, which the Issuer was to explore;

5. The failure to disclose the payment of $24,326 in consulting fees to the Issuer's Research Director;

6. The failure to disclose that the average cost of introducing a new drug into the market was approximately $10.5 million.

B. The Issuer failed to comply with the terms and conditions of Regulation A in that:

1. The Issuer failed to effect a "bona fide" public distribution;

2. The Issuer's Form 2-A Sales Report was false and misleading in failing to indicate that the distribution continued beyond the stated completion date;

3. The failure to name certain underwriters who resold shares to the public;

4. The failure to furnish, pursuant to Rule 256, an Offering Circular to those members of the public who purchased their shares from such unnamed underwriters; and

5. The failure to file certain sales literature pursuant to Rule 258.

C. The offering was made in violation of Section 17 of the Securities Act of 1933, as amended.

The Issuer having withdrawn its request for a hearing, the Commission finds that it is in the public interest and for the protection of investors that the exemption be permanently suspended.

It is ordered, pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the Issuer under Regulation A be permanently suspended.

For the Commission, by its Secretary, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-35228 Filed 11-30-76;8:45 am]

[Release No. 13001; SR-DTC-76-10]

DEPOSITORY TRUST CO.

Order Approving Rule Change Relating to A Proposed Dividend Reinvestment Service

NOVEMBER 23, 1976.

On October 13, 1976, The Depository Trust Company ("DTC"), 55 Water Street, New York, N.Y. 10041, submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change which would establish procedures enabling DTC's participants to take advantage of certain issuers' dividend reinvestment plans for securities held within DTC.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, notice of the proposed rule change was published in the FEDERAL REGISTER (41 FR 46656, October 22, 1976), and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-12896, October 15, 1976. No letters of comment were received.

The Commission has reviewed the proposed rule change and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR-DTC-76-10 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-35251 Filed 11-30-76;8:45 am]

[Rel. No. 19767; 70-5934]

FALL RIVER ELECTRIC LIGHT CO. AND MONTAUP ELECTRIC CO.

Proposed Issuance of Short-Term Notes to Banks

NOVEMBER 22, 1976.

Notice is hereby given that Fall River Electric Light Company ("Fall River") 85 North Main Street, Fall River, Massachusetts 02722, and Montaup Electric Company ("Montaup"), P.O. Box 391, Fall River, Massachusetts 02722, electric utility subsidiary companies of Eastern Utilities Associates, a registered holding company, have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a)(1), 7

and 12(c) of the Act, as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Fall River and Montaup propose to make borrowings from banks in the following maximum aggregate amounts to be outstanding at any one time during the period December 28, 1976 to December 27, 1977: Fall River: $4,250,000; Montaup: $21,550,000.

The borrowings are to be evidenced by promissory notes dated the respective dates of issue, maturing April 1, 1977 for all notes issued on and after December 28, 1976 and prior to April 1, 1977; July 1, 1977 for all notes issued on and after April 1, 1977 and prior to July 1, 1977; October 3, 1977 for all notes issued on and after July 1, 1977 and prior to October 3, 1977 and December 27, 1977 for all notes issued on and after October 3, 1977 and prior to December 27, 1977. Compensating balances may be required by some of the lending banks. With respect to notes to banks for which 20% compensating balances are required, the notes will bear interest at not in excess of the prime or base rate (presently 6½% per annum at some banks and 6¾% per annum or higher at others) in effect on the date of issuance (or in the case of a bank using a "floating" prime or base rate, at not in excess of the lowest "floating" rate in effect at such bank from time to time). With respect to notes for which no compensating balances are required, the notes will bear interest at not in excess of an effective rate derived from the prime or base rate in effect on the date of issuance together with an assumed compensating balance of 20%. All notes will provide for prepayment in whole or in part without penalty.

Assuming a required compensating balance of 20% and assuming a prime or base or lowest "floating" rate of 6½%, the effective rate of interest on borrowings would be 8.125%. This same effective rate of 8.125% would be applicable to promissory notes for which no compensating balance is required as long as the prime or base or lowest "floating" rate is 6½%.

Proceeds of the borrowings are to be used for construction expenditures, for meeting compensating balances with lending banks and to pay short-term debt at or prior to maturity during the period December 28, 1976 through December 27, 1977. Fall River and Montaup expect to have sort-term loans outstanding in the following amounts on December 28, 1976: Fall River: $4,250,000; Montaup: $15,050,000. Estimated construction expenditures for Fall River and Montaup during the same period are estimated at $958,000 and $13,869,000, respectively.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are to be supplied by amendment.

Notice is further given that any interested person may, not later than December 20, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, and reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-35229 Filed 11-30-76;8:45 am]

[Rel. No. 19768; 70-5771]

GENERAL PUBLIC UTILITIES CORP.

Proposed Extension of Time for Holding Company To Issue and Sell Short-Term Notes to Banks and Proposed Increase in Amount of Notes To Be Issued

NOVEMBER 22, 1976.

Notice is hereby given that General Public Utilities Corporation ("GPU"), 80 Pine Street, New York, New York 10005, a registered holding company, has filed a post-effective amendment to its application previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) thereof as applicable to the proposed transaction. All interested persons are referred to the application, as amended, which is summarized below, for a complete statement of the proposed transaction.

By order dated January 12, 1976 issued in this proceeding, GPU was authorized to issue up to $87,000,000 of short-term notes to banks pursuant to informal lines of credit through December 31, 1976. GPU had originally requested authority to issue up to $175,000,000 of such notes, but by amendment to its application, GPU established a need for only $87,000,000 of the authorization requested.

By post-effective amendment filed in this proceeding, GPU now requests an extension of time through December 31, 1977 to issue the notes authorized in the December 31, 1976 order and for authority to increase the maximum amount of notes authorized to be issued to $175,000,000. Each such note will bear interest at a rate not exceeding the "prime rate" which may be the floating rate, of each lending bank for commercial borrowing at the date of issue of such note, will be prepayable at any time without premium and will not be issued as part of a public offering. GPU proposes to use the proceeds of the short-term borrowings for investment in its operating subsidiaries.

It is anticipated that the banks from which borrowings will be made will require compensating balances at levels generally approximating 10% of the line of credit or 20% of the amounts actually borrowed, whichever is higher. Assuming compensating balances will equal 20% of the aggregate amounts borrowed and a prime of 6½%, the effective cost of borrowing will be 8.125%.

Any fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 20, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended by said posteffective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended by said post-effective amendment, or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-35230 Filed 11-30-76;8:45 am]

[Rel. No. 19773; 70-5927]

GEORGIA POWER CO.

Barge-to-Rail Coal Transloading and Blending Facility

NOVEMBER 23, 1976.

Notice is hereby given that Georgia Power Company ("Georgia"), 270 Peachtree Street, N.W., Atlanta, Georgia 30302, an electric utility subsidiary company of The Southern Company a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9(a) and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to said application, which is summarized below, for a complete statement of the proposed transaction.

Georgia proposes to acquire from Southern Region Industrial Realty, Inc. ("Seller"), a subsidiary of Southern Railway Company, a barge-to-rail coal transloading and blending facility ("Facility") now under construction at Pride, Alabama, on the banks of the Tennessee River near Tuscumbia and Sheffield, Alabama. The closing on the purchase of the transloader is expected to occur prior to January 1, 1977, at which time construction work on the Facility is scheduled to be within six to seven months of substantial completion. The purchase price for the Facility will be the sum of the fair market value for the land on which the Facility is located (up to approximately 390 acres) plus all of the Seller's other costs of any kind identified with the procurement and construction of the Facility. These costs include a factor representing Seller's cost of money equal to 1% per annum over the prime rate from time to time charged by Morgan Guaranty Trust Company of New York and is applied from the date of expenditure to the date of closing against all of Seller's costs except land acquisition costs. Appraisals and accountings will have to be performed prior to the closing to ascertain the precise amount of the purchase price, but Georgia estimates that the purchase price will not exceed $13,000,000 based on data presently available to Georgia. Georgia will also be assigned and will assume all licenses, permits, and agreements applicable to the Facility, including the present construction contract with Harbert Construction Corporation of Birmingham, Alabama, which is in charge of all engineering and construction work on the Facility. Following the closing, it is estimated that construction on the Facility will be completed in approximately six to seven months at an additional cost to Georgia of approximately $6.3 million. Georgia will finance the purchase and complete the construction of the Facility from corporate funds which are budgeted to be then available for this project.

The Facility is designed to receive contracted coal tonnage via barge on the Tennessee River, unload these barges by use of a bucket ladder unloader, stock the coal in segregated stockpiles (based primarily on the sulfur level of the coal involved), reclaim the coal by use of underground feeders located under the coal piles in specific ratios to achieve desired coal blends which meet applicable sulfur content levels required by environmental laws, and then flood-load the coal into unit trains for delivery to certain of Georgia's coal-burning power plants. The Facility will be provided rail service by Southern Railway via Southern's Memphis to Chattanooga mainline which connects with trackage from the Facility. Current projections indicate that the Facility will commence operations in the last quarter of 1977 and will transload, based on existing coal contracts, approximately 3.8 million tons of coal during 1978, which throughput will grow to approximately 9 million tons per year by 1981.

The Facility will serve two purposes for Georgia. It will permit Georgia to make use of barge transportation for contract coal where such transportation is more economic or suitable. It will also permit Georgia to blend the generally more expensive low sulfur coal with other higher sulfur coal Georgia has under contract at generally cheaper prices to produce a coal blend which nonetheless will meet applicable laws regulating the permissible sulfur content of coal burned at certain of Georgia's power plants. This will permit Georgia to save on its fuel costs by maximizing its legal use of lower priced (but higher sulfur) coal and by lowering its overall transportation costs for this coal. Estimates show these fuel cost savings resulting from use of the Facility will approximate $15,000,000 annually.

Georgia has entered into or is negotiating barging contracts providing for the transportation of coal from the barge loading facilities at Ford Dock, Illinois, and Grand Rivers, Kentucky, to the Facility site for transloading and blending. It is anticipated that in the future Georgia will enter into unit train leases with Southern Railway, in addition to those which Georgia presently has with General American Transportation Corporation, in order to haul coal from the Facility to Georgia's power plants. Georgia does not presently seek the approval of the Commission from these leases, but will file an application or applications in the future with respect thereto when and if fully negotiated.

The Facility is being constructed pursuant to plans and specifications approved, and ongoing instructions provided, by Georgia or its agent Southern Company Services, Inc. Seller's selection of Harbert Construction Corporation to construct the Facility was made upon request by Georgia. Under its present agreements with Seller, if Georgia does not purchase or lease the Facility from Seller, Georgia is obligated to indemnify Seller in the amount of the purchase price described above. Georgia has studied various methods of financing or utilizing the Facility, and in particular has invited proposals to have the Facility owned and operated by a third party for the benefit and account of Georgia. However, no suitable proposals of this nature have yet been forthcoming, and Georgia has determined that purchase of the Facility therefore represents the most favorable alternative for Georgia at the present time. It is Georgia's present intention to use the Facility solely for transloading its own coal; however, it is stated that in the future circumstances may arise which would make it beneficial for Georgia to hire out a portion of the transloader's capacity to other companies. Any revenues collected from non-affiliated parties for the use of the Facility will be applied as a reduction to the cost of operation of the Facility by Georgia and will be recorded as a credit to FPC Account 151, Fuel Stock.

Information as to the fees and expenses to be incurred in connection with the proposed transaction are to be filed by amendment. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 17, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-35252 Filed 11-30-76;8:45 am]

[Rel. No. 19766 70-5931]

GRANITE STATE ELECTRIC CO.

Proposed Issuance of Unsecured Note to Insurance Company

NOVEMBER 22, 1976.

Notice is hereby given that Granite State Electric Company ("Granite"), 9

Court Street, Lebanon, New Hampshire 03766, an electric utility subsidiary company of New England Electric System, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Granite proposes to issue its note ("note") for cash in the principal amount of $8,000,000 to John Hancock Mutual Life Insurance Company ("Hancock"). The note will be issued pursuant to an agreement ("agreement") between Granite and Hancock, will mature in ten years from date of issue and will bear interest at the rate of 9½% per annum. The agreement also provides for a sinking fund of $800,000 per year beginning at the end of the third year of the loan. The note is expected to be issued during the month of December 1976 and may not be refunded by Granite during the first five years from proceeds of borrowings at a lower effective interest cost to Granite or with a weighted average life to maturity less than that remaining on the note at such time. Granite may call the note at a premium in years six through ten.

Proceeds from the issue and sale of the note will be applied to payment of Granite's then payble outstanding short-term notes issued to pay for capitalizable expenditures or to reimburse the Granite treasury for such expenditures. It is expected that Granite will have approximately $8,000,000 in such borrowings outstanding at the time of the issuance of the note. Granite's capitalization as of September 30, 1976 and giving effect to the issuance of the note to Hancock is as follows:

	Actual		Pro forma	
	Amount	Percent	Amount	Percent
Common equity	$6,871,538	49.5	$6,871,538	46.2
Long-term debt			8,000,000	53.8
Short-term debt	7,000,000	50.5		
Total capitalization	13,871,538	100.0	14,871,538	100.0

It is stated that the New Hampshire Public Utilities Commission has jurisdiction over the proposed transaction and that no other state or federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction are estimated at $26,000, including legal fees of $23,000. Certain services will be performed at cost by New England Power Service Company.

Notice is further given that any interested person may, not later than December 20, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, and reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-35231 Filed 11-30-76;8:45 am]

[File No. 20-2136A1, 3-4960]

HARVEST FUELS, INC.

Schedule D Offering Sheets; Order Permanently Suspending Regulation B Exemption

On February 17, 1976, the Commission issued an order temporarily suspending the Regulation B exemption in the captioned offering sheet filed by Harvest Fuels, Inc., Shreveport, Louisiana, stating that it had reasonable cause to believe that:

1. No exemption is available for this offering under Regulation B according to Rule 306(a)(ii) (17 CFR 230.306(a)(ii)) because Belmont Oil Company, an affiliate of Harvest Fuels, Inc., was restrained and preliminarily enjoined on November 3, 1975, by the District Court of Harris County, in Houston, Texas, from offering or selling securities within and from the State of Texas, in violation of the securities registration, broker-dealer registration, and antifraud provisions of the Securities Act of the State of Texas.

2. No exemption is available for this offering under Regulation B according to Rule 306(a)(vi) (17 CFR 230.306(a)(vi) because Belmont Oil Company and Ascot Oils, Inc., affiliates of Harvest Fuels, Inc., have made filings pursuant to Section 3(b) of the Securities Act of 1933, which are under orders of temporary suspension.

No hearing having been requested by the issuer within thirty days after the entry of the order temporarily suspending its exemption under Regulation B, the Commission finds that it is in the public interest and for the protection of investors that the exemption be permanently suspended.

Accordingly, *it is ordered*, pursuant to Rule 334 of Regulation B under the Securities Act of 1933, that the exemption from registration with respect to Harvest Fuels, Inc.'s No. 1 R. E. Lee (20-2136A1) offerings be, and hereby is, permanently suspended.

For the Commission, by its Secretary, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-35253 Filed 11-30-76;8:45 am]

[Rel. No. 19775; 70-5925]

INDIANA & MICHIGAN POWER CO., ET AL.

Lease of Nuclear Material

NOVEMBER 24, 1976.

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), 2 Broadway, New York, New York 10004, a registered holding company, Indiana & Michigan Electric Company ("I&M"), 2101 Spy Run Avenue, Fort Wayne, Indiana 46801, an electric utility subsidiary company of AEP, and Indiana & Michigan Power Company ("I&MP"), c/o American Electric Power Service Corporation, 2 Broadway, New York, New York 10004, an electric generating subsidiary company of I&M, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9(a), 10 and 12 of the Act thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

I&MP was organized under the laws of the State of Michigan on April 20, 1971 for the purpose of acquiring, completing the construction of, and operating, the Donald C. Cook Nuclear Plant ("Cook Plant"), a nuclear fueled steam electric generating station situated in Michigan along the shore of Lake Michigan near Bridgman, Michigan. The Cook Plant is to consist of two nominally rated 1,100,000 kilowatt generating units, the first of which ("Unit 1") was placed in commercial operation on August 23, 1975 and the second of which ("Unit 2") is scheduled to be placed in commercial operation in 1978. By order issued May 20, 1971 (HCAR No. 17135), the Commission authorized I&MP to acquire the Cook Plant from I&M in consideration of the issuance by I&MP of all of its outstanding common stock and other of its securities to I&M. On September 23, 1971, I&M transferred the Cook Plant to I&MP. Pursuant to a Power Agreement, I&M is entitled to receive all power and associ-

ated energy available at the Cook Plant and is obligated to pay I&M therefor.

In September of 1971, I&M, as lessee, entered into a Nuclear Material Lease Agreement (the "1971 Lease") with CNA Nuclear Leasing, Inc. ("CNA"), as lessor, which provided, inter alia, for the leasing of nuclear fuel and nuclear fuel assemblies and components ("nuclear material") by I&M for use at Unit 1. The successor to CNA as lessor under the 1971 Lease is PruLease, Inc. ("PruLease"), a subsidiary of Pruco, Inc. which is a holding company subsidiary of Prudential Insurance Company of America. Delivery of a reload batch of nuclear fuel is expected at Unit 1 in December 1976; and it is proposed that the nuclear material consisting of this first reload batch be leased under the 1971 Lease. The first reload batch would be so included under the 1971 Lease upon the execution of an Interim Leasing Record, described infra. It is also proposed that concurrently with leasing of the reload batch, I&M will, pursuant to an Assignment, assign its right, title and interest in the 1971 Lease to I&MP. The Assignment will not limit or affect I&M's obligations under the 1971 Lease, but I&MP will agree to make all payments required to be made under said Lease directly to PruLease and will assume I&M's obligations thereunder. Under the Power Agreement, I&MP has not in the past included in its charges to I&M any portion of the rent paid to PruLease under the 1971 Lease because rental payments under said Lease have been paid by I&M. Upon the assignment of this Lease to I&MP, I&MP will include the rental expense thereunder as part of the charges to I&M under the Power Agreement.

It is further proposed that the nuclear material for Unit 2 will also be leased from PruLease pursuant to a Nuclear Material Lease Agreement (the "1976 Lease") between I&MP and PruLease. It is proposed that AEP guarantee I&MP's obligations under the 1976 Lease.

It is stated that under each Lease, the lessee leases nuclear material for approximately one year from the date that PruLease first makes a payment thereunder toward the cost of the nuclear material, and thereafter from month to month until that Lease is terminated pursuant to its terms. Under the Leases, PruLease is obligated to pay the cost of nuclear material (the "Acquisition Cost"). The unrecovered Acquisition Costs of PruLease may not, at any one time, exceed $43,500,000 under the 1971 Lease and $55,000,000 under the 1976 Lease. Any part of the Acquisition Cost paid by lessee is to be promptly repaid by PruLease. Under the 1976 Lease, rental payments prior to the completion of the first 200 full power hours of burn of the nuclear material and closing costs payable to PruLease will be included in the Acquisition Cost at the option of the lessee. Pursuant to the Leases, I&M has assigned or will assign to PruLease all contracts relating to the purchase of or services to be performed with respect to the nuclear material and entered into by I&M prior to the effective date of such Leases. Payments made under such contracts will be included in the respective Acquisition Costs. Included in the contracts assigned to PruLease are contractual rights involving the supplying of uranium concentrates and fabricated nuclear fuel assemblies by United Nuclear Corporation ("United"). It is stated that in 1971, United assigned its interest in this contract to General Atomic Company ("GAC") without being relieved of liability thereunder. United and GAC have instituted separate actions against I&M claiming, inter alia, that they are not obligated to supply said concentrates and assemblies, or that if they are obligated, they are entitled to prices higher than those specified in the contract. It is further stated that I&M has sued the co-partners of GAC, seeking specific performance of their contractual obligations or damages to the extent that GAC fails to perform them. It is stated that in the event addition uranium for subsequent reloads is not made available pursuant to GAC's asserted contractual obligations, uranium may have to be acquired elsewhere at substantially higher cost.

It is stated that under each Lease, lessee assumes all risks of loss or damage to the nuclear material and is responsible for maintaining the nuclear material in good operating condition and repair. If such insurance is available, lessee is obligated to procure physical damage insurance in an amount not less than PruLease's unrecovered Acquisition Cost as it exists from time to time and liability insurance to the extent required by applicable laws, rules or regulations, but lessee may self-insure to the extent permitted by applicable laws, rules or regulations and as agreed to by PruLease. PruLease and its affiliates are fully indemnified by lessee against any claims, demands, liabilities, costs and expenses arising as a result of PruLease having leased the nuclear material except certain costs and expenses which remain the obligations of PruLease under either lease. In general, lessee is obligated to pay all costs associated with the nuclear material and the leasing thereof, which are not to be paid by PruLease as an Acquisition Cost or otherwise under each Lease.

It is further stated that rental payments under a Lease differ depending on whether the nuclear material is carried on an Interim Leasing Record or a Final Leasing Record. Nuclear material is carried on an Interim Leasing Record (i) during any period prior to the initial criticality of such nuclear material and (ii) during any period commencing with the "cooling-off" and reprocessing of such nuclear material and prior to the initial criticality of the reprocessed nuclear material. Nuclear material not carried on an Interim Leasing Record is carried on a Final Leasing Record. The Leases require monthly rental payments. While the nuclear material is carried on an Interim Leasing Record and for the first two full months that nuclear material is carried on a Final Leasing Record, the amount of any specific rental payment is determined by allocating PruLease's then unrecovered Acquisition Cost with respect to that nuclear material equally over a 360 day period and by multiplying a portion of the amount so allocated (the portion attributable to the number of days equal to the number of days covered by the rental payment) by a percentage equal to the sum of 1¾% plus the higher of (i) the prime rate of Morgan Guaranty Trust Company or (ii) the rate of interest paid by PruLease on its commercial paper. After the first two full months that nuclear material is carried on a Final Leasing Record, the amount of any specific rental payment is the amount payable while the nuclear material is being carried on an Interim Leasing Record plus an amount designed to permit PruLease to recover the Acquisition Cost associated with that nuclear material over the period during which such nuclear material is expected to be utilized in connection with the generation of electric power, taking into account in the 1976 Lease any anticipated salvage value with respect thereto.

It is further stated that under either Lease, specified events of default permit PruLease, at its option, to terminate the Lease, take possession of the nuclear material, or sell or hold the nuclear material. If lessee fails to deliver possession of the nuclear material, lessee is to pay PruLease the rents then due, and the then unrecovered Acquisition Cost, plus any loss, damage or expense sustained by reason of default. In the event PruLease takes possession of the nuclear material, lessee remains liable for all rent due to the date of delivery to PruLease plus any loss, damage or expense sustained by PruLease by reason of the default and upon a sale by PruLease of the nuclear material, lessee will be liable for any deficiency between net proceeds of the sale and the unrecovered Acquisition Cost.

It is stated that in certain other events which do not involve a default, such as damage beyond repair to the nuclear material, a government taking of the nuclear material, a determination by lessee that the nuclear material is no longer useful or is economically unserviceable, lessee is to give notice of such event and to pay to PruLease an amount equal to the unrecovered Acquisition Cost of such nuclear material. Under the 1971 Lease, lessee is then to use its best efforts to sell the nuclear material to a third party with the proceeds of the sale to be paid to PruLease except that Lessee shall be entitled to reimbursement out of such proceeds up to the amount of the unrecovered Acquisition Cost which lessee has paid to PruLease. Under the 1976 Lease, lessee is entitled to the nuclear material upon its payment of the unrecovered Acquisition Cost to PruLease. In addition, either PruLease or lessee may terminate the Lease of all nuclear material covered at any particular time by a Leasing Record by giving at least two years' prior written notice of such termination, and in such event the rights and obligations will be as described in instant paragraph, except that, in the case of the

1971 Lease, lessee will have an option to purchase the nuclear material for a purchase price equal to the fair market value or the unrecovered Acquisition Cost, whichever is greater. I&M and I&MP contemplates seeking, at a future date, a modification of the terms of the 1971 Lease to limit the amount payable upon exercise of such option to unrecovered Acquisition Cost, rather than the greater of unrecovered Acquisition Cost or fair market value.

It is further stated that under the 1976 Lease, the Lease shall terminate upon certain additional events, such as the occurrence of a nuclear incident, within the meaning of the Atomic Energy Act, or changes in provisions of applicable laws, including the Atomic Energy Act, insurance coverages or other regulatory changes. In any such event, PruLease's interest in the nuclear material automatically transfers to lessee, and lessee becomes obligated to pay to PruLease the unrecovered Acquisition Cost of the nuclear material. Upon the entering into of the 1976 lease by I&MP, I&MP will include the rental expense thereunder as part of the charges to I&M under the Power Agreement.

It is proposed that AEP will execute a Guaranty Agreement as to payment and performance of all obligations of I&MP under the 1976 Lease. Under the terms of the Guaranty Agreement, AEP will be obligated, upon an event of default and notice thereof, to pay PruLease all unpaid rental payments, unrecovered Acquisition Cost, and costs and expenses relating to the default by I&MP.

The fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment. It is stated that the Nuclear Regulatory Commission has licensing and regulatory jurisdiction over the ownership, possession, storage and handling of the nuclear material. It is further stated that the assignment of the 1971 Lease by I&M to I&MP will not require any authorization by any other state or federal commission except that I&M proposes to request the Public Service Commission of Indiana, and I&M and I&MP propose to request the Michigan Public Service Commission, to authorize said transaction, in each case to the extent that they have jurisdiction thereof. It is further stated that the execution, delivery and performance of the 1976 Lease by I&MP will not require any authorization by any other state or federal commission except that I&MP proposes to request the Michigan Public Service Commission to authorize said transactions to the extent that it has jurisdiction thereof. No other state commission and no other federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 16, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-35254 Filed 11-30-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

ATLANTIC OCEAN OFF THE COAST OF NEW JERSEY

Declaration of Product Disaster Area

The State of New Jersey is declared a disaster area as a result of anoxic water in the Atlantic Ocean off the coast of New Jersey during the summer and fall of 1976, that adversely affected New Jersey's fish and shellfish industries. Eligible persons, firms, and organizations in the fish and shellfish industries may file applications for Product Disaster Loans until the close of business on August 22, 1977, at:

Small Business Administration, District Office, 970 Broad Street, Room 1635, Newark, New Jersey 07102.

or other locally announced locations.

Dated: November 22, 1976.

DANIEL T. KINGSLEY,
Acting Administrator.

[FR Doc.76-35275 Filed 11-30-76;8:45 am]

[License No. 02/02-5298]

C.B.M.C. CAPITAL CORP.

License Revocation

On September 16, 1974, pursuant to the provisions of Section 309 of the Small Business Investment Act of 1958, as amended (15 U. S. C. 687(a)), the Small Business Administration issued an Order against C.B.M.C. Capital Corporation (licensee), 150 Hinsdale Street, Brooklyn, New York 11207, to show cause, if any it has, why its license issued on April 2, 1973 to operate as a small business investment company should not be revoked.

On August 9, 1976, the Administrative Law Judge in charge of the administrative proceedings issued his initial decision determining that the license issued to licensee should be revoked, the license certificate surrendered to SBA, and licensee's corporate charter amended to delete all reference to SBA.

The initial decision of the Administrative Law Judge having become final, notice is hereby given that by virtue of the authority vested by the Act, SBA hereby revokes license No. 02/02-5298 heretofore issued to C.B.M.C. Capital Corporation, 150 Hinsdale Street, Brooklyn, New York 11207, and, accordingly, all rights, privileges and franchises appertaining to said license are hereby cancelled.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: November 22, 1976.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.76-35270 Filed 11-30-76;8:45 am]

DES MOINES DISTRICT ADVISORY COUNCIL

Public Meeting

The Des Moines District Advisory Council will hold a public meeting at 10 a.m., Friday, January 7, 1977, at the Des Moines Golf and Country Club, Des Moines, Iowa, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call J. Harold Sears, 210 Walnut Street, Des Moines, Iowa 50309 (515) 862-4567.

Dated: November 22, 1976.

HENRY V. Z. HYDE, Jr.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-35268 Filed 11-30-76;8:45 am]

[License No. 06/06-5180]

MESBIC FINANCIAL CORP. OF HOUSTON

Issuance of a License to Operate as a Small Business Investment Company

On October 21, 1976, a notice was published in the FEDERAL REGISTER (41 FR 46531) stating that MESBIC Financial Corporation of Houston, located at 2903 Richmond Avenue, Suite 201, Houston, Texas 77056, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1976) for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

The period for comment expired on November 5, 1976, and no comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 06/06-5180 to MESBIC Financial Corporation of Houston on November 12, 1976.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: November 23, 1976.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.76-35271 Filed 11-30-76;8:45 am]

MONTPELIER DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Montpelier District Advisory Council will hold a public meeting at 11:30 A.M., Wednesday, January 5, 1977 at the Holiday Inn, Blush Hill, Waterbury, Vermont to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Ora H. Paul, Acting District Director, P.O. Box 605, Montpelier, Vermont 05602 (802) 223-7472.

Dated: November 22, 1976.

HENRY V. Z. HYDE, Jr.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-35269 Filed 11-30-76;8:45 am]

[Application No. 03/03-5126]

PROFESSIONAL CAPITAL CORP.

Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.) has been filed by Professional Capital Corporation (Applicant) with the Small Business Administration (SBA) pursuant to 13 C.F.R. 107.102 (1976).

The officers and directors are as follows:

Bently V. Plummer, Chairman and Treasurer, 1424 4th St. S.W., Washington, D.C. 20024.

Ronald E. Billes, President and Director, 5045 Americana Drive, Annandale, Virginia 22003.

Julius A. Moore III, Secretary and Director, 7605 14th St. N.W., Washington, D.C. 20012.

The applicant will maintain its principal place of business at 1121 Arlington Boulevard, Suite 59, Arlington, Virginia 22209. It will begin operation with $279,820 of private capital derived through the sale of common and preferred stock to a maximum of 10 investors. BVC Enterprises, Inc. a company controlled by Mr. Plummer, will own 100 percent of the voting securities.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA rules and regulations.

Notice is hereby given that any person may, not later than December 16, 1976, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Arlington, Virginia.

(Catalog of Federal Domestic Assistance Progrom No. 59.011 Small Business Investment Companies.)

Dated: November 22, 1976.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.76-35272 Filed 11-30-76;8:45 am]

[License No. 09/12-0007]

SMALL BUSINESS ENTERPRISES CO.

Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Small Business Enterprises Company (SBEC), 555 California Street, San Francisco, California 94104, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), has filed with the Small Business Administration (SBA) an application pursuant to Section 107.1004 of the Regulations governing small business investment companies (13 C.F.R. 107.1004 (1976)); for approval of a conflict of interest transaction.

SBEC has invested $319,046 in New Times Communications Corporation (NTCC), One Park Avenue, New York, New York 10016. After the investment SBEC owns 10.37 percent of the outstanding equity capital of NTCC. The transaction falls within the purview of Section 107.1004 of the Regulations because Western Investment Associates (WIA) is an associate of SBEC and owns more than ten percent of the outstanding equity capital of NTCC. SBEC and NTCC are associates due to SBEC being a wholly-owned subsidiary of Bank of America National Trust and Savings Association which is, in turn, a wholly-owned subsidiary of BankAmerica Corporation. BankAmerica Corporation is a general partner in West Ven Management, a partnership which acts as general partner and investment advisor for WIA.

Notice is hereby given that any person may, not later than December 16, 1976, submit to SBA in writing, comments on the proposed transaction. Any such comments should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in both San Francisco, California, and New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: November 23, 1976.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.76-35273 Filed 11-30-76;8:45 am]

TASK FORCE ON EQUITY AND VENTURE CAPITAL

Meeting

The Small Business Administration Task Force on Equity and Venture Capital will hold a public meeting on Monday, December 20, 1976, at 10 a.m. The meeting, to discuss the means of providing equity and venture capital for small business, will be held at the Small Business Administration, 10th Floor Board Room, 1441 L Street, NW., Washington, D.C. 20416.

Dated: November 22, 1976.

HENRY V. Z. HYDE, Jr.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-35267 Filed 11-30-76;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

HANDBAGS FROM THE REPUBLIC OF KOREA

Preliminary Countervailing Duty Determination

On July 8, 1976, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (41 FR 27979). This notice stated that a petition in satisfactory form was received on May 24, 1976, alleging that payments or bestowals conferred by the Government of the Republic of Korea upon the manufacture, production or exportation of handbags from the Republic of Korea constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C.

1303) referred to in this notice as "the Act").

The term "handbags" as used in this notice, covers pocketbooks, purses, shoulder bags, clutch bags, and all similar articles by whatever name known, customarily carried by women or girls and classifiable under items 706.06, 706.08, 706.20, 706.22, 706.23, 706.24, 706.30, or 706.60, Tariff Schedules of the United States (TSUS). Luggage, flat goods or other articles classifiable under these TSUS items and handbags under item 706.40 are not included in the investigation.

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it preliminarily has been determined that certain practices of the Government of the Republic of Korea constitute bounties or grants within the meaning of section 303 of the Act, but that the benefits bestowed thereunder involve an aggregate amount of thirty-five one hundredths of one percent (0.35%), considered to be de minimis. These practices are:

1. Short-term financing at preferential interest rates.
2. Tax benefits resulting from the inclusion in loss accounts of sales and entertainment expenses incurred in connection with the exploitation of overseas markets.
3. Tax benefits resulting from the inclusion in loss accounts of reserve funds in connection with losses accruing from export activities.
4. Tax benefits under a provision for accelerated depreciation in connection with fixed assets utilized directly for the exportation of goods.

It preliminarily has been determined that certain practices of the Government of the Republic of Korea do not constitute a bounty or grant in that they do not on their face describe a bounty or grant based on the information currently available. These practices are:

1. Remissions, upon exportation, of customs duties on imported raw materials, reflecting internationally accepted principles of "drawback" on such items.
2. Remission, upon exportation, of commodity taxes, which are indirect taxes levied on imports destined for home consumption and passed on to the consumer.

It preliminarily has been determined that certain practices of the Government of the Republic of Korea do not constitute a bounty or grant on grounds that they are either not applicable or have not been utilized by the handbag industry. These practices are:

1. The Masan free export zone which is occupied by only one handbag manufacturer, which manufacturer does not export to the United States.
2. Medium-term financing assists for which the handbag industry has not been designated as eligible to receive benefits.
3. Deferred payment export financing assists, which is limited to "heavy industries" and for which the handbag industry therefore is not eligible.

Accordingly, it is determined preliminarily that no bounty or grant, within the meaning of Section 303, is being paid or bestowed, directly or indirectly, upon the manufacture, production, or exportation of handbags from Korea. A final decision in this case is required on or before May 24, 1977.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by this office not later than January 3, 1977.

This preliminary determination is published pursuant to Section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

VERNON D. ACREE,
Commissioner of Customs.

Approved: NOVEMBER 26, 1976.

PETER O. SUCHMAN,
Acting Assistant Secretary of the Treasury Department.

[FR Doc.76-35362 Filed 11-30-76;8:45 am]

Office of the Secretary

HANDBAGS FROM THE REPUBLIC OF CHINA

Preliminary Countervailing Duty Determination

On July 8, 1976, a "Notice of Receipt of Countervailing Duty Petition" was published in the FEDERAL REGISTER (41 FR 27979). The notice stated that a petition had been received alleging that payments, bestowals, rebates or refunds, granted by the Republic of China upon the manufacture, production, or exportation of handbags constitute the payment of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

The term "handbags" as used in this notice, covers pocketbooks, purses, shoulder bags, clutch bags, and all similar articles by whatever name known, customarily carried by women or girls and classifiable under items 706.08, 706.10, 706.12, 706.14, 706.20, 706.22, 706.23, 706.24, 706.30 or 706.60, Tariff Schedules of the United States (TSUS). Luggage, flat goods or other articles classifiable under these TSUS items are not included in this determination.

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it preliminarily has been determined that certain practices of the Government of the Republic of China constitute bounties or grants within the meaning of Section 303 of the Act. These practices are:

1. Income tax holidays for newly established firms and firms expanding production facilities, granted under the Statute for Encouragement of Investment.
2. Loans at preferential rates of interest for companies producing for export.
3. Exemption from income taxes, for firms located in Export Processing Zones.

It has preliminarily been determined that certain practices of the Government of the Republic of China do not constitute a bounty or grant in that they do not on their face describe a bounty or grant based on the information available. These practices are:

1. Exemption from the business tax (a gross receipts tax) on export sales.
2. Reduction in the stamp tax on export documents.
3. Refund of individual income taxes on corporate dividends.
4. Suspension of harbor dues on exported items.

It has preliminarily been determined that certain practices of the Government of the Republic of China do not constitute a bounty or grant in that they are either not applicable or have never been utilized by the handbag industry. These practices are:

1. Export risk insurance, where it was shown that no claims by an exporting industry were made in 1975.
2. A tax incentive for sales promotion abroad, which was not utilized by the handbag industry in 1975.
3. Exemption from customs duties on imported capital items, for which the handbag industry is ineligible.
4. Payment by installments of customs duties on imported capital items, which was not utilized by the handbag industry.
5. Alleged increase in the amount of drawback of customs duties on imported material lost in the process of manufacture, but granted full remission on the exported product, where the Republic of China does not pay drawback in an amount exceeding the original import duty.

Accordingly, it is determined preliminarily that bounties or grants, within the meaning of Section 303, are being paid or bestowed, directly or indirectly, upon the manufacture, production, or exportation of handbags from the Republic of China. A final decision in this case is required on or before May 24, 1977.

Before a final determination is made, consideration will be given to any relevant data, views, or arguments, submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office not later than January 3, 1977.

This preliminary determination is published pursuant to Section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Rev. 12, September 14, 1976, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and § 159.47(d) of the Customs Regulations (19 CFR 159.47(d)), insofar as they pertain to the issuance of a countervail-

ing duty order by the Commissioner of Customs, are hereby waived.

PETER O. SUCHMAN,
Acting Assistant Secretary of the Treasury.

NOVEMBER 26, 1976.

[FR Doc.76-35361 Filed 11-30-76;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[Docket 211-9]

CONSOLIDATED RAIL CORP.

Application for a Loan

Subsection (h) of Section 211 of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 721) (the Act), authorizes the United States Railway Association (Association) to enter into loan agreements with the Consolidated Rail Corporation (ConRail), the National Railroad Corporation, and any profitable railroad to which rail properties are transferred or conveyed pursuant to section 303(b)(1) of the Act under conditions and for purposes set forth in this Subsection. Subsection (b) of section 211 requires that the Association publish notice of the receipt of any application thereunder in the FEDERAL REGISTER and afford interested parties an opportunity to comment thereon.

On March 1, 1976, ConRail submitted a preliminary application for a loan under the provisions of Section 211(h) in the amount of $230,000,000. Notice of this application was published in the FEDERAL REGISTER dated March 19, 1976. On March 29, 1976, ConRail supplemented its preliminary application by filing the certifications and exhibits required by "Procedures for Applications for Loans to Pay Obligations of Railroads in Reorganization", 49 CFR Sec. 922 (Loan Procedure), and requested an initial borrowing of $34,024,000. On April 1, 1976, ConRail and the Association entered into a loan agreement which authorized initial borrowings by ConRail of $34,024,000. On April 12, 1976, ConRail further supplemented its loan application with a request that the aggregate amount of the initial borrowings be increased to $51,157,000. On April 15, 1976, the Board of Directors of the Association approved that request.

On July 12, 1976 ConRail filed a Borrowing Application pursuant to Subsection 211(h) of the Act requesting, among other things, new borrowings of $35,778,533.21 and an increase of the maximum amount reserved to $230,000,000.00. On July 29, 1976 the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $8,182,352.21.

Notice is hereby given that on November 18, 1976 ConRail filed a Borrowing Application pursuant to Subsection 211(h) of the Act requesting, among other things, new borrowings of $143,804,396.39 and a request for amendment of Section 3.01 of the Loan Agreement to increase the Maximum Borrowing to $203,143,749.60. This application includes the certification and exhibits required by the Loan Procedures.

Interested parties are invited to submit written comments relevant to this preliminary application. Any such submissions must identify, by its Docket No., the application to which it relates, and must be filed with the Office of General Counsel United States Railway Association, Room 2222, Transpoint Building, 2100 Second Street, S.W., Washington, D.C. 20595, on or before December 5, 1976, to enable timely consideration by USRA. The docket containing the original application shall be available for public inspection at that address, Monday through Friday (holidays excepted) between 8:30 a.m. and 5 p.m.

Dated at Washington, D.C., this 26th day of November, 1976.

EDWIN RECTOR,
Assistant Secretary, United States Railway Association.

[FR Doc.76-35279 Filed 11-30-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 201]

ASSIGNMENTS OF HEARINGS

NOVEMBER 26, 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 123407 (Sub 309), Sawyer Transport, Inc. now being assigned March 3, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 119657 (Sub 22), George Transit Line, Inc. now being assigned March 1, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 118159 (Sub 176), National Refrigerated Transport, Inc. now being assigned February 28, 1977 (1 day) at Chicago, Illinois in a hearing room to be later designated.

MC 123407 (Sub 306), Sawyer Transport, Inc. now being assigned February 24, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 136899 (Sub 18), Higgins Transportation Ltd. now being assigned February 23, 1977 (1 day) at Chicago, Illinois in a hearing room to be later designated.

MC-C-8735, Ligon Specialized Hauler, Inc., Virginia Hauling Company, A Corporation, Cherokee Hauling & Rigging, Inc., Eck Miller Transportation Corporation, Heavy & Specialized Haulers, Inc., O'nan Transportation Company, Incorporated, Carriers Management Service, Inc. and Foote Mineral Company—Investigation of Operations and Practices and Revocation of Certificates; MC-F-12631 Ligon Specialized Hauler, Inc.—Investigation of Control—Dixie Truckline, Inc., Roy Smith, Inc., and L & B Express, Inc. and MC 119777 (Sub-No. 245), Ligon Specialized Hauler, Inc., now assigned December 7, 1976 at Washington, D.C., has been postponed to February 7, 1977 (1 week) at Memphis, Tennessee; in a hearing room to be later designated.

MC 139468 (Sub 16), International Contract Carriers, Inc. now being assigned January 11, 1977 (1 day) at Seattle, Washington in a hearing room to be later designated.

MC 123407 (Sub 284), Sawyer Transport, Inc. now assigned January 11, 1977 at Seattle, Washington is cancelled, application dismissed.

MC-F-12713 Campbell Sixty-Six Express, Inc.—Purchase (Portion)—Transamerican Freight Lines, Inc. (Harold O. Love Receiver) and MC 75320 (Sub-No. 186), Campbell Sixty-Six Express, Inc., now being assigned for further continued hearing on January 14, 1977, at the Offices of the Intersate Commerce Commission, Washington, D.C.

MC 33641 (Sub-No. 126), Iml Freight, Inc., now assigned January 10, 1977 at Boise, Idaho; will be held in Owyhee Plaza Hotel, 11th and Main Streets.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-35370 Filed 11-30-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 26, 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 December 16, 1976.

FSA No. 43283—*Soda Ash from Points in Wyoming.* Filed by Western Trunk Line Committee, Agent, (No. A-2730), for interested rail carriers. Rates on soda ash, in bulk, in covered hopper cars, as described in the application, from points in Wyoming, to specified points in Illinois, Iowa, Minnesota, Missouri, and Texas.

Grounds for relief—Market competition.

Tariffs—Supplement 189 to Western Trunk Line Committee, Agent, tariff 120-L, I.C.C. No. A-4868, and supplement 275 to Southwestern Freight Bureau, Agent, tariff 270-F, I.C.C. No. 4832. Rates are published to become effective on December 25, 1976.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-35368 Filed 11-30-76;8:45 am]

IRREGULAR-ROUTE COMMON CARRIERS OF PROPERTY-ELIMINATION OF GATEWAY LETTER NOTICES

NOVEMBER 26, 1976.

The following letter-notices of proposals to eliminate gateways for the pur-

pose 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 December 13, 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 4405 (Sub-No. E10) (Correction), filed July 13, 1974, published in the FEDERAL REGISTER issue of June 11, 1975, and republished, as corrected, this issue. Applicant: DEALERS TRANSIT, INC., P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special handling or rigging because of size or weight, and *self-propelled articles* weighing 15,000 pounds or more, not including pipe and pipe-laying machinery, (1) between East St. Louis, Ill., on the one hand, and, on the other, points in Colorado; and (2) between points in Michigan (except points in Iron, Baraga, Houghton, Geogebic, and Ontonagon Counties), on the one hand, and, on the other, points in Colorado (except points in Washington, Yuma, Phillips, Logan, and Sedgwick Counties). The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

NOTE.—The purpose of this correction is to correct the territorial description.

No. MC 4405 (Sub-No. E12) (Correction), filed July 13, 1974, published in the FEDERAL REGISTER issue of June 11, 1975, and republished, as corrected, this issue. Applicant: DEALERS TRANSIT, INC., P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which, because of size or weight, require the use of special equipment, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith, restricted against the transportation of any such commodities to be used in, or in connection with, main or truck pipelines, between points in Arizona, on the one hand, and, on the other, points in Missouri, Kansas, Nebraska, Oklahoma, and East St. Louis, Mo. The purpose of this filing is to eliminate the gateway of points in Texas, New Mexico, and Oklahoma.

NOTE.—The purpose of this correction is to add E. St. Louis, Mo., to the radial territory.

No. MC 27817 (Sub-No. E8) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER issue of October 15, 1975, and republished, as corrected, this issue. Applicant: H. C. GABLE, INC., P.O. Box 220, Chambersburg, Pa. 17201. Applicant's representative: Harold C. Gabler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Canned and preserved foodstuffs*, from New York, N.Y., and points in that part of New York and New Jersey within ten miles of New York, N.Y., to points in Ohio. (Baltimore, Md., Winchester, Va., and the plant site of Musselman Fruit Products, Division of Pet, Inc. at Inwood, W. Va.)*; (1)(b) *Canned goods*, from New York, N.Y., and points in that part of New York and New Jersey within ten miles of New York, N.Y. to points in Kentucky. (Baltimore, Md., Winchester, Va., the plant site of Musselman Fruit Products, Division of Pet, Inc. at Inwood, W. Va., and Morgan County, W. Va.)* (2) *Canned goods*, from Baltimore, Md., to points in Ohio and Kentucky (Morgan County, W. Va.)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

NOTE.—The purpose of this correction is to correct the commodity for Part (1).

No. MC 51018 (Sub-No. E3), filed April 3, 1976. Applicant: THE BESL TRANSFER CO., 5550 Este Avenue, Cincinnati, Ohio 45232. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire*, in coils, (1) between points in Ohio (except points in Williams County and points in Defiance County on, north, and west of Ohio Highway 2), on the one hand, and, on the other, points in Illinois on and south of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 136 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of points in Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75. (2) between points in Indiana on and south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 30 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 15, thence along Indiana Highway 15 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Indiana-Ohio State line, on the one hand, and, on the other, points in Ohio on and south of a line beginning at the Ohio-Indiana State line and extending along Interstate Highway 70 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of points in Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75.

(3) Between points in Ohio on, south, and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway 31, thence along Ohio Highway 31 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Interstate Highway 270, thence along Interstate Highway 270 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in New York on and east of a line beginning at Oswego and extending along New York Highway 57 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of points in Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75. (4) Between points in Ohio on and west of a line beginning at Toledo, Ohio and extending over Interstate Highway 75 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 42, thence along U.S. Highway 42 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Ohio-Indiana State line, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of points in Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75. (5) Between points in Ohio on, south, and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway 31, thence along Ohio Highway 31 to junction Ohio Highway 38, thence along Ohio Highway 38 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 247, thence along Ohio Highway 247 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction Pennsylvania Highway 274, thence along Pennsylvania Highway 274 to junction Pennsylvania Highway 34, thence along Pennsylvania Highway 34 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of points

in Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75.

(6) Between points in Illinois, on the one hand, and, on the other, points in Ohio on and south of a line beginning at the Indiana-Ohio State line and extending along Ohio Highway 47 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of points in Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75. (7) between points in Ohio (except points in Williams County and those points in Defiance County on, north, and west of Ohio Highway 2), on the one hand, and, on the other, points in Indiana on and south of a line beginning at the Illinois-Indiana State line and extending along Iterstate Highway 74 to junction Interstate Highway 465, thence along Interstate Highway 465 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of points in Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75. (8) between points in Missouri, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of points in Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75. (9) between points in Ohio on and north of a line beginning at Cincinnati, and extending along U.S. Highway 50 to junction U.S. Highway Alternate 50, thence along U.S. Highway Alternate 50 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Kentucky on and west of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of points in Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75. (10) between points in Ohio on, south and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to junction Ohio Highway 235, thence along Ohio Highway 235 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 41, thence along Ohio Highway 41 to junction Ohio Highway 73, thence along Ohio Highway 73 to junction Ohio Highway 140 and 93, thence along Ohio Highways 140 and 93 to junction Ohio Highway 279, thence along Ohio Highway 279 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of points in Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75.

(11) between points in Indiana (except points in Steuben County), on the one hand, and, on the other, points in Ohio on and south of a line beginning at the Ohio-Indiana State line, and extending along Interstate Highway 70 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of points in Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75. (12) between points in Ohio on, south, and east of a line beginning at the Ohio-Michigan State line and extending along Ohio Highway 15 to junction Ohio Highway 65, thence along Ohio Highway 65 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Ohio Highway 41, thence along Ohio Highway 41 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 42, thence along U.S. Highway 42 to Cincinnati on the one hand, and, on the other, points in West Virginia on and south of a line beginning at Interstate Highway 70 at Wheeling and extending along Interstate Highway 70 to the West Virginia-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of points in Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75.

No. MC 61825 (Sub-No. E721), 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: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware*, between points in Tuscarawas County, Ohio, on the one hand, and, on the other, Chesapeake, Nansemond, Newport News, Norfolk, Princess Anne, and Virginia Beach, Va., and points in Amelia, Amherst, Appomattox, Bedford, Brunswick, Buckingham, Campbell, Carroll, Charlotte, Chesterfield, Cumberland, Dinwiddie, Floyd, Franklin, Greensville, Halifax, Henry, Isle of Wight, Lunenburg, Mecklenburg, Nelson, Nottoway, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Southampton, Surry, and Sussex Counties, Va.; restricted against the transportation of Class A and B explosives, commodities in bulk, and those requiring special equipment. The purpose of this filing is to eliminate the gateways of Coketown, Brooke County, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E722), 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: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware*, between points in Jefferson County, Ohio, on the one hand, and, on the other, Chesapeake, Nansemond, Norfolk, Princess Anne, and Virginia Beach, Va., and points in Amelia, Amherst, Appomattox, Bedford, Brunswick, Campbell, Carroll, Charlotte, Cumberland, Dinwiddie, Floyd, Franklin, Greensville, Halifax, Henry, Isle of Wight, Lunenberg, Mecklenburg, Nottoway, Patrick, Pittsylvania, Prince Edward, Prince George, Southampton, Surry and Sussex Counties, Va.; restricted against the transportation of Class A and B explosives, commodities in bulk, and those requiring special equipment. The purpose of this filing is to eliminate the gateways of Coketown, Brooke County, W.Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E736), filed March 5, 1976. 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: *Clocks, New furniture and furniture parts*, between points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, on the one hand, and, on the other, points in Virginia on and southwest of a line beginning at the North Carolina-Virginia State line and extending north along U.S. Highway 15 to junction U.S. Highway 58, thence east along U.S. Highway 58 to junction Virginia Highway 92, thence northwest along Virginia Highway 92 to junction U.S. Highway 15, thence north along U.S. Highway 15 to junction U.S. Highway 460, thence west along U.S. Highway 460 to junction Virginia Highway 26, thence north along Virginia Highway 26 to junction U.S. Highway 60, thence west along U.S. Highway 60 to junction U.S. Highway 11, thence north along U.S. Highway 11 to junction Virginia Highway 39, and thence west along Virginia Highway 39 to the Virginia-West Virginia State line, Restricted against the transportation of Class A and B explosives, commodities in bulk, and those requiring special equipment. The purpose of this filing is to eliminate the gateways of Bedford and Lynchburg, Va.

No. MC 61825 (Sub-No. E737), filed March 5, 1976. 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: *Clocks, new furniture and furniture parts*, between points in Maine, New Hampshire, and Vermont on and northeast of a line beginning at Portland, Me., and extending northwest along U.S. Highway 302 to junction New Hampshire Highway 18, thence northwest along New Hampshire Highway 18 to junction Vermont Highway 18, thence along Vermont Highway 18 to junction U.S. Highway 2, thence west along U.S. Highway 2 to junction

U.S. Highway 5, thence north along U.S. Highway 5 to junction Vermont Highway 122, thence northwest along Vermont Highway 122 to junction Vermont Highway 16, thence north along Vermont Highway 16 to junction U.S. Highway 5, thence north along U.S. Highway 5 to junction Vermont Highway 58, thence west along Vermont Highway 58 to junction Vermont Highway 118, thence west along Vermont Highway 118 to junction Vermont Highway 105, thence west along Vermont Highway 105 to junction Vermont Highway 108, thence north along Vermont Highway 108 to the United States-Canadian International Boundary line, on the one hand, and, on the other, points in Virginia on and bounded by a line beginning at the North Carolina-Virginia State line and extending north along U.S. Highway 15 to junction U.S. Highway 58, thence east along U.S. Highway 58 to junction Virginia Highway 92, thence northwest along Virginia Highway 92 to junction U.S. Highway 15, thence north along U.S. Highway 15 to junction U.S. Highway 460, thence west along U.S. Highway 460 to junction Virginia Highway 26, thence north along Virginia Highway 26 to junction U.S. Highway 60, thence west along U.S. Highway 60 to junction U.S. Highway 11, thence north along U.S. Highway 11 to junction Virginia Highway 39, thence west along Virginia Highway 39 to the Virginia-West Virginia State line, thence north along the Virginia-West Virginia State line to junction U.S. Highway 250, thence east along U.S. Highway 250 to junction Virginia Highway 6, thence southeast along Virginia Highway 6 to junction Virginia Highway 20, thence south along Virginia Highway 20 to junction U.S. Highway 15.

Thence south along U.S. Highway 15 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction Virginia Highway 13, thence east along Virginia Highway 13 to junction unnumbered highway near Tobaccoville, Virginia, thence south along unnumbered highway to junction Virginia Highway 38, thence east along Virginia Highway 38 to junction Virginia Highway 153, thence south along Virginia Highway 153 to junction U.S. Highway 460, thence west along U.S. Highway 460 to junction Virginia Highway 40, thence southeast along Virginia Highway 40 to junction U.S. Highway 1, thence southwest along U.S. Highway 1 to junction Virginia Highway 46, thence south along Virginia Highway 46 to the Virginia-North Carolina State line, and thence west to point of beginning, restricted against the transportation of Class A and B explosives, commodities in bulk, and those requiring special equipment. The purpose of this filing is to eliminate the gateways of Bedford and Lynchburg, Va.

No. MC 61825 (Sub-No. E738), filed March 5, 1976. 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: *Materials, equipment, and supplies* used in the manufacture and distribution of clocks, new furniture, and furniture parts (except in bulk), from points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, to points in South Carolina and points in North Carolina on, south and west of a line beginning at the Virginia-North Carolina State line and extending south along North Carolina Highway 39 to junction U.S. Highway 1, thence south along U.S. Highway 1 to junction North Carolina Highway 96, thence south along North Carolina Highway 96 to junction U.S. Highway 701, thence south along U.S. Highway 701 to junction North Carolina Highway 50, thence southeast along North Carolina Highway 50 to junction North Carolina Highway 24, thence east along North Carolina Highway 24 to Cape Carteret, North Carolina, thence to the Bogue Sound, thence along the Bogue Sound to the Bogue Inlet, and thence to the Atlantic Ocean, restricted against the transportation of those commodities requiring special equipment. The purpose of this filing is to eliminate the gateways of Bedford and Lynchburg, Va.

No. MC 61825 (Sub-No. E739), filed March 5, 1976. 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: *Materials, equipment, and supplies* used in the manufacture and distribution of clocks, new furniture, and furniture parts (except in bulk), from points in Maine, New Hampshire, and Vermont, and points in Massachusetts, and Rhode Island on, north and east of a line beginning at New Port, Rhode Island and extending west along Rhode Island Highway 138 to junction U.S. Highway 1, thence north along U.S. Highway 1 to junction Rhode Island Highway 4, thence north along Rhode Island Highway 4 to junction Rhode Island Highway 2, thence north along Rhode Island Highway 2 to junction Rhode Island Highway 5, thence north along Rhode Island Highway 5 to junction Rhode Island Highway 104, thence northeast along Rhode Island Highway 104 to junction Rhode Island Highway 146, thence northwest along Rhode Island Highway 146 to junction Massachusetts Highway 146, thence northwest along Massachusetts Highway 146 to junction Massachusetts Highway 122, thence northwest along Massachusetts Highway 122 to junction Massachusetts Highway 2, thence west along Massachusetts Highway 2 to the Massachusetts-New York State line, to points in North Carolina on and bounded by a line beginning at the Virginia-North Carolina State line and extending south along North Carolina Highway 39 to junction U.S. Highway 1, thence south along U.S. Highway 1 to junction North Carolina Highway 96, thence south along North Carolina Highway 96 to junction U.S. Highway 701, thence south along U.S. Highway 701 to junction North Carolina Highway 50, thence southeast along North Carolina Highway 50 to junction North Carolina Highway 24, thence east along North Carolina Highway 24 to Cape Carteret, North Carolina, thence to the Bogue Sound, thence along the Bogue Sound to the Bogue Inlet, thence through the Bogue Inlet to the Atlantic Ocean, thence northeast along the Atlantic Coast to the Drum Inlet, thence through the Drum Inlet to the Pamlico Sound, thence along the Pamlico Sound to the Neuse River, thence along the Neuse River to junction U.S. Highway 17, thence north along U.S. Highway 17 to junction North Carolina Highway 43, thence northwest along North Carolina Highway 43 to junction North Carolina Highway 58, thence northwest along North Carolina Highway 58 to junction U.S. Highway 401, thence north along U.S. Highway 401 to junction U.S. Highway 158, thence north along U.S. Highway 158 to junction U.S. Highway 1, thence north along U.S. Highway 1 to the North Carolina-Virginia State line, and thence west along the North Carolina-Virginia State line to point of beginning, restricted against the transportation of those commodities requiring special equipment. The purpose of this filing is to eliminate the gateways of Bedford and Lynchburg, Va.

No. MC 61825 (Sub-No. E740), filed March 5, 1976. 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: *Materials, equipment, and supplies* used in manufacture and distribution of clocks, new furniture and furniture parts (except in bulk), from points in Maine, New Hampshire, and Vermont on and northeast of a line beginning at Portland, Me., and extending northwest along U.S. Highway 302 to junction New Hampshire Highway 18, thence northwest along New Hampshire Highway 18 to junction Vermont Highway 18, thence along Vermont Highway 18 to junction U.S. Highway 2, thence west along U.S. Highway 2 to junction Vermont Highway 15, thence west along Vermont Highway 15 to Burlington, Vermont, and thence to Lake Champlain, to those points in North Carolina on and bounded by a line beginning at the Virginia-North Carolina State line and extending south along U.S. Highway 301 to junction U.S. Highway 158, thence east along U.S. Highway 158 to junction North Carolina Highway 305, thence southeast along North Carolina Highway 305 to junction U.S. Highway 13, thence south along U.S. Highway 13 to junction U.S. Highway 64, thence east along U.S. Highway 64 to junction North Carolina Highway 171, thence south along North Carolina Highway 171 to junction U.S.

Highway 17, thence south along U.S. Highway 17 to the Pamlico River, thence along the Pamlico River to the Pamlico Sound, thence along the Pamlico Sound to the Neuse River, thence along the Neuse River to junction U.S. Highway 17, thence north along U.S. Highway 17 to junction North Carolina Highway 43, thence northwest along North Carolina Highway 43 to junction North Carolina Highway 58, thence northwest along North Carolina Highway 58 to junction U.S. Highway 401, thence north along U.S. Highway 401 to junction U.S. Highway 158, thence west along U.S. Highway 158 to junction U.S. Highway 1, thence north along U.S. Highway 1 to the North Carolina-Virginia State line and thence east along North Carolina-Virginia State line to point of beginning; restricted against the transportation of those commodities requiring special equipment. The purpose of this filing is to eliminate the gateways of Bedford and Lynchburg, Va.

No. MC 61825 (Sub-No. E741), filed March 5, 1976. 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: —*Materials, equipment, and supplies* used in the manufacture and distribution of clocks, new furniture, and furniture parts (except in bulk), from points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, to those points in West Virginia on and south of a line beginning at the Virginia-West Virginia State line and extending west along West Virginia Highway 39 to junction West Virginia Highway 16, thence south along West Virginia Highway 16 to junction U.S. Highway 60, thence west long U.S. Highway 60 to junction Intersttae Highway 64, thence west along Interstate Highway 64 to junction U.S. Highway 60 near Huntington, W. Va., and thence to the West Virginia-Ohio State line, restricted against the transportation of those commodities requiring special equipment. The purpose of this filing is to eliminate the gateways of Bedford and Lynchburg, Va.

No. MC 61825 (Sub-No. E742), filed March 5, 1976. 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: *Materials, equipment and supplies*, used in the manufacture and distribution of clocks, new furniture and furniture parts (except in bulk), from points in Maine on and northeast of a line beginning at Portland, Maine and extending north along Maine Highway 26 to the Maine-New Hampshire State line, thence north along the Maine-New Hampshire State line to the United States-Canadian International Boundary line to those points in West Virginia on and bounded by a line beginning at Marlinton, W. Va., and extending west along West Virginia Highway 39 to junction West Virginia Highway 16, thence south along West Virginia Highway 16 to junction U.S. Highway 60, thence west along U.S. Highway 60 to junction Interstate Highway 64, thence west along Interstate Highway 64 to junction U.S. Highway 60, near Huntington, W. Va., thence to the West Virginia-Ohio State line, thence north along the West Virginia-Ohio State line to junction West Virginia Highway 2 at Point Pleasant, W. Va., thence east along West Virginia Highway 2 to junction U.S. Highway 33, thence east along U.S. Highway 33 to junction West Virginia Highway 16, thence south along West Virginia Highway 16 to junction Interstate Highway 79, thence east along Interstate Highway 79 to junction U.S. Highway 19, thence south along U.S. Highway 19 to Birch River, W. Va., thence southeast along unnumbered highway to Cowen, W. Va., thence northeast along West Highway 20 to junction West Virginia Highway 15, thence east along West Virginia Highway 15 to junction U.S. Highway 219, thence south along U.S. Highway 219 to point of beginning, restricted against the transportation of those commodities requiring special equipment. The purpose of this filing is to eliminate the gateways of Bedford and Lynchburg, Va.

No. MC 61825 (Sub-No. E743), filed March 5, 1976. 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: *Materials, equipment, and supplies* used in the manufacture and distribution of clocks, and new furniture and furniture parts (except in bulk), from points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, to those in Virginia on and southwest of a line beginning at the North Carolina-Virginia State line and extending north along U.S. Highway 15 to junction U.S. Highway 58, thence east along U.S. Highway 58 to junction Virginia Highway 92, thence northwest along Virginia Highway 92 to junction U.S. Highway 15, thence north along U.S. Highway 15 to junction U.S. Highway 460, thence west along U.S. Highway 460 to junction Virginia Highway 26, thence north along Virginia Highway 26 to junction U.S. Highway 60, thence west along U.S. Highway 60 to junction U.S. Highway 11, thence north along U.S. Highway 11 to junction Virginia Highway 39, and thence west along Virginia Highway 39 to the Virginia-West Virginia State line, restricted against the transportation of those commodities requiring special equipment. The purpose of this filing is to eliminate the gateways of Bedford and Lynchburg, Va.

No. MC 61825 (Sub-No. E744), filed March 5, 1976. 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: *Materials, equipment, and supplies* used in the manufacture and distribution of clocks, new furniture and furniture parts (except in bulk), from points in Maine, New Hampshire, and Vermont, on and northeast of a line beginning at Portland, Maine and extending northwest along U.S. Highway 302 to junction New Hampshire Highway 18, thence northwest along New Hampshire Highway 18 to junction Vermont Highway 18, thence north along Vermont Highway 18 to junction U.S. Highway 2, thence west along U.S. Highway 2 to junction U.S. Highway 5, thence north along U.S. Highway 5 to junction Vermont Highway 122, thence northwest along Vermont Highway 122 to junction Vermont Highway 16, thence north along Vermont Highway 16 to junction U.S. Highway 5, thence north along U.S. Highway 5 to junction Vermont Highway 58, thence west along Vermont Highway 58 to junction Vermont Highway 118, thence west along Vermont Highway 118 to junction Vermont Highway 105, thence west along Vermont Highway 105 to junction Vermont Highway 108, thence north along Vermont Highway 108 to the United States-Canadian International Boundary line, to those points in Virginia on and bounded by a line beginning at the North Carolina-Virginia State line and extending north along U.S. Highway 15 to junction U.S. Highway 58, thence east along U.S. Highway 58 to junction Virginia Highway 92, thence northwest along Virginia Highway 92 to junction U.S. Highway 15, thence north along U.S. Highway 15 to junction U.S. Highway 460, thence west along U.S. Highway 460 to junction Virginia Highway 26, thence north along Virginia Highway 26 to junction U.S. Highway 60, thence west along U.S. Highway 60 to junction U.S. Highway 11, thence north along U.S. Highway 11 to junction Virginia Highway 39, thence west along Virginia Highway 39 to the Virginia-West Virginia State line, thence north along Virginia-West Virginia State line to junction U.S. Highway 250, thence east along U.S. Highway 250 to junction Virginia Highway 6, thence southeast along Virginia Highway 6 to junction Virginia Highway 20, thence south along Virginia Highway 20 to junction U.S. Highway 15, thence south along U.S. Highway 15 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction Virginia Highway 13, thence east along Virginia Highway 13 to junction unnumbered highway near Tobaccoville, Va., thence south along unnumbered highway to junction Virginia Highway 38 near Amelia, Va., thence east along Virginia Highway 38 to junction Virginia Highway 153, thence south along Virginia Highway 153 to junction U.S. Highway 460, thence west along U.S. Highway 460 to junction Virginia Highway 40, thence southeast along Virginia

Highway 40 to junction U.S. Highway 1, thence southwest along U.S. Highway 1 to junction Virginia Highway 46, thence south along Virginia Highway 46 to junction Virginia-North Carolina State line, and thence west to point of beginning, restricted against the transportation of those commodities requiring special equipment. The purpose of this filing is to eliminate the gateways of Bedford and Lynchburg, Va.

No. MC 61825 (Sub-No. E745), filed March 5, 1976. 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 materials*, from points in Maine, New Hampshire, and Massachusetts, on and east of a line beginning at Buzzard's Bay and Crescent Beach, Mass., and extending north along unnumbered highway to junction U.S. Highway 6, thence northeast along U.S. Highway 6 to junction Massachusetts Highway 28, thence northwest along Massachusetts Highway 28 to junction Massachusetts Highway 58, thence north along Massachusetts Highway 58 to junction Massachusetts Highway 18, thence north along Massachusetts Highway 18 to junction Massachusetts Highway 3, thence north along Massachusetts Highway 3 to junction U.S. Highway 3, thence north along U.S. Highway 3 to junction Massachusetts Highway 2, thence northwest along Massachusetts Highway 2 to junction Massachusetts Highway 128, thence northeast along Massachusetts Highway 128 to junction U.S. Highway 3, thence north along U.S. Highway 3 to junction New Hampshire Highway 101, thence northeast along New Hampshire Highway 101 to junction New Hampshire Highway 107A, thence along New Hampshire Highway 107A to junction New Hampshire Highway 43, thence northeast along New Hampshire Highway 43 to junction U.S. Highway 202, thence northeast along U.S. Highway 202 to junction Maine Highway 135, thence north along Maine Highway 135 to junction Maine Highway 27, thence south along Maine Highway 27 to junction Maine Highway 8, thence north along Maine Highway 8 to junction U.S. Highway 2, thence northeast along U.S. Highway 2 to junction U.S. Highway 201, thence north along U.S. Highway 201 to the United States-Canadian International Boundary line, to points in Alabama, Florida, Georgia, Kansas, Louisiana, Mississippi, and Tennessee, and points in Illinois, Indiana, Iowa, Kentucky, and Missouri on and south of a line beginning at the Ohio-Kentucky State line at Russell, Ky., and extending west along Kentucky Highway 207, to junction Kentucky Highway 1, thence south along Kentucky Highway 1 to junction Kentucky Highway 7, thence west along Kentucky Highway 7 to junction Kentucky Highway 24, thence west along Kentucky Highway 24 to junction Kentucky Highway 11, thence north along Kentucky Highway 11 to junction Kentucky Highway 10, thence west along Kentucky Highway 10 to junction Kentucky Highway 22.

Thence west along Kentucky Highway 22 to junction Kentucky Highway 36, thence southwest along Kentucky Highway 36 to junction U.S. Highway 127, thence north along U.S. Highway 127 to junction Kentucky Highway 227, thence west along Kentucky Highway 227 to junction Interstate Highway 71, thence southwest along Interstate Highway 71 to junction U.S. Highway 421, thence north along U.S. Highway 421 to junction Indiana Highway 256, thence west along Indiana Highway 256 to junction Indiana Highway 39, thence northwest along Indiana Highway 39 to junction U.S. Highway 50, thence west along U.S. Highway 50 to junction Indiana Highway 37, thence northwest along Indiana Highway 37 to junction Indiana Highway 58, thence west along Indiana Highway 58 to junction Indiana Highway 67, thence southwest along Indiana Highway 67 to junction U.S. Highway 50, thence west along U.S. Highway 50 to junction U.S. Highway 51, thence north along U.S. Highway 51 to junction U.S. Highway 40, thence southwest along U.S. Highway 40 to junction Illinois Highway 140, thence west along Illinois Highway 140 to junction Illinois Highway 94, thence west along Illinois Highway 94 to junction Interstate Highway 70, thence west along Interstate Highway 70 to junction Missouri Highway 19, thence northwest along Missouri Highway 19 to junction Missouri Highway 22, thence west along Missouri Highway 22 to junction U.S. Highway 63, thence north along U.S. Highway 63 to junction Missouri Highway 6, thence west along Missouri Highway 6 to junction Missouri Highway 170, thence north along Missouri Highway 170 to junction Missouri Highway 146, thence northwest along Missouri Highway 146 to junction U.S. Highway 136, thence west along U.S. Highway 136 to junction Missouri Highway 148, thence north along Missouri Highway 148 to junction Iowa Highway 148, thence north along Iowa Highway 148 to junction Iowa Highway 2, thence along Iowa Highway 2 to the Iowa-Nebraska State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Martinsville, Va.

No. MC 61825 (Sub-No. E746), filed March 5, 1976. 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 materials*, from points in Connecticut, and Rhode Island, and points in Maine, Massachusetts, and New Hampshire on and west of a line beginning at Crescent Beach, Mass., and extending north along unnumbered highway to junction U.S. Highway 6, thence northeast along U.S. Highway 6 to junction Massachusetts Highway 28, thence northwest along Massachusetts Highway 28 to junction Massachusetts Highway 58, thence north along Massachusetts Highway 58 to junction Massachusetts Highway 18, thence north along Massachusetts Highway 18 to junction Massachusetts Highway 3, thence north along Massachusetts Highway 3 to junction U.S. Highway 3 to Boston, Massachusetts, thence north along U.S. Highway 3 to junction Massachusetts Highway 2, thence northwest along Massachusetts Highway 2 to junction Massachusetts Highway 128, thence northeast along Massachusetts Highway 128 to junction U.S. Highway 3, thence north along U.S. Highway 3 to junction New Hampshire Highway 101, thence northeast along New Hampshire Highway 101 to junction New Hampshire Highway 107A, thence northeast along New Hampshire Highway 107A to junction New Hampshire Highway 43, thence northeast along New Hampshire Highway 43 to junction U.S. Highway 202, thence northeast along U.S. Highway 202 to junction Maine Highway 135, thence north along Maine Highway 135 to junction Maine Highway 27, thence south along Maine Highway 27 to junction Maine Highway 8, thence north along Maine Highway 8 to junction U.S. Highway 2, thence northeast along U.S. Highway 2 to junction U.S. Highway 201, thence north along U.S. Highway 201 to the United States-Canadian International Boundary line, and those points in Vermont on and east of a line beginning at the New York-Vermont State line and extending east along Vermont Highway 9 to junction U.S. Highway 7, thence north along U.S. Highway 7 to junction Vermont Highway 11, thence east along Vermont Highway 11 to junction Vermont Highway 100, thence northeast along Vermont Highway 100 to junction Vermont Highway 103, thence east along Vermont Highway 103 to junction Vermont Highway 131, thence east along Vermont Highway 131 to junction Vermont Highway 106, thence north along Vermont Highway 106 to junction U.S. Highway 4, thence east along U.S. Highway 4 to junction Interstate Highway 89, thence north along Interstate Highway 89 to junction U.S. Highway 2, thence northeast along U.S. Highway 2 to junction U.S. Highway 5.

Thence north along U.S. Highway 5 to junction Vermont Highway 114, thence north along Vermont Highway 114 to Norton, Vermont, thence north to the United States-Canadian International Boundary line, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, and Tennessee, and points in Illinois, Kansas, Kentucky, and those points in Missouri on and south of a line beginning at the West Virginia-Kentucky State line and extending west along Kentucky Highway 40 to junction U.S. Highway 460, thence west along U.S. Highway 460 to junction U.S. Highway 60, thence west along U.S. Highway 60 to junction U.S. Highway 62, thence southwest along U.S. Highway 62 to junction Kentucky High-

way 86, thence west along Kentucky Highway 86 to junction U.S. Highway 60, thence west along U.S. Highway 60 to junction Kentucky Highway 56, thence west along Kentucky Highway 56 to junction Illinois Highway 13, thence west along Illinois Highway 13 to junction Illinois Highway 149, thence west along Illinois Highway 149 to junction Illinois Highway 3, thence northwest along Illinois Highway 3 to junction Illinois Highway 51, thence south along Illinois Highway 51 to junction Missouri Highway 51, thence south along Missouri Highway 51 to junction Missouri Highway 72, thence west along Missouri Highway 72 to junction Missouri Highway 21, thence northwest along Missouri Highway 21 to junction Missouri Highway 32, thence west along Missouri Highway 32 to junction Missouri Highway 17, thence south along Missouri Highway 17 to junction Missouri Highway 38, thence west along Missouri Highway 38 to junction U.S. Highway 66, thence west along U.S. Highway 66 to junction U.S. Highway 160, thence west along U.S. Highway 160 to junction U.S. Highway 69, thence north along U.S. Highway 69 to junction U.S. Highway 54, thence west along U.S. Highway 54 to junction U.S. Highway 59, thence north along U.S. Highway 59 to junction U.S. Highway 24, thence west along U.S. Highway 24 to junction Kansas Highway 63, thence north along Kansas Highway 63 to the Kansas-Nebraska State line, and thence west along the Kansas-Nebraska State line to the Kansas-Colorado State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 95540 (Sub-No. E45) (Correction), filed April 15, 1974, published in the FEDERAL REGISTER issues of May 13, 1974 and October 14, 1976, and republished, as corrected, this issue. 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: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Dade City, Fla., to points in North Carolina on and west of a line beginning at Corneake Inlet on the Atlantic Ocean, thence north along U.S. Highway 421 to Wilmington, N.C., thence along U.S. Highway 17 to junction with U.S. Highway 264, thence along U.S. Highway 264 to junction with North Highway 32, thence along North Carolina Highway 32 to junction with U.S. Highway 17, thence along U.S. Highway 17 to Elizabeth City, thence along North Carolina Highway 163 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 95540 (Sub-No. E112) (Correction), filed April 19, 1974, published in the FEDERAL REGISTER issue of June 21, 1974, and October 14, 1976, and republished, as corrected, this issue. 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*, from points in California on, west, and south of a line beginning at Eureka and proceeding along U.S. Highway 101 to Santa Rosa, thence along California Highway 12 to Glen Ellen, thence along unnumbered highway to Oakville, thence along California Highway 29 to Rutherford, thence along California Highway 128 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with California Highway 16, thence along California Highway 16 to its junction with California Highway 49, thence along California Highway 49 to its junction with California Hghway 120, thence along Calfornia Highway 120 to its junction with U.S. Highway 395, thence along U.S. Highway 395 to its junction with California Highway 168, thence along California Highway 168 to the California-Nevada State line, to points in New Jersey, on, east and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 57 to its junction with U.S. Highway 46, thence along U.S. Highway 46 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to the Hudson River. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

NOTE.—The purpose of this correction is to correct the territorial description.

No. MC 95540 (Sub-No. E509) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER issues of August 6, 1974, and October 14, 1976, and republished, as corrected, this issue. 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: *Bananas and coconuts and pineapples*, when moving in the same vehicle and at the same time with bananas, from points in Georgia on or east of U.S. Highway 301 (except points on U.S. Highway 1), to points in Florida on or south of a line beginning at Cedar Key and extending along Florida Highway 24 to junction Florida Highway 345, thence along Florida Highway 345 to Chiefland, thence along U.S. Highway 129 to its junction with Florida Highway 26, thence along Florida Highway 26 to Gainesville, thence along Florida Highway 24 to Waldo, thence along U.S. Highway 301 to its junction with Florida Highway 16, thence along Florida Highway 215, thence along Florida Highway 215 to junction U.S. Highway 17, thence along U.S. Highway 17 to its junction with Interstate Highway 95, thence along Interstate Highway 95 to junction with U.S. Highway 90, thence along U.S. Highway 90 to Jacksonville Beach. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 105813 (Sub-No. E25), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in vehicles equipped with mechanical refrigeration, except commodities in bulk, from Terre Haute, Ind., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 594 to junction Mississippi Highway 63, thence north along Mississippi Highway 63 to junction Mississippi Highway 57, thence west along Mississippi Highway 57 to junction Mississippi Highway 26, thence west along Mississippi Highway 26 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to junction Louisiana-Mississippi State line, and to those points in that part of South Carolina on and south of a line beginning at the Atlantic Ocean and extending west along U.S. Highway 21 to junction South Carolina Highway 170, thence west on South Carolina Highway 170 to junction U.S. Highway 278, thence north along U.S. Highway 278 to junction South Carolina Highway 336, thence west on South Carolina Highway 336 to junction U.S. Highway 321–601, thence south along U.S. Highway 321–601 to the Georgia-South Carolina State line, and to those points in that part of Texas on and south of a line beginning at the Gulf of Mexico and extending west along Texas Highway 358 to junction Interstate Highway 37, thence north along Interstate Highway 37 to junction Texas Highway 44, thence west along Texas Highway 44 to junction U.S. Highway 77, thence south along U.S. Highway 77 to junction Texas Highway 285, thence west along Texas Highway 285 to junction Texas Highway 16, thence southwest along Texas Highway 16 to the International Boundary between United States and Mexico, limited to shipments originating in Terre Haute, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E26), filed December 19, 1975. Applicant: BEL-

FORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, except commodities in bulk, from Springfield, Ky., to those points in Texas on and south of a line beginning at the Louisiana-Texas State line and extending along Texas Highway 12 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 90, thence along U.S. Highway 90 to the International Boundary Line between United States and Mexico. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E27), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foods*, (except dairy products and commodities in bulk), in mixed shipments with meats, meat products, and meat by-products, in vehicles equipped with mechanical refrigeration, from the plant site of Oscar Mayer & Company at Madison, Wis., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to junction Mississippi Highway 63, thence south along Mississippi Highway 63 to junction Mississippi Highway 42, thence west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to the Louisiana-Mississippi State line, and to those points in Texas on and south of a line beginning at the Gulf of Mexico and extending west along Park Highway 508 to junction Texas Highway 107, thence west along Texas Highway 107 to junction U.S. Highway 83, thence west along U.S. Highway 83 to the Rio Grande City and Texas-Mexican boundary line, and those points in South Carolina on and south of a line beginning at the Atlantic Ocean and extending west along U.S. Highway 21 to junction South Carolina Highway 170, thence west along South Carolina Highway 170 to junction U.S. Highway 278, thence north along U.S. Highway 278 to junction South Carolina Highway 336, thence west along South Carolina Highway 336 to junction U.S. Highways 321–601, thence south along U.S. Highways 321–601 to the Georgia-South Carolina State line, restricted to traffic originating at the plant site of Oscar Mayer & Company at Madison, Wis. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E28), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Edible meats, edible meat products, and edible meat by-products, and edible articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and hides), (a) from points in Sioux City, and Decorah, Iowa, to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to junction Mississippi Highway 63, thence south along Mississippi Highway 63 to junction U.S. Highway 42, thence along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to the Louisiana-Mississippi State line; (b) from Des Moines, Keokuk and Red Oak, Iowa, to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E29), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Edible meats, edible meat products, and edible meat by-products, and edible articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk, in tank vehicles, and hides), (a) from York, Nebr., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to junction Mississippi Highway 63, thence south along Mississippi Highway 63 to junction Mississippi Highway 42, thence west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to the Louisiana-Mississippi State line; (b) from Omaha, Nebr., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to junction Mississippi Highway 63, thence south along Mississippi Highway 63 to junction Mississippi Highway 42, thence west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line; (c) from Scottsbluff and the plantsite of Platte Valley Packing Company near Cozad, Nebr., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to junction Mississippi Highway 13, thence south along Mississippi Highway 13 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 27, thence south along Mississippi Highway 27 to the Louisiana-Mississippi State line.

(2) *Edible meats, edible meat products, and edible meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk, in tank vehicles), from Grand Island and Sidney, Nebr., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to the Louisiana-Mississippi State line, and to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to junction Mississippi Highway 13, thence south along Mississippi Highway 13 to junction Mississippi Highway 35, thence south to the Louisiana-Mississippi State line. (3) *Dairy products*, as described in Section B of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except commodities in bulk, in tank vehicles), from York, Nebr., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to junction Mississippi Highway 63, thence south along Mississippi Highway 63 to junction Mississippi Highway 42, thence west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to the Louisiana-Mississippi State line. (4) Butter and cheese, from Battle Creek, Fullerton, Lyons, Madison, Newman Grove, and Plainview, Nebr., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to the

Louisiana-Mississippi State line. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E30), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, except commodities in bulk, (a) from Saint Joseph, Mo., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42 to junction Mississippi Highway 29, thence south along Mississippi Highway 29 to junction Mississippi Highway 26, thence west along Mississippi Highway 26 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line. (b) from Marshall, Mo., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 594 to junction Mississippi Highway 63, thence north along Mississippi Highway 63 to junction Mississippi Highway 57, thence west along Mississippi Highway 57 to junction Mississippi Highway 26, thence west along Mississippi Highway 26 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line. (c) from Macon and Carrollton, Mo., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42 to junction Mississippi Highway 15, thence south along Mississippi Highway 15 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 29, thence south along Mississippi Highway 29 to junction Mississippi Highway 26, thence along Mississippi Highway 26 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line, and those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 594 to junction Mississippi Highway 63.

Thence north along Mississippi Highway 63 to junction Mississippi Highway 57, thence along Mississippi Highway 57 to junction Mississippi Highway 26, thence west along Mississippi Highway 26 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line. (d) from Milan and Moberly, Mo., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending along Mississippi Highway 42 to junction Mississippi Highway 15, thence south along Mississippi Highway 15 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 29, thence south along Mississippi Highway 29 to junction Mississippi Highway 26, thence west along Mississippi Highway 26 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E31), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish* (including shell fish), as defined in Section 203(b) of the Interstate Commerce Act, as amended, when transported in the same vehicle with commodities the transportation of which is not exempt from economic regulation under Section 203(b)(6) of the Act, (a) from Brunswick and St. Simons, Ga., to those points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, and South Carolina on and north of a line beginning at the Georgia-South Carolina State line and extending along South Carolina Highway 3 to junction South Carolina Highway 641, thence east along South Carolina Highway 641 to junction South Carolina Highway 174, thence along South Carolina Highway 174 to the Atlantic Ocean, and South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and District of Columbia. (b) from New York City, N.Y., to those points in Texas on and south of a line beginning at the Arkansas-Louisiana-Texas State line and extending west along Texas Highway 77 to junction Texas Highway 98, thence west along Texas Highway 98 to junction U.S. Highway 67, thence west along U.S. Highway 67 to junction U.S. Highway 380, thence west along U.S. Highway 380 to junction Texas Highway 70, thence north along Texas Highway 70 to junction U.S. Highway 82, thence west along U.S. Highway 82 to junction Texas Highway 116, thence west along Texas Highway 116 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E32), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Appulicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, vegetable oils, and vegetable oil shortening*, except commodities in bulk, from Boonton, N.J., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 14 to junction Mississippi Highway 9, thence north along Mississippi Highway 9 to junction U.S. Highway 82, thence west along U.S. Highway 82 to junction U.S. Highway 51, thence north along U.S. Highway 51 to junction Mississippi Highway 8, thence west along Mississippi Highway 8 to the Arkansas-Mississippi State line, and to those points in Arkansas beginning at the Arkansas-Mississippi State line and extending west along Arkansas Highway 4 to junction U..S Highway 70, thence west along U.S. Highway 70 to the Arkansas-Oklahoma State line, and to those points in Oklahoma beginning at the Arkansas-Oklahoma State line and extending west along U.S. Highway 70 to the Oklahoma-Texas State line, and to those points in Texas beginning at the Oklahoma-Texas State line and extending west along U.S. Highway 70 to junction U.S. Highway 287, thence west along U.S. Highway 287 to junction Texas Highway 86, thence west a long Texas Highway 86 to junction U.S. Highway 60, thence west along U.S. Highway 60 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E33), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, and packing house products*, except in bulk and commodities in bulk, in tank vehicles, from Philadelphia, Pa., to those points in Mississippi on and south of a line beginning at the Alabama-Mississipi State line and extending along Mississippi Highway 18 to junction U.S. Highway 80, thence west along U.S. Highway 80 to the Louisiana-Mississippi State line and those points in Texas on and south of a line beginning at the Arkansas-Texas State line and extending west along Texas Highway 77 to junction U.S. Highway 67, thence west along U.S. Highway 67 to junction U.S. Highway 380, thence west along U.S. Highway 380 to junction U.S. Highway 83, thence north along U.S. Highway 83 to junction U.S. Highway 82, thence west along U.S. Highway 82 to junction Texas Highway 70, thence north along Texas Highway 70 to junction U.S. Highway 70, thence west along U.S. Highway 70 to the New Mexico-Texas State line.

The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E34), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *com-*

mon carrier, by motor vehicle, over irregular routes, transporting: *Dairy products*, as defined by the Commission, (except oleomargarine from Indianapolis) and except commodities in bulk, (a) from Chicago, Ill., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 18 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to junction U.S. Highway 84, thence west along U.S. Highway 84 to the Mississippi-Louisiana State line and those points in Texas on and south of a line beginning at the Gulf of Mexico and extending west along Texas Highway 35 to junction U.S. Highway 59, thence west along U.S. Highway 59 to the Texas-Mexico State line. (b) From St. Louis, Mo., and East St. Louis, Ill., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 98 to junction Mississippi Highway 26, thence west along Mississippi Highway 26 to junction U.S. Highway 11, thence south along U.S. Highway 11 to the Mississippi-Louisiana State line and those points in South Carolina on and south of a line beginning at the Georgia-South Carolina State line and extending east along South Carolina Highway 462 to junction U.S. Highway 17, thence east along U.S. Highway 17 to junction at the Atlantic Ocean. (c) From Indianapolis, Ind., to those points in Texas on and south of a line beginning at the Louisiana-Texas State line and extending west along U.S. Highway 10 to junction U.S. Highway 77, thence south along U.S. Highway 77 to junction with Alternate Highway 77, thence south along Alternate Highway 77 to junction U.S. Highway 87, thence west along U.S. Highway 87 to junction Texas Highway 97, thence west along Texas Highway 97 to junction Texas Highway 173, thence west along Texas Highway 173 to junction U.S. Highway 81, thence west along U.S. Highway 81 to junction U.S. Highway 57, thence west along U.S. Highway 57 to the Texas-Mexico State line, and those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42 to junction U.S. Highway 98.

Thence west along U.S. Highway 98 to junction Mississippi Highway 27, thence south along Mississippi Highway 27 to the Mississippi-Louisiana State line; (d) from Kansas City, Kans., and Kansas City, Mo., to those points in Mississippi, on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line and those points in South Carolina on and south of a line beginning at the Atlantic Ocean and U.S. Highway 21 and extending west along U.S. Highway 21 to junction U.S. Highway 17, thence south along U.S. Highway 17 to junction South Carolina Highway 462, thence west along South Carolina Highway 462 to its junction with U.S. Highway 321, thence northwest along U.S. Highway 321 to junction South Carolina Highway 119, thence south on South Carolina Highway 119 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E35), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representatixe: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, except commodities in bulk, from Darien, Wis., to those points in Texas on and south of a line beginning at the Louisiana-Texas State line and extending west along U.S. Highway 90 to junction Texas Highway 87, thence west along Texas Highway 87 to the Galveston Port Bolivar Ferry to its connection with U.S. Highway 75, thence west along U.S. Highway 75 to junction Texas Highway 6, thence west along Texas Highway 6 to junction Texas Highway 35, thence west along Texas Highway 35 to junction U.S. Highway 181, thence south along U.S. Highway 181 to junction Texas Highway 44, thence west along Texas Highway 44 to junction Texas Highway 359, thence southwest along Texas Highway 16 to the International Boundary line between United States and Mexico. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105613 (Sub-No. E38), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packing houses*, except hides and commodities in bulk, in tank vehicles, from the plant site and storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa, to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to the Louisiana-Mississippi State line; restriction: The authority granted herein is restricted to the transportation of traffic originating at the plant site and storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E37), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats, edible meat products and meat by-products, and edible articles distributed by meat packinghouses*, as described in Section A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, from the plant site of Farmland Industries, Inc., near Garden City, Kans., to those points in that part of Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line; restriction: The authority granted herein is restricted to traffic originating at the plant site of Farmland Industries, Inc., near Garden City, Kansas. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E38), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60620. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats, edible meat products, and edible meat by-products, and edible articles distributed by meat-packinghouses*, as described in Sections A an C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to junction Mississippi Highway 63, thence south along Mississippi Highway 63 to junction Mississippi Highway 42, thence along Mississippi Highway 42 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Interstate Highway 59, thence south along Interstate Highway 59 to the Louisiana-Mississippi State line; restriction: The operations authorized herein are restricted to the transportation of traffic originating at the plant site and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E39), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible frozen*

meats, from the storage facilities utilized by Armour and Company at or near Mankato, Minn., to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to the Louisiana-Mississippi State line; restriction: The service authorized herein is restricted to shipments originating at said storage facilities at or near Mankato, Minn. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 105813 (Sub-No. E40), filed December 19, 1975. Applicant: BELFORD TRUCKING CO., INC., P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arthur J. Sibik, 7000 South Pulaski Road, Chicago, Ill. 60629. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Edible meats, edible meat products, and meat by-products, and edible articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and except commodities in bulk), from the plantsite of Spencer Foods, Inc., at Schuyler, Nebr. to those points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending west along U.S. Highway 84 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction Mississippi Highway 35, thence south along Mississippi Highway 35 to the Louisiana-Mississippi State line; restriction: The authority granted herein is restricted to the transportation of traffic originating at the plantsite of Spencer Foods, Inc., at Schuyler, Nebr. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 117815 (Sub-No. E3), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Icings and prepared flour mixes*, not frozen, in containers, from Jackson, Mich., to points in Illinois, within the territory bounded by a line beginning at Galena, Ill., and extending in a southeasterly direction to Savanna, Ill., thence south to Galesbury, Ill., thence east along U.S. Highway 150 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction Illinois Highway 2, thence along Illinois Highway 2 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction unnumbered highway to Shannon, Ill., thence along Illinois Highway 72 to junction Illinois Highway 73, thence along Illinois Highway 73 to Winslow, Ill., and thence west along a line through Warren, Ill., to Galena, Ill., restricted to movements from, to or between wholesale and retail grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC 117815 (Sub-No. E4), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Icings and prepared flour mixes*, not frozen in containers, from Chelsea, Mich., to points in Illinois within the territory bounded by a line beginning at Galena, Ill., and extending along in a southeasterly direction to Savannah, Ill., thence south to Galesburg, Ill., thence east along U.S. Highway 150 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction unnumbered Highway, thence along unnumbered Highway to junction Illinois Highway 88, thence along Illinois Highway 88 to junction Illinois Highway 2, thence along Illinois Highway 2 to junction Illinois Highway 26, thence along Illinois Highway 26 to Oneco, Ill., thence west along a line through Warren, Ill., to Galena, Ill., restricted to movements from, to or between wholesale and retail grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC 141969 (Sub-No. E1), filed June 4, 1974. Applicant: NOBLE TRANSPORT, INC., P.O. Box 17B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight requires the use of special equipment or special handling, (1) Between points in New Mexico on and north of a line beginning at the New Mexico-Colorado State line and extending along Interstate Highway 25 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction New Mexico Highway 38, thence along New Mexico Highway 38 to junction New Mexico Highway 3, thence along New Mexico Highway 3 to junction New Mexico Highway 111, thence along New Mexico Highway 111 to junction New Mexico Highway 553, thence along New Mexico Highway 553 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction New Mexico Highway 17, thence along New Mexico Highway 17 to junction U.S. Highway 550, thence along U.S. Highway 550 to junction New Mexico Highway 504, thence along New Mexico Highway 504 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in Arizona on and west of a line beginning at the Arizona-Utah State line and extending along the U.S. Highway 89 to junction Interstate Highway 17, thence along Interstate Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to the junction of Arizona Highway 85, thence along Arizona Highway 85 to the International Boundary line between the United States and Mexico. The purpose of this filing is to eliminate the gateway of Utah. (2) Between points in New Mexico on and west of a line beginning at the Arizona-New Mexico State line and extending along Interstate Highway 40 to junction New Mexico Highway 32, thence along New Mexico Highway 32 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 82, thence along U.S. Highway 82 to the New Mexico-Texas State line, on the one hand, and, on the other, points in Colorado on and west of a line beginning at the Colorado-Wyoming State line and extending along Colorado Highway 13 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateway of points in Utah. (3) Between points in New Mexico, on the one hand, and, on the other, points in Idaho. The purpose of this filing is to eliminate the gateway of points in Utah.

(4) Between points in New Mexico on, west and south of a line beginning at the New Mexico-Colorado State line and extending along New Mexico Highway 3 to junction New Mexico Highway 104, thence along New Mexico Highway 104 to junction U.S. Highway 66, thence along U.S. Highway 66 to the New Mexico-Texas State line, on the one hand, and, on the other, points in Montana on and west of a line beginning at the International Boundary line between the United States and Canada and extending along Montana Highway 233 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Montana Highway 236, thence along Montana Highway 236 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Montana-Wyoming State line. The purpose of this filing is to eliminate the gateway of points in Utah. (5) Between points in New Mexico, on the one hand, and, on the other, points in Nevada on and north of a line beginning at the Nevada-California State line and extending along U.S. Highway 50 to the Nevada-Utah State line. The purpose of this filing is to eliminate the gateway of points in Utah. (6) Between points in New Mexico on, north, and east of a line beginning at the New Mexico-Arizona State line and extending along U.S. Highway 60 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line, on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateway of

points in Utah. (7) Between points in New Mexico on and west of a line beginning at the New Mexico-Colorado State line and extending along U.S. Highway 285 to junction Interstate Highway 25, thence along Interstate Highway 25 to the New Mexico-Texas State line, on the one hand, and, on the other, points in Wyoming on and west of a line beginning at the Wyoming-Montana State line and extending along U.S. Highway 310 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Wyoming Highway 430, thence along Wyoming Highway 430 to the Wyoming-Colorado State line. The purpose of this filing is to eliminate the gateway of points in Utah. (8) Between points in New Mexico, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate the gateway of points in Utah. (9) Between points in New Mexico, on the one hand, and, on the other, points in Oregon. The purpose of this filing is to eliminate the gateway of points in Utah.

(10) Between points in Arizona, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate the gateway of points in Utah. (11) Between points in Arizona, on the one hand, and, on the other, points in Oregon on, north and east of a line beginning at the Pacific Ocean and extending along U.S. Highway 20 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Oregon Highway 31, thence along Oregon Highway 31 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Oregon-California State line. The purpose of this filing is to eliminate the gateway of points in Utah. (12) Between points in Arizona on, north, and east of a line beginning at the Arizona-California State line and extending along Interstate Highway 10 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction unnumbered highway near Dome, Ariz., thence along unnumbered highway to junction Interstate Highway 8 to Ligurta, Ariz., thence along Interstate Highway 8 to junction Arizona Highway 85, thence along Arizona Highway 85 to the International Boundary line between the United States and Mexico, on the one hand, and, on the other, points in Oregon. The purpose of this filing is to eliminate the gateway of points in Utah. (14) Between points in Colorado, on the one hand, and, on the other, points in Washington. The purpose of this filing is eliminate the gateway of points in Utah. (14 Between points in Colorado, on the one hand, and, on the other, points in Oregon. The purpose of this filing is to eliminate the gateway of Utah. (15) Between points in Washington, on, north, and east of a line beginning at the Strait of Juan de Fuca at Port Angeles, Wash., and extending along U.S. Highway 101 to junction Washington Highway 104, thence along Washington Highway 104 to junction Washington Highway 3, thence along Washington Highway 3 to junction Washington Highway 16, thence along Washington Highway 16 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Washington Highway 410, thence along Washington Highway 410 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Washington Highway 124, thence along Washington Highway 124 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Washington-Idaho State line, on the one hand, and, on the other, points in Nevada on, south, and east of a line beginning at the Nevada-Utah State line and extending along U.S. Highway 40 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Nevada Highway 58, thence along Nevada Highway 58 to the Nevada-California State line. The purpose of this filing is to eliminate the gateway of Utah.

(16) Between points in Nevada on and east of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Nevada Highway 25, thence along Nevada Highway 25 to junction Nevada Highway 38, thence along Nevada Highway 38 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway Alternate 50, thence along U.S. Highway Alternate 50 to the Nevada-Utah State line, on the one hand, and, on the other, points in Oregon on, north, and east of a line beginning at the Pacific Ocean and extending along U.S. Highway 20 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Oregon Highway 31, thence along Oregon Highway 31 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Oregon-California State line. The purpose of this filing is to eliminate the gateway of points in Utah. (17) Between points in Nevada on and east of a line beginning in the Nevada-Idaho State line and extending along U.S. Highway 93 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Nevada Highway 38, thence along Nevada Highway 38 to junction Nevada Highway 25, thence along Nevada Highway 25 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Interstate Highway 15, thence along Interstate Highway 15 to the Nevada-California State line, on the one hand, and, on the other, points in Oregon on and west of a line beginning at the Washington-Oregon State line and extending along U.S. Highway 197 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Oregon Highway 138, thence along Oregon Highway 138 to junction Oregon Highway 230, thence along Oregon Highway 230 to junction Oregon Highway 62, thence along Oregon Highway 62 to junction Interstate Highway 5, thence along Interstate Highway 5 to the Oregon-California State line. The purpose of this filing is to eliminate the gateway of Utah.

(18) Between points in Wyoming, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate the gateway of Utah or Montana. (19) Between points in Wyoming, on the one hand, and, on the other, points in Oregon. The purpose of this filing is to eliminate the gateway of Utah. (20) Between points in Idaho on and east of a line beginning at the Idaho-Montana State line and extending along U.S. Highway 93 to junction U.S. Highway Alternate 93, thence along U.S. Highway Alternate 93 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Idaho-Utah State line, on the one hand, and, on the other, points in Oregon on and west of a line beginning at the Oregon-Washington State line and extending along Interstate Highway 5 to junction Oregon Highway 58, thence along Oregon Highway 58 to junction U.S. Highway 97, thence along U.S. Highway 97 to the Oregon-California State line. The purpose of this filing is to eliminate the gateway of Utah or Montana. (21) Between points in Idaho on and east of a line beginning at the Idaho-Montana State line and extending along U.S. Highway 93 to junction U.S. Highway Alternate 93, thence along U.S. Highway Alternate 93 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Idaho-Utah State line, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate the gateway of Utah or Montana. And (22) between points in Idaho on and east of a line beginning at the Idaho-Montana State line and extending along U.S. Highway 93 to junction U.S. Highway Alternate 93, thence along U.S. Highway Alternate 93 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Nevada State line, on the one hand, and, on the other, points in Washington on, west, and north of a line beginning at the Washington-Oregon State line and extending along Washington Highway 433 to junction Washington Highway 4, thence along Washington Highway 4 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Interstate Highway 405, thence along Interstate Highway 405 to junction Washington Highway 522, thence along Washington Highway 522 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction unnumbered highway (3 miles east of Leavenworth, Wash.), thence along unnumbered highway to Entiat, thence along U.S. Highway 97 to junction Washington Highway 17, thence along Washington Highway 17 to junction

Washington Highway 174, thence along Washington Highway 174 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Washington-Idaho State line. The purpose of this filing is to eliminate the gateway of Utah or Montana.

NOTE.—The above authority was purchased from Ashworth by Noble pursuant to MC-F-12573.

No. MC 141969 (Sub-No. E2), filed June 4, 1974. Applicant: NOBLE TRANSPORT, INC., P.O. Box 17B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith; restriction: The operations authorized herein are restricted to commodities which are transported on trailers, (1) between points in New Mexico on and north of a line beginning at the New Mexico-Colorado State line and extending along Interstate Highway 25 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction New Mexico Highway 38, thence along New Mexico Highway 38 to junction New Mexico Highway 3, thence along New Mexico Highway 3 to junction New Mexico Highway 111, thence along New Mexico Highway 111 to junction New Mexico Highway 553, thence along New Mexico Highway 553 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction New Mexico Highway 17, thence along New Mexico Highway 17 to junction U.S. Highway 550, thence along U.S. Highway 550 to junction New Mexico Highway 504, thence along New Mexico Highway 504 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in Arizona on and west of a line beginning at the Arizona-Utah State line and extending along U.S. Highway 89 to junction Interstate Highway 17, thence along Interstate Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Arizona Highway 85, thence along Arizona Highway 85 to the International Boundary line between the United State and Mexico. The purpose of this filing is to eliminate the gateway of Utah. (2) Between points in New Mexico on, west, and south of a line beginning at the Arizona-New Mexico State line and extending along Interstate Highway 40 to junction New Mexico Highway 32, thence along New Mexico Highway 32 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 82, thence along U.S. Highway 82 to the New Mexico-Texas State line, on the one hand, and, on the other, points in Colorado on and west of a line beginning at the Colorado-Wyoming State line and extending along Colorado Highway 13 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateway of Utah. (3) Between points in New Mexico, on the one hand, and, on the other, points in Idaho. The purpose of this filing is to eliminate the gateway of Utah.

(4) Between points in New Mexico on, west, and south of a line beginning at the New Mexico-Colorado State line and extending along New Mexico Highway 3 to junction New Mexico Highway 104, thence along New Mexico Highway 104 to junction U.S. Highway 66, thence along U.S. Highway 66 to the New Mexico-Texas State line, on the one hand, and, on the other, points in Montana on and west of a line beginning at the International Boundary line between the United States and Canada and extending along Montana Highway 233 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Montana Highway 236, thence along Montana Highway 236 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Montana-Wyoming State line. The purpose of this filing is to eliminate the gateway of Utah. (5) Between points in New Mexico, on the one hand, and, on the other, points in Nevada on and north of a line beginning at the Nevada-California State line and extending along U.S. Highway 50 to the Nevada-Utah State line. The purpose of this filing is to eliminate the gateway of Utah. (6) Between points in New Mexico on, north, and east of a line beginning at the New Mexico-Arizona State line and extending along U.S. Highway 60 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line, on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateway of Utah. (7) Between points in New Mexico on and west of a line beginning at the New Mexico-Colorado State line and extending along U.S. Highway 285 to junction Interstate Highway 25, thence along Interstate Highway 25 to the New Mexico-Texas State line, on the one hand, and, on the other, points in Wyoming on and west of a line beginning at the Wyoming-Montana State line and extending along U.S. Highway 310 to junction U.S. 20, thence along U.S. Highway 20 to junction Wyoming Highway 789, thence along Wyoming State Highway 789 to junction Wyoming Highway 28, thence along Wyoming State Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Wyoming Highway 430, thence along Wyoming Highway 430 to the Wyoming-Colorado State line. The purpose of this filing is to eliminate the gateway of Utah.

NOTE.—The above authority was purchased from Ashworth by Noble pursuant to MC-F-12573.

By the Commission

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-35369 Filed 11-30-76;8:45 a.m.]

[Notice No. 159]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 24, 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 applictaion.

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 Feld Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 398TA), filed November 19, 1976. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay St., P.O. Box 958, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Benzenethiol*, in bulk, in tank vehicles, from Henderson, Nev., to St. Gabriel, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Stauffer Chemical Company, P.O. Box 3050 Rincon Annex, San Francisco, Calif. 94119. Send protests to: A. J. Rodriguez,

District Supervisor, Interstate Commerce Commission, Bureau of Operations, 211 Main St., Suite 500, San Francisco, Calif. 94105.

No. MC 18121 (Sub-No. 18TA), filed November 16, 1976. Applicant: ADVANCE TRANSPORTATION COMPANY, 5005 S. 6th St., Milwaukee, Wis. 53221. Applicant's representative: John Varda, 121 S. Pinckney St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice melting and dry fertilizer compounds* (except in bulk), from the warehouse of Koos, Inc., at Union Grove, Wis., to points in Illinois, on and within a boundary line beginning at the Illinois-Wisconsin border, thence along U.S. Highway 14 to junction with Illinois Highway 31, thence along Illinois Highway 31 with Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana border. Examples of destinations: Aurora, Joliet, Chicago, Woodstock, Crystal Lake, Waukegan, Blue Island, Mt. Prospect and Oak Brook, 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. 53130. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., and Courthouse, 517 East Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 49368 (Sub-No. 97TA), filed November 17, 1976. Applicant: COMPLETE AUTO TRANSIT, INC., E. 4111 Andover Road, Bloomfield Hills, Mich. 48013. Applicant's representative: Eugene C. Ewald, 100 W. Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckaway service; (1) from the plant site of General Motors Corporation, located at Lordstown, Ohio, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee and Virginia; and (2) from the plant sites of General Motors Corporation, located at Atlanta and Doraville, Ga., to points in Michigan. The operations described herein are limited to a transportation service to be performed under a continuing contract with General Motors Corporation, for 180 days. Supporting shippers: General Motors Corporation, Director Transportation Economics, E. R. Wiseman, G. M. Logistics Operations, 30007 Van Dyke Ave., Warren, Mich. 48090. Send protests to: James A. Augustyn, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

No. MC 53841 (Sub-No. 3TA), filed November 17, 1976. Applicant: W. H. CHRISTIE & SONS, INC., P.O. Box 366, Clarion, Pa. 16214. Applicant's representative: John A. Pillar, 205 Ross St., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned evaporated milk*, from South Dayton, N.Y., to Port Elizabeth and Weehawken, N.J., and Brooklyn, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Carnation Corporation, 5045 Wilshire Blvd., Los Angeles, Calif. 90036. Send protests to: Richard C. Gobbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., Pittsburgh, Pa. 15222.

No. MC 94350 (Sub-No. 371TA), filed November 17, 1976. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Haywood Road at Transit Drive, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Trailers, designed to be drawn by passenger automobiles (except recreational vehicles), in initial movements, and buildings, in sections, mounted on wheeled undercarriages (except modular units and prefabricated buildings), from the plantsite of Fawn Homes, at or near Richfield Springs, N.Y., to points in the United States east of the Mississippi River, for 180 days. Supporting shipper: Fawn Homes, P.O. Box 649, Richfield Springs, N.Y. 13439. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, 14009 Pickens St., Columbia, S.C. 29201.

No. MC 107515 (Sub-No. 1038TA), filed November 17, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, Suite 375, 3379 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen foodstuffs and bone chews*, in vehicles equipped with mechanical refrigeration (except cheese, meat, meat products and meat by-products, and commodities in bulk), from the plantsite and facilities of the Sanna Division of Beatrice Foods Company, at Menominee, Vesper, Cameron, Wisconsin Rapids and Eau Claire, Wis., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, Ohio, South Carolina, Tennessee and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sanna Division of Beatrice Foods Co., P.O. Box 587, Madison, Wis. 53713. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.E., Room 546, Atlanta, Ga. 30303.

No. MC 108393 (Sub-No. 112TA), filed November 16, 1976. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E. Ogden Ave., Hinsdale, Ill. 60521. Applicant's representative: Thomas B. Hill (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by mail order houses and retail department stores, and in connection therewith, *such equipment materials, and supplies* used in the conduct of such business, restricted against transportation of commodities in bulk, from New Orleans, La., to Jackson, Miss., and will not result in the operation of empty mile movements, under a continuing contract with Sears, Roebuck and Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sears, Roebuck and Co., W. C. Weeks, Distribution Manager-Southern Territory, 675 Ponce de Leon Ave., N.W., 95 Annex, Atlanta, Ga. 30395. 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 111045 (Sub-No. 136TA), filed November 17, 1976. Applicant: REDWING CARRIERS, INC., P.O. Box 426, 7809 Palm River Road, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Di-nitro-orthocresol*, in bulk, in tank vehicles, between Bay Minette, Ala., on the one hand, and, on the other, Baton Rouge, La., restricted to traffic originating at or destined to the plantsite of Alpine Laboratories, Inc., located at or near Bay Minette, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Alpine Laboratories, Inc., P.O. Box 147, Bay Minette, Ala. 36507. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 114896 (Sub-No. 38TA), filed November 17, 1976. Applicant: PUROLATOR SECURITY, INC., 1111 W. Mockingbird Lane, Suite 1401, Dallas, Tex. 75247. Applicant's representative: Elizabeth L. Henoch, 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foreign coin*, between Hartford, Conn.; Boston, Mass.; New York, N.Y., and Littleton, N.H., under a continuing contract with Littleton Stamp & Coin Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Littleton Stamp & Coin Co., Inc., 253 Union St., Littleton, N.H. 03561. Send protests to: Opal M. Jones, transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 116519 (Sub-No. 37TA), filed November 17, 1976. Applicant: FREDERICK TRANSPORT LIMITED, R.R. No. 6, Chatham, Ontario, Canada. Appliant's representative: Jeremy Kahn, Suite 733 Investment Bldg., Washington, D.C. 20005. Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corn meal, corn flour, corn grits, soya flour, and soya grits*, in bags, from Danville, Ill., to Ports of Entry on the United States-Canada International Boundary line, located in Michigan; (2) *Corn meal, corn flour and corn grits*, in bags, from Kankakee, Ill., and Mt. Vernon, Ind., to Ports of Entry on the United States-Canada International Boundary line located in Michigan; and (3) *Corn meal and corn flour*, in bags, from Paris, Ill., to Ports of Entry on the United States-Canada International Boundary line located in Michigan. Restriction: The Transportation authorized herein is restricted to foreign commerce, for 180 days. Supporting shippers: Illinois Cereal Mills, Inc., Vice-President Transportation, Frank B. Tatara, 616 S. Jefferson, Paris, Ill. 61944. Lauhoff Grain Company, Vice-President Traffic Gerald E. Stitt, 321 E. North St., Danville, Ill. 61832. J. R. Short Milling Company, Vice-President Bernard H. Sloan, P.O. Box 866, Kankakee, Ill. 60901. The Griffith Laboratories, Limited, Manager Materials Handling, Traffic, A. Paul Cutler, 757 Pharmacy Ave., Scarborough, Ontario, Canada. Send protests to: James A. Augustyn, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

No. MC 117765 (Sub-No. 215TA) (Correction), filed October 29, 1976, published in the FEDERAL REGISTER issue of November 10, 1976, and republished as corrected this issue. Applicant: HAHN TRUCK LINE, INC., P.O. Box 75218, 5315 N.W. 5th St., Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry dog food*, in bags or bales, from Hutchinson, Kans., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Minnesota, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas and Wisconsin, for 180 days. Supporting shipper: Kal Kan Foods, Inc., 3386 E. 44th St., Vernon, Calif. 90058. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102. The purpose of this republication is to correct the territorial description in this proceeding.

No. MC 118776 (Sub-No. 18TA), filed November 17, 1976. Applicant: C. L. CONNORS, INC., 3820 Wiseman Lane, Quincy, Ill. 62301. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer and advertising materials*, from Detroit, Mich., to Quincy, Ill., and Hannibal, Mo.; and (2) Empty bottles, from Hannibal, Mo., and Quincy, Ill., to Detroit, Mich., for 180 days. Supporting shippers: John H. Brandenburger, President, Mark Twain Beverage Co., Inc., Box 871, 305 S. 8th St., Hannibal, Mo. 63401. B. Kirk McAllister, V. P., Consumers Sales Distributing Company, 833 Jersey St., Quincy, Ill. 62301. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 118989 (Sub-No. 148TA), filed November 18, 1976. Applicant: CONTAINER TRANSIT, INC., 5223 S. 9th St., Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, and container ends and components*, from Racine, Wis., to Franklin, Ky., and Springdale, Ohio and from Itasca, Ill., to Franklin, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Continental Group, Inc., 150 S. Wacker Drive, Chicago, Ill. 60606. 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 119765 (Sub-No. 37TA), filed November 17, 1976. Applicant: EIGHT WAY EXPRESS, INC., 5402 S. 27th St., Omaha, Nebr. 68107. Applicant's representative: Arlyn L. Westergren, 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Royal Packing Co., at or near National City, Ill., to points in New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, Maryland, and the District of Columbia, for 180 days. Supporting Shipper: Mark Sokolik, Vice-President-Marketing-Transportation, Royal Packing Co., National Stockyards, Ill. 62071. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St. Omaha, Nebr. 68102.

No. MC 126375 (Sub-No. 14TA), filed November 17, 1976. Applicant: CEL TRANSPORTATION COMPANY, P.O. Box 605, Route 66N, Greensburg, Pa. 15601. Applicant's representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal fats, tallow, and grease*, in bulk, in tank vehicles, from points in Ohio, Pennsylvania, and West Virginia, to Portsmouth, Va., under a continuing contract with Jacob Stern & Sons, Inc., for 180 days. Supporting shipper: Jacob Stern & Sons, Inc., Suite 910, Benjamin Fox Pavilion, Jenkintown, Pa. Send protests to: Richard C. Gobbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Bldg., Pittsburgh, Pa. 15222.

No. MC 128217 (Sub-No. 20TA), filed November 17, 1976. Applicant: REINHART MAYER, doing business as, MAYER TRUCK LINE, 1203 S. Riverside Drive, Jamestown, N. Dak. 58401. Applicant's representative: Gene P. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bagged insulation*, from Valley City, N. Dak., to points in Minnesota, Montana, and South Dakota, under a continuing contract with LeFevre Sales, Inc., for 180 days. Supporting shipper: LeFevre Sales, Inc., P.O. Box 1708, Jamestown, N. Dak. 58401. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 128375 (Sub-No. 150 TA), filed November 16, 1976. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products;* (1) from Aurora, Ill., and its commercial zone, to Kansas City, Mo.; Lincoln, Nebr.; Des Moines, Iowa and their commercial zones and points in Kansas; and (2) from Plymouth, N.C., and South Bend, Ind., and their commercial zones to points in Kansas and Missouri, restriction: Restricted to traffic moving under a continuing contract with Western Paper Co., and destined to facilities of Western Paper Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: W. R. Hearshman, President, Western Paper Company, 9800 Metcalf, Overland Park, Kans. 66204. Send protests to: Max H. Johnston, District Superivsor, 285 Federal Bldg., and Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 129537 (Sub-No. 17TA), filed November 15, 1976. Applicant: REEVES TRANSPORTATION CO., Route 5, Dews Pond Road, Calhoun, Ga. 30701. Applicant's representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa, Fla. 33602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets and rugs*, from points in Floyd, Bartow, Chatooga, Muscogee, Gordon, Whitfield, Murray, Walker, Gatoosa, and Troup Counties, Ga. to points in Duval County, Fla., for 180 days. Supporting shippers: There are approximately 38 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: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 135082 (Sub-No. 38TA), filed November 19, 1976. Applicant: BURSCH TRUCKING, INC., doing business as, ROADRUNNER TRUCKING, INC., 415 Rankin Road, N.E., P.O. Box 26748, Albuquerque, N. Mex. 87125. Applicant's representative: D. F. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vericle, over irregular routes, transporting: *Gypsum wallboard*, from Albuquerque, N. Mex., to points in Colorado, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: E. M. McDowell, Jr., Secretary and Treasurer, American Gypsum Company, P.O. Box 6345, Los Angeles Blvd., and Jefferson, N.E. Albuquerque, N. Mex. 87109. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Bldg., 517 Gold St., S.W., Albuquerque, N. Mex. 87101.

No. MC 142624 (Sub-No. 1TA), filed November 16, 1976. Applicant: HOMER D. MILLER, doing business as, H M CARRIER SERVICE, P.O. Box 68, Stone Ridge, N.Y. 12484. Applicant's representative: Homer D. Miller (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electronic components, equipment, materials and supplies* used in the manufacture thereof, having a prior or subsequent movement by air, between the plantsite of National Micronetics, Inc., Semi-films Division, at West Hurley, N.Y., on the one hand, and, on the other, Albany County Airport, Albany, N.Y., and Kennedy International and LaGuardia Airports in New York, N.Y., under a continuing contract with National Micronetics, Inc., for 180 days. Supporting shipper: National Micronetics, Inc., Semi-films Div., Route 28, Box 188, West Hurley, N.Y. 12491. Send protests to: Robert A. Radler, District Superivsor, P.O. Box 1167, Albany, N.Y. 12201.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-35367 Filed 11-30-76;8:45 am]

[Ex Parte No. MC 230; Sub-No. 4]

PIGGYBACK SERVICE REGULATIONS

Investigation To Consider Further Modification of Proposed Rulemaking

NOVEMBER 22, 1976.

At the request of Keith G. O'Brien, representative of Regular Common Carrier Conference, the time for filing comments in the above-entitled proceeding has been extended from January 3, 1977, to March 1, 1977. No further extensions.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-35371 Filed 11-30-76;8:45 am]

federal register

WEDNESDAY, DECEMBER 1, 1976



PART II:

ENVIRONMENTAL PROTECTION AGENCY

■

WATER PROGRAMS

Guidelines Establishing Test Procedures for the Analysis of Pollutants

Amendments

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D—WATER PROGRAMS

[FRL 630-4]

PART 136—GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS

Amendment of Regulations

On June 9, 1975, proposed amendments to the Guidelines Establishing Test Procedures for the Analysis of Pollutants (40 CFR 136) were published in the FEDERAL REGISTER (40 FR 24535) as required by section 304(g) of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816, et seq., Pub. L. 92-500, 1972) hereinafter referred to as the Act.

Section 304(g) of the Act requires that the Administrator shall promulgate guidelines establishing test procedures for the analysis of pollutants that shall include factors which must be provided in: (1) any certification pursuant to section 401 of the Act, or (2) any permit application pursuant to section 402 of the Act. Such test procedures are to be used by permit applicants to demonstrate that effluent discharges meet applicable pollutant discharge limitations and by the States and other enforcement activities in routine or random monitoring of effluents to verify compliance with pollution control measures.

Interested persons were requested to submit written comments, suggestions, or objections to the proposed amendments by September 7, 1975. One hundred and thirty-five letters were received from commenters. The following categories of organizations were represented by the commenters: Federal agencies accounted for twenty-four responses; State agencies accounted for twenty-six responses; local agencies accounted for seventeen responses; regulated major dischargers accounted for forty-seven responses; trade and professional organizations accounted for eight responses; analytical instrument manufacturers and vendors accounted for seven responses; and analytical service laboratories accounted for six responses.

All comments were carefully evaluated by a technical review committee. Based upon the review of comments, the following principal changes to the proposed amendments were made:

(A) *Definitions.* Section 136.2 has been amended to update references: Twenty commenters, representing the entire spectrum of responding groups pointed out that the references cited in §§ 136.2 (f), 136.2(g), and 136.2(h) were out-of-date; §§ 136.2(f), 136.2(g), and 136.2(h), respectively, have been amended to show the following editions of the standard references: "14th Edition of Standard Methods for the Examination of Water and Waste Water;" "1974 EPA Manual of Methods for the Analysis of Water and Waste;" and "Part 31, 1975 Annual Book of ASTM Standards."

(B) *Identification of Test Procedures.* Both the content and format of § 136.3, "Table I, List of Approved Test Procedures" have been revised in response to twenty-one comments received from State and local governments, major regulated dischargers, professional and trade associations, and analytical laboratories.

Table I has been revised by:

(1) The addition of a fourth column of references which includes procedures of the United States Geological Survey which are equivalent to previously approved methods.

(2) The addition of a fifth column of miscellaneous references to procedures which are equivalent to previously approved methods.

(3) Listing generically related parameters alphabetically within four subcategories: bacteria, metals, radiological and residue, and by listing these subcategory headings in alphabetic sequence relative to the remaining parameters.

(4) Deleting the parameter "Algicides" and by entering the single relevant algicide, "Pentachlorophenol" by its chemical name.

(C) *Clarification of Test Parameters.* The conditions for analysis of several parameters have been more specifically defined as a result of comments received by the Agency:

(1) In response to five commenters representing State or local governments, major dischargers, or analytical instrument manufacturers, the end-point for the alkalinity determination is specifically designated as pH 4.5.

(2) Manual digestion and distillation are still required as necessary preliminary steps for the Kjeldahl nitrogen procedure. Analysis after such distillation may be by Nessler color comparison, titration, electrode, or automated phenolate procedures.

(3) In response to eight commenters representative of Federal and State governments, major dischargers, and analytical instrument manufacturers, manual distillation at pH 9.5 is now specified for ammonia measurement.

(D) *New Parameters and Analytical Procedures.* Forty-four new parameters have been added to Table I. In addition to the designation of analytical procedures for these new parameters, the following modifications have been made in analytical procedures designated in response to comments.

(1) The ortho-tolidine procedure was not approved for the measurement of residual chlorine because of its poor accuracy and precision. Its approval had been requested by seven commenters representing major dischargers, State, or local governments, and analytical instrument manufacturers. Instead, the N,N-diethyl-p-phenylenediamine (DPD) method is approved as an interim procedure pending more intensive laboratory testing. It has many of the advantages of the ortho-tolidine procedure such as low cost, ease of operation, and also is of acceptable precision and accuracy.

(2) The Environmental Protection Agency concurred with the American Dye Manufacturers' request to approve its procedure for measurement of color, and copies of the procedure are now available at the Environmental Monitoring and Support Laboratory, Cincinnati (EMSL-CI).

(3) In response to three requests from Federal, State governments, and dischargers, "hardness," may be measured as the sum of calcium and magnesium analyzed by atomic absorption and expressed as their carbonates.

(4) The proposal to limit measurement of fecal coliform bacteria in the presence of chlorine to only the "Most Probable Number" (MPN) procedure has been withdrawn in response to requests from forty-five commenters including State pollution control agencies, permit holders, analysts, treatment plant operators, and a manufacturer of analytical supplies. The membrane filter (MF) procedure will continue to be an approved technique for the routine measurement of fecal colifiorm in the presence of chlorine. However, the MPN procedure must be used to resolve controversial situations. The technique selected by the analyst must be reported with the data.

(5) A total of fifteen objections, representing the entire spectrum of commenters, addressed the drying temperatures used for measurement of residues. The use of different temperatures in drying of total residue, dissolved residue and suspended residue was cited as not allowing direct intercomparability between these measurements. Because the intent of designating the three separate residue parameters is to measure separate waste characteristics (low drying temperatures to measure volatile substances, high drying temperatures to measure anhydrous inorganic substances), the difference in drying temperatures for these residue parameters must be preserved.

(E) *Deletion of Measurement Techniques.* Some measurement techniques that had been proposed have been deleted in response to objections raised during the public comment period.

(1) The proposed infrared spectrophotometric analysis for oil and grease has been withdrawn. Eleven commenters representing Federal or State agencies and major dischargers claimed that this parameter is defined by the measurement procedure. Any alteration in the procedure would change the definition of the parameter. The Environmental Protection Agency agreed.

(2) The proposed separate parameter for sulfide at concentrations below 1 mg/l, has been withdrawn. Methylene blue spectrophotometry is now included in Table I as an approved procedure for sulfide analysis. The titrimetric iodine procedure for sulfide analysis may only be used for analysis of sulfide at concentrations in excess of one milligram per liter.

(F) *Sample Preservation and Holding Times.* Criteria for sample preservation and sample holding times were requested by several commenters. The reference for sample preservation and holding time criteria applicable to the Table I parameters is given in footnote (1) of Table I.

(G) *Alternate Test Procedures.* Comments pertaining to § 136.4, Application for Alternate Test Procedures, included objections to various obstacles within

these procedures for expeditious approval of alternate test procedures. Four analytical instrument manufacturers commented that by limiting of application for review and/or approval of alternate test procedures to NPDES permit holders, § 136.4 became an impediment to the commercial development of new or improved measurement devices based on new measurement principles. Applications for such review and/or approval will now be accepted from any person. The intent of the alternate test procedure is to allow the use of measurement systems which are known to be equivalent to the approved test procedures in waste water discharges.

Applications for approval of alternate test procedures applicable to specific discharges will continue to be made only by NPDES permit holders, and approval of such applications will be made on a case-by-case basis by the Regional Administrator in whose Region the discharge is made.

Applications for approval of alternate test procedures which are intended for nationwide use can now be submitted by any person directly to the Director of the Environmental Monitoring and Support Laboratory in Cincinnati. Such applications should include a complete methods write-up, any literature references, comparability data between the proposed alternate test procedure and those already approved by the Administrator. The application should include precision and accuracy data of the proposed alternate test procedure and data confirming the general applicability of the test procedure to the industrial categories of waste water for which it is intended. The Director of the Environmental Monitoring and Support Laboratory, after review of submitted information, will recommend approval or rejection of the application to the Administrator, or he will return the application to the applicant for more information. Approval or rejection of applications for test procedures intended for nationwide use will be made by the Administrator, after considering the recommendation made by the Director of the Environmental Monitoring and Support Laboratory, Cincinnati. Since the Agency considers these procedures for approval of alternate test procedures for nationwide use to be interim procedures, we will welcome suggestions for criteria for approval of alternate test procedures for nationwide use. Interested persons should submit their written comments in triplicate on or before June 1, 1977 to: Dr. Robert B. Medz, Environmental Protection Technologist, Monitoring Quality Assurance Standardization, Office of Monitoring and Technical Support (RD-680), Environmental Protection Agency, Washington, D.C. 20460.

(H) *Freedom of Information.* A copy of all public comments, an analysis by parameter of those comments, and documents providing further information on the rationale for the changes made in the final regulation are available for inspection and copying at the Environmental Protection Agency Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460, during normal business hours. The EPA information regulation 40 CFR 2 provides that a reasonable fee may be charged for copying such documents.

Effective date: These amendments become effective on April 1, 1977.

Dated: November 19, 1976.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

Chapter I, Subchapter D, of Title 40, Code of Federal Regulations is amended as follows:

1. In § 136.2, paragraphs (f), (g), and (h) are amended to read as follows:

§ 136.2 Definitions.

* * * * *

(f) "Standard Methods" means *Standard Methods for the Examination of Water and Waste Water,* 14th Edition, 1976. This publication is available from the American Public Health Association, 1015 18th Street, N.W., Washington, D.C. 20036.

(g) "ASTM" means *Annual Book of Standards, Part 31, Water, 1975.* This publication is available from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

(h) "EPA Methods" means *Methods for Chemical Analysis of Water and Waste, 1974.* Methods Development and Quality Assurance Research Laboratory, National Environmental Research Center, Cincinnati, Ohio 45268; U.S. Environmental Protection Agency, Office of Technology Transfer, Industrial Environmental Research Laboratory, Cincinnati, Ohio 45268. This publication is available from the Office of Technology Transfer.

2. In § 136.3, the second sentence of paragraph (b) is amended, and a new paragraph (c) is added to read as follows:

§ 136.3 Identification of test procedures.

* * * * *

(b) * * * Under such circumstances, additional test procedures for analysis of pollutants may be specified by the Regional Administrator or the Director upon the recommendation of the Director of the Environmental Monitoring and Support Laboratory, Cincinnati.

(c) Under certain circumstances, the Administrator may approve, upon recommendation by the Director, Environmental Monitoring and Support Laboratory, Cincinnati, additional alternate test procedures for nationwide use.

3. Table I of § 136.3 is revised by listing the parameters alphabetically; by adding 44 new parameters; by adding a fourth column under references listing equivalent United States Geological Survey methods; by adding a fifth column under references listing miscellaneous equivalent methods; by deleting footnotes 1 through 7 and adding 24 new footnotes to read as follows:

* * * * *

TABLE I.—*List of approved test procedures* [2]

Parameter and units	Method	1974 EPA methods	14th ed. standard methods	References (page nos.) Pt. 31 1975 ASTM	References (page nos.) USGS methods [3]	Other approved methods
1. Acidity, as $CaCO_3$, [4] milligrams per liter.	Electrometric end point (pH of 8.2) or phenolphthalein end point.	1	273(4d)	116	40	[5](607)
2. Alkalinity, as $CaCO_3$, [4] milligrams per liter.	Electrometric titration (only to pH 4.5) manual or automated, or equivalent automated methods.	3 5	278	111	41	[5](607)
3. Ammonia (as N), milligrams per liter.	Manual distillation [6] (at pH 9.5) followed by nesslerization, titration, electrode, Automated phenolate.	..... 159 165 168	410 412 616	237	116	[5](614)
BACTERIA						
4. Coliform (fecal) [7], number per 100 ml.	MPN; [8] membrane filter	....	922 937 922 928, 937	....	..... [7](45)	....
5. Coliform (fecal) [8] in presence of chlorine, number per 100 ml.	do. [8 9]					
6. Coliform (total), [8] number per 100 ml.	do. [8]	....	916 928 916 933	....	..... [7](38)	....
7. Coliform (total) [8] in presence of chlorine, number per 100 ml.	MPN; [8] membrane filter with enrichment.					
8. Fecal streptococci, [8] number per 100 ml.	MPN; [8] membrane filter; plate count.	....	943 944 947	....	..... [7](50)	....
9. Benzidine, milligrams per liter.	Oxidation—colorimetric [8]					
10. Biochemical oxygen demand, 5-d (BOD_5), milligrams per liter.	Winkler (Azide modification) or electrode method.	.....	543	.....	[7](50)	[10](17)
11. Bromide, milligrams per liter.	Titrimetric, iodine-iodate	14	.....	323	58	.....
12. Chemical oxygen demand (COD), milligrams per liter.	Dichromate reflux	20	550	472	124	[3](610) [10](17)
13. Chloride, milligrams per liter.	Silver nitrate; mercuric nitrate; or automated colorimetric-ferricyanide.	..... 29 31	303 304 613	267 265	.... [11](46)	..... [3](615) .....

See footnotes at end of table.

Parameter and units	Method	1974 EPA methods	14th ed. standard methods	References (page nos.) Pt. 31 1975 ASTM	USGS methods [3]	Other approved methods
14. Chlorinated organic compounds (except pesticides), milligrams per liter.	Gas chromatography [12]					
15. Chlorine—total residual, milligrams per liter.	Iodometric titration, amperometric or starch-iodine end-point; DPD colorimetric or Titrimetric methods (these last 2 are interim methods pending laboratory testing).	35	318 322 333 329	278		
16. Color, platinum cobalt units or dominant wave length, hue, luminance, purity.	Colorimetric; spectrophotometric; or ADMI procedure.[13]	36 39	64 66		82	
17. Cyanide, total,[14] milligrams per liter.	Distillation followed by silver nitrate titration or pyridine pyrazolone (or barbituric acid) colorimetric.	40	361	503	85	[15](22)
18. Cyanide amenable to chlorination, milligrams per liter.	do	49	376	505		
19. Dissolved oxygen, milligrams per liter.	Winkler (Azide modification) or electrode method.	51 56	443 450	368	126	[3](609)
20. Fluoride, milligrams per liter.	Distillation [4] followed by ion electrode; SPADNS; or automated complexone.	65 59 61	391 393 614	307 305	93	
21. Hardness—Total, as $CaCO_3$, milligrams per liter.	EDTA titration; automated colorimetric; or atomic absorption (sum of Ca and Mg as their respective carbonates).	68 70	202	161	94	[3](617)
22. Hydrogen ion (pH), pH units.	Electrometric measurement.	239	460	178	129	[3](606)
23. Kjeldahl nitrogen (as N), milligrams per liter.	Digestion and distillation followed by nesslerization, titration, or electrode; automated digestion automated phenolate.	175 165 182	437		122	[3](612)
METALS						
24. Aluminum—Total, milligrams per liter.	Digestion [11] followed by atomic absorption [16] or by colorimetric (Eriochrome Cyanine R).	92	152 171		[11] (19)	
25. Aluminum—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced methods for total aluminum.					
26. Antimony—Total, milligrams per liter.	Digestion [11] followed by atomic absorption.[16]	94				
27. Antimony—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total antimony.					
28. Arsenic—Total, milligrams per liter.	Digestion followed by silver diethyldithiocarbamate; or atomic absorption.[16] [18]	9 95	285 283 159		[11] (31) [18] (37)	
29. Arsenic—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total arsenic.					
30. Barium—Total, milligrams per liter.	Digestion [11] followed by atomic absorption.[16]	97	152		52	
31. Barium—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total barium.					
32. Beryllium—Total, milligrams per liter.	Digestion [11] followed by atomic absorption [16] or by colorimetric (Aluminon).	99	152 177		53	
33. Beryllium—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total beryllium.					
34. Boron—Total, milligrams per liter.	Colorimetric (Curcumin)	13	287			
35. Boron—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total boron.					
36. Cadmium—Total, milligrams per liter.	Digestion [11] followed by atomic absorption [16] or by colorimetric (Dithizone).	101	148 182	345	62 [3] (619) [10] (37)	
37. Cadmium—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total cadmium.					
38. Calcium—Total, milligrams per liter.	Digestion [11] followed by atomic absorption; or EDTA titration.	103	148 189	345	66	
39. Calcium—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total calcium.					
40. Chromium VI, milligrams per liter.	Extraction and atomic absorption; colorimetric (Diphenylcarbazide).	89, 105	192		76 75	
41. Chromium VI—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for chromium VI.					
42. Chromium—Total, milligrams per liter.	Digestion [11] followed by atomic absorption [16] or by colorimetric (Diphenylcarbazide).	105	148 192	345 286	78 77	[3] (619)
43. Chromium—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total chromium.					

See footnotes at end of table.

Parameter and units	Method	1974 EPA methods	14th ed. standard methods	References (page nos.) Pt. 31 1975 ASTM	References (page nos.) USGS methods [7]	Other approved methods
44. Cobalt—Total, milligrams per liter.	Digestion [12] followed by atomic absorption.[16]	107	148	345	80	[10] (37)
45. Cobalt—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total cobalt.					
46. Copper—Total, milligrams per liter.	Digestion [12] followed by atomic absorption [16] or by colorimetric (Neocuproine).	108	148 196	345 293	83	[5] (619) [10] (37)
47. Copper—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total copper.					
48. Gold—Total, milligrams per liter.	Digestion [12] followed by atomic absorption.[16]					
49. Iridium—Total, milligrams per liter.	Digestion [12] followed by atomic absorption.[16]					
50. Iron—Total, milligrams per liter.	Digestion [12] followed by atomic absorption [16] or by colorimetric (Phenanthroline).	110	148 208	345 326	102	[5] (619)
51. Iron—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total iron.					
52. Lead—Total, milligrams per liter.	Digestion [12] followed by atomic absorption [16] or by colorimetric (Dithizone).	112	148 215	345	105	[5] (619)
53. Lead—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total lead.					
54. Magnesium—Total, milligrams per liter.	Digestion [12] followed by atomic absorption; or gravimetric.	114	148 221	345	109	[5] (619)
55. Magnesium—Dissolved milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total magnesium.					
56. Manganese—Total milligrams per liter.	Digestion [12] followed by atomic absorption [16] or by colorimetric (Persulfate or periodate).	116	148 225, 227	345	111	[5] (619)
57. Manganese—Dissolved milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total manganese.					
58. Mercury—Total, milligrams per liter.	Flameless atomic absorption.	118	156	338	[11] (51)	
59. Mercury—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total mercury.					
60. Molybdenum—Total, milligrams per liter.	Digestion [12] followed by atomic absorption.[16]	139		350		
61. Molybdenum—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total molybdenum.					
62. Nickel—Total, milligrams per liter.	Digestion [12] followed by atomic absorption [16] or by colorimetric (Heptoxime).	141	148	345	115	
63. Nickel—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total nickel.					
64. Osmium—Total, milligrams per liter.	Digestion [12] followed by atomic absorption.[16]					
65. Palladium—Total, milligrams per liter.	Digestion [12] followed by atomic absorption.[16]					
66. Platinum—Total, milligrams per liter.	Digestion [12] followed by atomic absorption.[16]					
67. Potassium—Total, milligrams per liter.	Digestion [12] followed by atomic absorption, colorimetric (Cobaltinitrite), or by flame photometric.	143	235 234	403	134	[5] (620)
68. Potassium—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total potassium.					
69. Rhodium—Total, milligrams per liter.	Digestion [12] followed by atomic absorption.[16]					
70. Ruthenium—Total, milligrams per liter.	Digestion [12] followed by atomic absorption.[16]					
71. Selenium—Total, milligrams per liter.	Digestion [12] followed by atomic absorption.[18] [19]	145	159			
72. Selenium—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total selenium.					
73. Silica—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by colorimetric (Molybdosilicate).	274	487	398	139	
74. Silver—Total,[20] milligrams per liter.	Digestion [12] followed by atomic absorption [16] or by colorimetric (Dithizone).	146	148 243		142	[5] (619) [10] (37)
75. Silver—Dissolved,[20] milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total silver.					
76. Sodium—Total, milligrams per liter.	Digestion [12] followed by atomic absorption or by flame photometric.	147	250	403	143	[5] (621)
77. Sodium—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total sodium.					

See footnotes at end of table.

Parameter and units	Method	1974 EPA methods	14th ed. standard methods	References (page nos.) Pt. 31 1975 ASTM	References (page nos.) USGS methods [2]	Other approved methods
78. Thallium—Total, milligrams per liter.	Digestion [15] followed by atomic absorption.[16]	149				
79. Thallium—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total thallium.					
80. Tin—Total, milligrams per liter.	Digestion [15] followed by atomic absorption.[16]	150			[11] (65)	
81. Tin—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total tin.					
82. Titanium—Total, milligrams per liter.	Digestion [15] followed by atomic absorption.[16]	151				
83. Titanium—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total titanium.					
84. Vanadium—Total, milligrams per liter.	Digestion [15] followed by atomic absorption [16] or by colorimetric (Gallic acid).	153	152 200	441	[11] (67)	
85. Vanadium—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total vanadium.					
86. Zinc—Total, milligrams per liter.	Digestion [15] followed by atomic absorption [16] or by colorimetric (Dithizone).	155	148 265	345	159	[3](619) [10](37)
87. Zinc—Dissolved, milligrams per liter.	0.45 micron filtration [17] followed by referenced method for total zinc.					
88. Nitrate (as N), milligrams per liter.	Cadmium reduction; brucine sulfate; automated cadmium or hydrazine reduction.[21]	201 197 207	423 427 620	358	119	[3](614) [10](28)
89. Nitrate (as N), milligrams per liter.	Manual or automated colorimetric (Diazotization).	215	434		121	
90. Oil and grease, milligrams per liter.	Liquid-liquid extraction with trichloro-trifluoroethane-gravimetric.	229	515			
91. Organic carbon; total (TOC), milligrams per liter.	Combustion—Infrared method.[22]	236	532	467	[23] (4)	
92. Organic nitrogen (as N), milligrams per liter.	Kjeldahl nitrogen minus ammonia nitrogen.	175, 159	437		122	[3] (612, 614)
93. Orthophosphate (as P), milligrams per liter.	Manual or automated ascorbic acid reduction.	249 256	481 624	384	131	[3] (621)
94. Pentachlorophenol, milligrams per liter.	Gas chromatography [25]					
95. Pesticides, milligrams per liter.	do.[12]		555	529	[23] (24)	
96. Phenols, milligrams per liter.	Colorimetric, (4AAP)	241	582	545		
97. Phosphorus (elemental), milligrams per liter.	Gas chromatography [24]					
98. Phosphorus; total (as P), milligrams per liter.	Persulfate digestion followed by manual or automated ascorbic acid reduction.	249 256	476, 481 624	384	133	[3] (621)
RADIOLOGICAL						
99. Alpha—Total, pCi per liter.	Proportional or scintillation counter.		648	591[11 26](75+78)		
100. Alpha—Counting error, pCi per liter.	do.		648	594	[11] (79)	
101. Beta—Total, pCi per liter.	Proportional counter		648	601[11 26](75+78)		
102. Beta—Counting error, pCi per liter.	do.		648	606	[11] (79)	
103. (a) Radium—Total, pCi per liter.	do.		661	661		
(b) ^{226}Ra, pCi per liter.	Scintillation counter		667		[11] (81)	
RESIDUE						
104. Total, milligrams per liter.	Gravimetric, 103 to 105° C.	270	91			
105. Total dissolved (filterable), milligrams per liter.	Glass fiber filtration, 180° C.	266	92			
106. Total suspended (nonfilterable), milligrams per liter.	Glass fiber filtration, 103 to 105° C.	268	94			
107. Settleable, milliliters per liter or milligrams per liter.	Volumetric or gravimetric		95			
108. Total volatile, milligrams per liter.	Gravimetric, 550° C.	272	95			
109. Specific conductance, micromhos per centimeter at 25° C.	Wheatstone bridge conductimetry.	275	71	120	148	[3] (606)
110. Sulfate (as SO_4), milligrams per liter.	Gravimetric; turbidimetric; or automated colorimetric (barium chloranilate).	277 279	493 496	424 425		[3] (624) [3] (623)
111. Sulfide (as S), milligrams per liter.	Titrimetric—Iodine for levels greater than 1 mg per liter; Methylene blue photometric.	284	505 503		154	
112. Sulfite (as SO_3), milligrams per liter.	Titrimetric, iodine-iodate	285	508	435		
113. Surfactants, milligrams per liter.	Colorimetric (Methylene blue).	157	600	404	[23] (11)	
114. Temperature, degrees C.	Calibrated glass or electrometric thermometer.	286	125		[28] (31)	
115. Turbidity, NTU.	Nephelometric	295	132	223	156	

[1] Recommendations for sampling and preservation of samples according to parameter measured may be found in "Methods for Chemical Analysis of Water and Wastes, 1974" U.S. Environmental Protection Agency, table 2, pp. viii–xii.

[1] All page references for USGS methods, unless otherwise noted, are to Brown, E., Skougstad, M. W., and Fishman, M. J., "Methods for Collection and Analysis of Water Samples for Dissolved Minerals and Gases," U.S. Geological Survey Techniques of Water-Resources Inv., book 5, ch. A1, (1970).

[2] EPA comparable method may be found on indicated page of "Official Methods of Analysis of the Association of Official Analytical Chemists" methods manual, 12th ed. (1975).

[3] Manual distillation is not required if comparability data on representative effluent samples are on company file to show that this preliminary distillation step is not necessary; however, manual distillation will be required to resolve any controversies.

[4] The method used must be specified.

[5] The 5 tube MPN is used.

[6] Slack, K. V. and others, "Methods for Collection and Analysis of Aquatic Biological and Microbiological Samples: U.S. Geological Survey Techniques of Water-Resources Inv, book 5, ch. A4 (1973)."

[7] Since the membrane filter technique usually yields low and variable recovery from chlorinated wastewaters, the MPN method will be required to resolve any controversies.

[8] Adequately tested methods for benzidine are not available. Until approved methods are available, the following interim method can be used for the estimation of benzidine: (1) "Method for Benzidine and Its Salts in Wastewaters," available from Environmental Monitoring and Support Laboratory, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268.

[9] American National Standard on Photographic Processing Effluents, Apr. 2, 1975. Available from ANSI, 1430 Broadway, New York, N.Y. 10018.

[10] Fishman, M. J. and Brown, Eugene, "Selected Methods of the U.S. Geological Survey for Analysis of Wastewaters," (1976) open-file report 76-177.

[11] Procedures for pentachlorophenol, chlorinated organic compounds, and pesticides can be obtained from the Environmental Monitoring and Support Laboratory, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268.

[12] Color method (ADMI procedure) available from Environmental Monitoring and Support Laboratory, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268.

[13] For samples suspected of having thiocyanate interference, magnesium chloride is used as the digestion catalyst. In the approved test procedure for cyanides, the recommended catalysts are replaced with 20 ml of a solution of 510 g/l magnesium chloride ($MgCl_2 \cdot 6H_2O$). This substitution will eliminate thiocyanate interference for both total cyanide and cyanide amendable to chlorination measurements.

[14] For the determination of total metals the sample is not filtered before processing. Because vigorous digestion procedures may result in a loss of certain metals through precipitation, a less vigorous treatment is recommended as given on p. 83 (4.1.4) of "Methods for Chemical Analysis of Water and Wastes" (1974). In those instances where a more vigorous digestion is desired the procedure on p. 82 (4.1.3) should be followed. For the measurement of the noble metal series (gold, iridium, osmium, palladium, platinum, rhodium and ruthenium), an aqua regia digestion is to be substituted as follows: Transfer a representitive aliquot of the well-mixed sample to a Griffin beaker and add 3 ml of concentrated redistilled HNO_3. Place the beaker on a steam bath and evaporate to dryness. Cool the beaker and cautiously add a 5 ml portion of aqua regia. (Aqua regia is prepared immediately before use by carefully adding 3 volumes of concentrated HCl to one volume of concentrated HNO_3.) Cover the beaker with a watch glass and return to the steam bath. Continue heating the covered beaker for 50 min. Remove cover and evaporate to dryness. Cool and take up the residue in a small quantity of 1:1 HCl. Wash down the beaker walls and watch glass with distilled water and filter the sample to remove silicates and other insoluble material that could clog the atomizer. Adjust the volume to some predetermined value based on the expected metal concentration. The sample is now ready for analysis.

[15] As the various furnace devices (flameless AA) are essentially atomic absorption techniques, they are considered to be approved test methods. Methods of standard addition are to be followed as noted in p. 78 of "Methods for Chemical Analysis of Water and Wastes," 1974.

[16] Dissolved metals are defined as those constitutents which will pass though a 0.45 μm membrane filter. A prefiltration is permissible to free the sample from larger suspended solids. Filter the sample as soon as practical after collection using the first 50 to 100 ml to rinse the filter flask. (Glass or plastic filtering apparatus are recommended to avoid possible contamination.) Discard the portion used to rinse the flask and collect the required volume of filtrate. Acidify the filtrate with 1:1 redistilled HNO_3 to a pH of 2. Normally, 3 ml of (1:1) acid per liter should be sufficient to preserve the samples.

[17] See "Atomic Absorption Newsletter," vol. 13, 75 (1974). Available from Perkin-Elmer Corp., Main Ave., Norwalk, Conn. 06852.

[18] Method available from Environmental Monitoring and Support Laboratory, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268.

[19] Recommended methods for the analysis of silver in industrial wastewaters at concentrations of 1 mg/l and above are inadequate where silver exists as an inorganic halide. Silver halides such as the bromide and chloride are relatively insoluble in reagents such as nitric acid but are readily soluble in an aqueous buffer of sodium thiosulfate and sodium hydroxide to a pH of 12. Therefore, for levels of silver above 1 mg/l 20 ml of sample should be diluted to 100 ml by adding 40 ml each of 2M $Na_2S_2O_3$ and 2M NaOH. Standards should be prepared in the same manner. For levels of silver below 1 mg/l the recommended method is satisfactory.

[20] An automated hydrazine reduction method is available from the Environmental Monitoring and Support Laboratory, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268.

[21] A number of such systems manufactured by various companies are considered to be comparable in their performance. In addition, another technique, based on combustion-methane detection is also acceptable.

[22] Goerlitz, D., Brown, E., "Methods for Analysis of Organic Substances in Water": U.S. Geological Survey Techniques of Water-Resources Inv., book 5, ch. A3 (1972).

[23] R. F. Addison and R. G. Ackman, "Direct Determination of Elemental Phosphorus by Gas-Liquid Chromatography," "Journal of Chromatography," vol. 47, No. 3, pp. 421–426, 1970.

[24] The method found on p. 75 measures only the dissolved portion while the method on p. 78 measures only suspended. Therefore, the 2 results must be added together to obtain "total."

[25] Stevens, H. H., Ficke, J. F., and Smoot, G. F., "Water Temperature—Influential Factors, Field Measurement and Data Presentation: U.S. Geological Survey Techniques of Water Resources Inv., book 1 (1975)."

4. In § 136.4, the second sentence of paragraph (c) is amended by deleting the word "subchapter" immediately following the phrase "procedure under this" and immediately preceding the word "shall" and replaced with the phrase "paragraph c;" and § 136.4 is amended by adding a new paragraph (d) to read as follows:

§ 136.4 Application for alternate test procedures.

* * * * *

(c) * * * Any application for an alternate test procedure under this paragraph (c) shall: * * *

(d) An application for approval of an alternate test procedure for nationwide use may be made by letter in triplicate to the Director, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio 45268. Any application for an alternate test procedure under this paragraph (d) shall:

(1) Provide the name and address of the responsible person or firm making the application.

(2) Identify the pollutant(s) or parameter(s) for which nationwide approval of an alternate testing procedure is being requested.

(3) Provide a detailed description of the proposed alternate procedure, together with references to published or other studies confirming the general applicability of the alternate test procedure to the pollutant(s) or parameter(s) in waste water discharges from representative and specified industrial or other categories.

(4) Provide comparability data for the performance of the proposed alternate test procedure compared to the performance of the approved test procedures.

§ 136.5 [Amended]

5. In § 136.5, paragraph (a) is amended by inserting the phrase "proposed by the responsible person or firm making the discharge" immediately after the words "test procedure" and before the period that ends the paragraph.

6. In § 136.5, paragraph (b) is amended by inserting in the first sentence the phrase "proposed by the responsible person or firm making the discharge" immediately after the words "such application" and immediately before the comma. The second sentence of paragraph (b) is amended by deleting the phrase "Methods Development and Quality Assurance Research Laboratory" immediately after the phrase "State Permit Program and to the Director of the" at the end of the sentence, and inserting in its place the phrase "Environmental Monitoring and Support Laboratory, Cincinnati."

7. In § 136.5, paragraph (c) is amended by inserting the phrase "proposed by the responsible person or firm making the discharge" immediately after the phrase "application for an alternate test procedure" and immediately before the comma; and by deleting the phrase "Methods Development and Quality Assurance Laboratory" immediately after the phrase "application to the Director of the" and immediately before the phrase "for review and recommendation" and inserting in its place the phrase "Environmental Monitoring and Support Laboratory, Cincinnati."

8. In § 136.5, the first sentence of paragraph (d) is amended by inserting the phrase, "proposed by the responsible person or firm making the discharge," immediately after the phrase, "application for an alternate test procedure," and immediately before the comma.

The second sentence of paragraph (d) is amended by deleting the phrase, "Methods Development and Quality Assurance Research Laboratory," immediately after the phrase, "to the Regional Administrator by the Director of the," and immediately preceding the period ending the sentence and inserting in its place the phrase, "Environmental Monitoring and Support Laboratory, Cincinnati."

The third sentence of paragraph (d) is amended by deleting the phrase, "Methods Development and Quality Assurance Research Laboratory," immediately after the phrase, "forwarded to the Director," and immediately before the second comma and by inserting in its place the phrase, "Environmental Monitoring and Support Laboratory, Cincinnati."

9. Section 136.5 is amended by the addition of a new paragraph (e) to read as follows:

§ 136.5 Approval of alternate test procedures.

* * * * *

(e) Within ninety days of the receipt by the Director of the Environmental Monitoring and Support Laboratory, Cincinnati of an application for an alternate test procedure for nationwide use, the Director of the Environmental Monitoring and Support Laboratory, Cincinnati shall notify the applicant of his recommendation to the Administrator to approve or reject the application, or shall specify additional information which is required to determine whether to approve the proposed test procedure. After such notification, an alternate method determined by the Administrator to satisfy the applicable requirements of this part shall be approved for nationwide use to satisfy the requirements of this subchapter; alternate test procedures determined by the Administrator not to meet the applicable requirements of this part shall be rejected. Notice of these determinations shall be submitted for publication in the FEDERAL REGISTER not later than 15 days after such notification and determination is made.

[FR Doc.76-35032 Filed 11-30-76;8:45 am]

federal register

WEDNESDAY, DECEMBER 1, 1976



PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development

■

HEAD START PROGRAM

Full Enrollment and Optimum Utilization

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development

HEAD START PROGRAM

Recruitment and Enrollment Policies To Achieve Full Enrollment and Optimum Utilization in Head Start Classes

Notice is hereby given that the Director, Office of Child Development, with the approval of the Assistant Secretary for Human Development, proposes to issue policy instructions prescribing recruitment and enrollment policies to achieve full enrollment and optimum utilization of classroom space in Head Start programs. This notice of proposed policy instruction is published pursuant to the requirements of section 517(d), Title V, Economic Opportunity Act of 1964, as amended by Section 8(a) of the Headstart, Economic Opportunity, and Community Partnership Act of 1974. The proposed policy instruction upon adoption will become Chapter S–30–317–1 in the Head Start Policy Manual.

It was recommended in the previous studies that to achieve maximum utilization of Head Start resources for the benefit of needy children, Head Start should develop policies which address two continuing administrative problems: (1) Initial and continuing underenrollment in the programs, and (2) low average daily classroom attendance caused by absenteeism. The proposed policy instructions have been formulated to stimulate grantee recruitment efforts and to achieve a daily attendance pattern commensurate with the funded capacities of the Head Start grantees. The policy should assist grantees to help more children without any diminution in the quality of services now provided.

In accordance with section 517(d), of the Act, copies of this Notice are being sent to each Head Start agency. Prior to the adoption of the proposed policy, consideration will be given to any comments, suggestions, or objections thereto which are received by the Director, Office of Child Development, Department of Health, Education, and Welfare, 400 6th Street, SW., Washington, D.C. 20201 on or before January 3, 1977. Comments received will be available for public inspection in Room 2030 of the Office of Child Development at the above address on Monday through Friday of each week from 9:00 a.m. to 5:30 p.m. (area code 202 755–7790).

(Catalog of Federal Domestic Assistance Program No. 13.600, Child Development—Head Start.)

Dated: November 24, 1976.

JOHN H. MEIER,
Director, Office of Child Development; Chief, Children's Bureau.

Approved: November 24, 1976.

STANLEY B. THOMAS, Jr.,
Assistant Secretary for Human Development.

The proposed Chapter S–30–317–1 in the Head Start Policy Manual reads as follows:

S–30–317–1–00 Purpose
S–30–317–1–10 Scope
S–30–317–1–20 Definitions
S–30–317–1–30 Policy

AUTHORITY: 88 Stat. 2304 (42 U.S.C. 2928h).

S–30–317–1–00 *Purpose.* This Chapter sets forth the policies formulated to maintain full enrollment and maximum utilization of classroom space in each Head Start program.

S–30–317–1–10 *Scope.* This policy applies to all Head Start and delegate agencies that operate or propose to operate a Full Year or Summer Head Start program, excluding experimental or demonstration programs funded by Head Start. This issuance constitutes Head Start policy. Failure to meet enrollment and average daily attendance standards set forth herein may result in reasonable and appropriate action by the responsible HEW official including: (1) reduction of the grant to reflect the unfilled funded slots or the excessive absenteeism, or (2) suspension, termination, or denial of refunding of the program where underenrollment or absenteeism threatens achievement of Head Start program purposes.

S–30–317–1–20 *Definitions.* 1. Total number of funded slots means the number of children the program has been funded to enroll.

2. Full enrollment means enrollment at least equal to the total number of funded solts.

3. Average daily attendance means the average number of children who are participating daily in classroom activities during the current program year.

4. Minimum acceptable average daily attendance means an average daily attendance figure of not less than 90% of the total number of funded slots.

5. Eligible children (see, 45 CFR Part 1305 Eligibility Requirements for Enrollment in Head Start.)

6. Overenrollment means that the total number of children enrolled in the program exceeds the total number of funded slots.

7. Responsible HEW official means the official of the Department of Health, Education, and Welfare having authority to make the grant of assistance in question or his designee.

S–30–317–1–30 *Policy. A. General Provisions.*—1. Head Start and delegate agencies shall exert their best efforts to achieve full enrollment at the beginning of the school year and maintain full enrollment during the entire school year. Recruitment procedures shall conform with Head Start Program Performance Standards (45 CFR Part 1304, Subpart D) and Eligibility Requirements for Enrollment in Head Start (45 CFR Part 1305). Because early recruitment is essential to achieving full enrollment at the beginning of the school year, every Head Start and delegate agency shall begin recruitment no later than:

April for full year programs. March for summer programs.

2. Chronic high absenteeism results in the underutilization of classroom space and the wasting of resources that can be used to serve children. To achieve maximum utilization of classroom facilities, each Head Start and delegate agency shall exert its best effort to maintain throughout the school year a minimum acceptable average daily attendance.

3. Each Head Start and delegate agency shall take corrective action if the average daily attendance figures for any two-months period of the current program year fall below 90% of the total number of funded slots. The corrective action shall be tailored to the individual agency's cause(s) for absenteeism. The causes may vary: illness, transportation problems, change of residence, etc. The Head Start or delegate agency shall immediately follow up with the family to determine the cause of absenteeism after four (4) consecutive days of the initial absence, and records shall be kept of these follow-up activities. Choice of a proper course of corrective action will depend upon the nature of the cause. To comply with the enrollment policies, each Head Start and delegate agency shall be responsible for maintaining accurate daily attendance records which shall be available for review by the responsible HEW official.

4. If Head Start and delegate agencies determine that the daily attendance figure for any two-month period of the current program year indicates consistent absenteeism and underutilization of facilities, such agencies immediately shall attempt to enroll additional children to compensate for the absentee rate; However, prior to overenrollment, the agency must request an approval in writing from the HEW regional office for a specific number of children to be overenrolled and obtain a written approval from the responsible HEW official (See, Paragraph B, for guidance in calculating permissible number to be overenrolled.) Since overenrollment may cause the total number of children enrolled to exceed the total number of funded slots, the agency shall take precautions to ensure that the average daily attendance figures will not consistently exceed the total number of funded slots for the agency.

Whether maximum utilization of resources is achieved by overenrolling, by intensive follow-up activities, or by other means, the agency shall choose the corrective action designed to improve the utilization of the facility.

5. If, because of overenrollment, the average daily attendance does exceed the total number of funded slots, Head Start program performance standards relating to sufficiency and qualifications of Head Start staff shall be applied to insure that all children in attendance receive educational, health, social, and developmental services and experiences consistent with Head Start requirements.

6. Head Start and delegate agencies shall attempt to recruit children in excess of the number required to achieve full enrollment in order to develop an active and updated waiting list of sufficient number to ensure that vacated or underutilized funded slots may be filled as needed to comply with the minimum acceptable average daily attendance requirements.

B. *Special Provision.*— 1. If the Head Start or delegate agency determines that overenrollment is the appropriate solution to achieve compliance with the minimum acceptable average daily attendance requirements the agency shall calculate the minimum permissible number of children to be overenrolled by subtracting the average daily attendance from the required minimum acceptable average daily attendance. The maximum number of children that may be overenrolled shall be calculated by subtracting the average daily attendance from the total number of funded slots. The following figures are suggested as examples to calculate the permissible overenrollment number.

Number of funded slots per classroom	Required minimum average daily attendance	Average daily attendance	Permissible overenrollment allowance
15	14	12	2-3
20	18	15	3-5

2. It shall be the responsibility of Head Start and delegate agencies to maintain appropriate and accurate records that will demonstrate compliance with this policy. Regional monitoring may take place at any time during the enrollment year. A thorough examination of Heard Start and delegate agency records will take place during the annual pre-review visit. The following are the minimum record requirements to be kept for examination: Recruitment procedures, Enrollment procedures, Daily attendance records, Absentee follow-up records, Updated waiting list.

It shall be the responsibility of Head Start agencies to monitor the enrollment policies, practices and records and average daily attendance records and other required records of delegate agencies to assist them in meeting the standards and requirements of this policy, and to report thereon to the responsible HEW official.

[FR Doc.75-35301 Filed 11-30-76;8:45 am]

federal register

WEDNESDAY, DECEMBER 1, 1976



PART IV:

ENVIRONMENTAL PROTECTION AGENCY

■

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Certain Products

ENVIRONMENTAL PROTECTION AGENCY

[FRL 650-8; OPP-30000/8]

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Pesticide Products Containing Compound 1080 and Compound 1081

The Deputy Assistant Administrator, Office of Pesticide Programs, Environmental Protection Agency (EPA), has determined that a rebuttable presumption exists against registration and continued registration of all pesticide products containing Compound 1080 (sodium fluoroacetate) and Compound 1081 (sodium fluoroacetamide).

I. Regulatory provisions. A. General. The Environmental Protection Agency promulgated regulations (40 CFR 162) for the registration, reregistration, and classification of pesticides on July 3, 1975 (40 FR 28242). Section 162.11 of the regulations provides that a rebuttable presumption against registration shall arise if it is determined that a pesticide meets or exceeds any of the criteria for risk set forth in § 162.11(a)(3). If it is determined that such a presumption against continued registration of a pesticide has arisen, the regulations require that the registrant be notified by certified mail and that the registrant be provided an opportunity to submit evidence in rebuttal of the presumption. In addition, the Agency has determined that the public should be provided with notice of the presumption so they may submit comments and any additional information relevant to the presumption.

A notice of rebuttable presumption aginst registration or continued registration of a pesticide is not to be confused with a notice of intent to cancel the registration of a pesticide and may or may not lead to cancellation. The notice of rebuttable presumption is issued when the evidence related to risk meets the Agency's criteria, whereas the notice if intent to concel is issued only after a careful consideration of both risks and benefits and a determination is reached that the pesticide may generally cause unreasonable adverse effects on the environment.

Accordingly, all registrants and applicants for registration are invited pursuant to 40 CFR 162.11(a)(4) to submit evidence in rebuttal of the presumptions listed in Part II. Registrants and other interested parties may submit data on benefits which they believe would justify registration or continued registration in the event the Agency determines that the risk presumptions have not been completely rebutted. In addition, any registrant may petition the Agency to voluntarily cancel a current registration pursuant to Section 6(a)(1) of FIFRA.

B. Rebuttal criteria. Section 162.11(a)(4) provides that a party seeking new or continued registration may rebut the presumption by sustaining the burden of proving:

(1) In the case of a pesticide presumed against pursuant to the acute toxicity criteria of Section 162.11(a)(3)(i) or pursuant to the lack of emergency treatment criterion of § 162.11(a)(3)(iii), "* * * that when considered with the formulation, packaging, method of use, and proposed restrictions on and directions for use and widespread and commonly recognized practices of use, the anticipated exposure to an applicator or user and to local, regional or national populations of nontarget organisms is not likely to result in any significant acute adverse effects;"

(2) In the case of a pesticide presumed against pursuant to the chronic toxicity criteria of § 162.11(a)(3)(ii), "* * * that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects;" or

(3) In either case, that "the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error."

If after review of the evidence submitted in rebuttal, the Administrator determines that the applicant or registrant, as the case may be, has rebutted the presumption by sustaining the affirmative burden of proof set forth in subparagraph (4) of § 162.11(a) then, if the application or registration is otherwise in compliance with the Act and these regulations, in accordance with section 3(c) of the Act he will register the pesticide for such use or continue any such registration already in effect. In the case of an application for registration for which notice of approval is required to be published pursuant to § 162.7(d)(2), such notice shall state that the Administrator has determined that the presumption has been rebutted within the time provided for submission of rebuttal evidence. Such notice shall refer to the appropriate clause of § 162.11(a)(4)(i) and (ii) upon which the Administrator bases his determination that the presumption has been rebutted.

C. Benefits information. In addition to submitting evidence to rebut the presumption of risk, § 162.11(a)(5)(iii) provides that a registrant "* * * may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide subject to the presumption outweigh the risk of use." If the risk presumptions are not rebutted, the benefit evidence submitted by the registrant and/or other interested persons and any preliminary EPA staff recommendations may be considered by the Administrator in determining the appropriate regulatory action. Specifically, § 162.11(a)(5)(iii) provides that if the "benefits appear to outweigh risks," the Administrator may issue a notice of intent to hold a hearing pursuant to section 6(b)(2) of FIFRA rather than a notice of intent to cancel or deny registration pursuant to section 6(b)(1) of FIFRA. Alternatively, if the "benefits do not appear to outweigh the risks, the Administrator shall issue a notice pursuant to section 3(c)(6) or section 6(b)(1) of the Act, as appropriate." Moreover, if at any time the Administrator determines that a pesticide poses an "imminent hazard" to humans or the environment, a notice of suspension may be issued pursuant to section 6(c) of the Act.

II. Presumptions. Pesticide products containing Compounds 1080 and 1081 meet or exceed the following risk criteria set forth in 40 CFR 162.11(a)(3).

A. Acute toxicity: hazard to wildlife. Sections 162.11(a)(3)(i)(B)(1) and (2) provide that a rebuttable presumption shall be issued if the pesticide as formulated occurs as a residue immediately following application in or on the feed of a mammalian or avian species representative of species likely to be exposed to such feed in amounts equivalent to the average daily intake, at levels equal to or greater than (1) the acute oral LD_{50} for mammalian species and (2) the subacute dietary LC_{50} for avian species.

Although the Agency currently lacks acute oral LD_{50} data for every exposed nontarget mammalian species and subacute dietary LC_{50} data for every exposed nontarget avian species, the available toxicity data, the use patterns, nonselectivity, and mode of action of Compounds 1080 and 1081 clearly indicate that acutely lethal residue levels in the form of poisoned baits will be available to exposed nontarget species. These compounds exhibit a narrow range of toxic doses among exposed animals. Therefore, the same toxic properties which account for the efficacy of these compounds in killing target species will also cause the deaths of nontarget organisms. Thus, the available toxicity data can be reasonably applied to nontarget organisms. Accordingly, all registrations for products containing Compounds 1080 and 1081 meet or exceed the criteria of § 162.11(a)(3)(i)(B), and a presumption against registration or continued registration exists.

B. Effects on nontarget organisms. 40 CFR 162.11(a)(3)(ii)(C) provides: "A rebuttable presumption shall arise if a pesticides ingredient(s) * * * [c]an reasonably be anticipated to result in significant local, regional, or national population reductions in nontarget organisms, or fatality to members of endangered species." The extremely toxic nature of Compounds 1080 and 1081 (discussed above, paragraph (A)) and the nature of most uses indicate that their use might reasonably be anticipated to result in significant population reductions in nontarget species, notwithstanding the absence of validated field evidence of such occurrences.

Similarly, the Agency has no validated evidence that the use of 1080 and 1081 have actually resulted in the deaths of members of endangered species. However, experimental laboratory evidence suggests that such deaths can reasonably be anticipated.

A subspecies of kit fox that is closely related to the endangered San Joaquin kit fox was experimentally fed kangaroo

rats which had been poisoned by baits containing Compound 1080. (Schitoskey, F., Jr., 1975, "Primary and Secondary Hazards of Three Rodenticides to Kit Fox", Journal of Wildl. Mgt., 39(2): 416–418.) This ingestion caused lethal secondary poisoning in the kit fox. Consequently, the poisoning of small target mammals with 1080 or 1081 may likely result in exposure of kit foxes to lethal doses contained in rodent carcasses. This fact is of particular significance because the most intensive use of 1080 occurs in areas inhabited by the San Joaquin kit fox. Other endangered species including the California condor and the black-footed ferret may also be jeopardized by the use of 1080 and 1081 in controlling rodents and birds. Accordingly, a rebuttable presumption has arisen pursuant to § 162.11(a)(3)(ii)(C).

C. Lack of emergency treatment. 40 CFR 162.11(a)(3)(iii) provides: "A rebuttable presumption shall arise if a pesticide's ingredient(s) * * * [h]as no known antidotal, palliative, or first aid treatment for amelioration of toxic effects in man resulting from a single exposure." Based on the following relevant facts and circumstances it appears that no reasonably available and effective emergency treatment is known for 1080 and 1081 intoxication: (1) one bait placement represents a lethal dose for humans; (2) once a sufficient amount of 1080 or 1081 is absorbed into the bloodstream the outcome is invariably fatal; (3) symptoms of 1080 or 1081 poisoning may not occur until a fatal dose has already been absorbed into the bloodstream; (4) the potentially most effective treatment for 1080 or 1081 poisoning, monoacetin, is not available in a pharmaceutical grade; and (5) although the use of 1080 and 1081 is restricted to some extent, use around domestic dwellings is not specifically prohibited, and has resulted in accidental child poisonings. Of particular concern is the fact that the symptoms of 1080 or 1081 poisoning may not occur until a considerable amount of the poison has already been absorbed into the bloodstream. Once a sufficient dose is absorbed, the outcome is invariably fatal. Accordingly, a rebuttable presumption has arisen pursuant to § 162.11(a)(3)(iii).

III. Registrations and products subject to the notice. Each registrant and applicant for registration listed below is being notified by certified mail of the rebuttable presumption existing against registration and continued registration of its products.

The registrants and applicants for registration shall have 45 days from the date this notice is sent, or until January 6, 1977, to submit evidence in rebuttal of the presumption. However, the Administrator may, for good cause shown, grant an additional 60 days in which such evidence may be submitted. Notice of such an extension, if granted, will appear in the FEDERAL REGISTER.

IV. Duty to submit information on adverse effects. Registrants are required by law to submit to EPA any additional information regarding any adverse effects on man or the environment which comes to a registrant's attention at any time (pursuant to section 6(a)(2) of FIFRA and 40 CFR 162.8(d)). If any registrant of 1080 or 1081 has any published or unpublished information, studies reports, analyses, or reanalyses regarding any adverse effects associated with 1080 or 1081, including but not limited to, effects in animal species or humans, residues, and claimed or verified accidents to humans, domestic animals, or wildlife, which has not been previously submitted to EPA, it must be submitted immediately. Together with any rebuttal information submitted, registrants must certify that they have submitted all information known to them regarding any adverse effects associated with the use of 1080 or 1081. In addition, the registrants should notify EPA of any studies currently in progress, including the purpose of the study, the protocol, the approximate completion date, and a summary of all results observed to date.

V. Public comments. A position document, dated October 27, 1976, prepared by an Agency working group on 1080 and 1081 and containing references and the underlying data is available for public inspection. During the time allowed for submission of rebuttal evidence, comments on the presumptions set forth in the notice and on the material contained in the position document are also solicited from the public. In particular, any documented episodes of adverse effects to humans, domestic animals, or wildlife, and information as to any laboratory studies in progress or completed, are requested to be submitted to EPA as soon as possible. Likewise, any studies or comments on the benefits from the use of 1080 and 1081 are requested to be submitted. All comments and information should be sent to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Rm. 401, East Tower, 401 M St., SW., Washington, D.C. 20460. Three copies of the comments or information should be submitted in order to facilitate the work of the Agency and others interested in inspecting them. The comments and information should bear the identifying notation OPP–30000/8. Comments and information received within the specified time limit shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii). Comments received after the specified time period will be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments and information filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. on normal working days.

The material contained in the position document is available for public inspection in the Office of Special Pesticide Reviews, Rm. 447, East Tower, during the same time period.

Dated: November 22, 1976.

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

(10924) **** PRODUCT SEARCH LISTING ****

10/18/76 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING 1080 PAGE 1

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REGISTRANT *NAME AND ADDRESS*

* 010924 ALAMEDA COUNTY AGRIG COMMISSIONER
224 W WINTON AVENUE
HAYWARD, CA 94544

********** PRODUCT NAME **********

09281 1080 SQUIRREL POISON GRAIN BAIT CA

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REGISTRANT *NAME AND ADDRESS*

* 010963 CALAVERAS COUNTY AGRIC COMMISSIONER
COUNTY GOVT CENTER EL DORADO RD
SAN ANDREAS CA 95249

********** PRODUCT NAME **********

05324 1080 SQUIRREL POISON GRAIN BAIT CA

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PEGISTRANT *NAME AND ADDRESS*

* 010989 CONTRA COSTA COUNTY
DEPT OF AGRI.
1111 WARD ST
CONCORD, CA 94520

********** PRODUCT NAME **********

08234 1080 SQUIRREL POISON GRAIN BAIT CA

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REGISTRANT	*NAME AND ADDRESS*
* 011000	DEL NORTE COUNTY AGRIC COMMISSIONER 2650 WASH BLVD CRESCENT CITY CA 95531

********** PRODUCT NAME **********		
03821	1080 POISON BAIT	CA

REGISTRANT	*NAME AND ADDRESS*
* 011019	FRESNO COUNTY AGRICULTURAL COMMISSIONER PO BOX 801 FRESNO CA 93712

********** PRODUCT NAME **********		
09045	1080 SQUIRREL POISON GRAIN BAIT (0.11)	CA
09046	1080 SQUIRREL POISON GRAIN BAIT (0.08)	CA
09047	1080 SQUIRREL POISON GRAIN BAIT (0.05%)	CA

(11067) **** PRODUCT SEARCH LISTING ****

10/18/76 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING 1080 PAGE 3

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REGISTRANT *NAME AND ADDRESS*

* 011067 KERN COUNTY AGRICULTURE COMMISIONER
P O BOX 1351
BAKERSFIELD CA 93302

********** PRODUCT NAME **********

05348 1080 RODENT POISON GRAIN BAIT CA

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REGISTRANT *NAME AND ADDRESS*

* 011071 KINGS COUNTY AGRICULTURE COMMISSIONER
280 11 1/2 AVENUE
HANFORD CA 93230

********** PRODUCT NAME **********

06233 COMPOUND 1080 RODENT POISON GRAIN BAIT CA

06234 1080 SQUIRREL POISON GRAIN BAIT CA

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REGISTRANT *NAME AND ADDRESS*

* 011084 LOS ANGELES COUNTY AGRICULTURAL COMMISSIONER
155 W. WASHINGTON BLVD 5TH FL.
LOS ANGELES, CA 90015

********** PRODUCT NAME **********

08516 1080 TREATED GRAIN CA

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REGISTRANT *NAME AND ADDRESS*

* 011085 MADERA COUNTY AGRICULTUPAL COMMISSIONER
128 SO MADERA AVE
MADERA CA 93637

********** PRODUCT NAME **********

06146 1080 POISION GRAIN BAIT X FOR GROUND SQUIRRELS & MEADOW MICE CA

06147 1080 POISON GRAIN BAIT XX FOR GROUND SQUIRRELS CA

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(11101) **** PRODUCT SEARCH LISTING ****

10/18/76 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING 1080 PAGE 5

REGISTRANT	*NAME AND ADDRESS*
* 011101	MERCED COUNTY AGIC COMMISSIONER 740 W 22ND ST MERCED CA 95340

********** PRODUCT NAME **********

06015	COMPOUND 1080 RODENT POISON GRAIN BAIT	CA
06033	POISON GRAIN FOR GRAND SQUIRRELS BY AIRCRAFT	CA
06034	POISON GRAIN FOR GROUND SQUIRRELS	CA

REGISTRANT	*NAME AND ADDRESS*
* 011105	MODOC COUNTY AGRIC COMMISSIONER PO BOX 1091 ALTURAS CA 96101

********** PRODUCT NAME **********

06939	1080 POISONED GROUND SQUIRREL CABBAGE BAIT	CA
06940	1080 POISONED GROUND SQUIRREL BAIT NO. 20-6	CA
06941	1080 POISONED MOUSE BAIT NO 20-2	CA

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REGISTRANT *NAME AND ADDRESS*

* 011150 RIVERSIDE COUNTY AGRIC COMMIS
4060 ORANGE ST
RIVERSIDE CA 92501

********** PRODUCT NAME **********

08483 1080 SQUIRREL POISON GRAIN BAIT CA

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REGISTRANT *NAME AND ADDRESS*

* 011163 SACRAMENTO COUNTRY AGRIC COMMISSIONRS
6680 ELVAS AVE
SACRAMENTO CA 95819

********** PRODUCT NAME **********

08512 SQUIRREL TEN-EIGHTY POISON

08515 RAT-MICE-GOPHER TEN EIGHTY POISON CA

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(11165) **** PRODUCT SEARCH LISTING ****

10/18/76 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING 1080 PAGE 7

REGISTRANT	*NAME AND ADDRESS*
* 011165	SAN BENITO COUNTY AGRICULTURAL COMMISSIONER P O BOX 699 HOLLISTER CA 95023

********** PRODUCT NAME **********		
08606	COMPOUND 1080 SQUIRREL POISON GRAIN BAIT	CA
08607	1080 SQUIRREL POISON GRAIN BAIT	CA

REGISTRANT	*NAME AND ADDRESS*
* 011166	SAN BERNADINO COUNTY AGRICULTURAL COMMISSIONER 566 LUGO AVE SAN BERNADINO CA 92410

********** PRODUCT NAME **********		
08893	1080 POISON GRAIN BAIT	CA

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REGISTRANT *NAME AND ADDRESS*

* 011174 SAN JOAQUIN COUNTY AGRICULTURE COMMISSIONER
PO BOX 1809
STOCKTON CA 95201

********** PRODUCT NAME **********

06148 1080 SQUIRREL POISON GRAIN BAIT CA

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REGISTRANT *NAME AND ADDRESS*

* 011175 SANTA CLARA SUPPLY COMPANY INC
1334 N 10TH ST
SAN JOSE CA 95112

********** PRODUCT NAME **********

08655 COMPOUND 1080 POISON GRAIN BAIT CA

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REGISTRANT *NAME AND ADDRESS*

* 011179 SANTA CRUZ COUNTY AGRICULTURE COMMISSIONER
PO BOX 590
WATSONVILLE CA 95077

********** PRODUCT NAME **********

06694 COMPOUND 1080 POISON GRAIN BAIT CA

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(11181) **** PRODUCT SEARCH LISTING ****

10/18/76 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING 1080 PAGE 9

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REGISTRANT *NAME AND ADDRESS*

* 011181 SANTA BARBARA COUNTY AGRICULTURE COMMISSIONER
PO BOX 127
SANTA BARBARA CA 93102

********** PRODUCT NAME **********

07070 TEN-EIGHTY POISONED BAIT CA

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REGISTRANT *NAME AND ADDRESS*

* 011182 SANTA CLARA COUNTY AGRICULTURE COMMISSIONER
75 W ST JAMES ST
SAN JOSE CA 95113

********** PRODUCT NAME **********

08699 1080 POISONED BAIT CA

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REGISTRANT *NAME AND ADDRESS*

* 011193 SISKIYOU COUNTY AGRIC COMMISSIONER
COURTHOUSE ANNEX
YREKA CA 96097

********** PRODUCT NAME **********

06716 20% 6 OZ. 1080 SQUIRREL POISON CA

06717 20% 2 OZ. 1080 MOUSE POISON CA

**CONTINUE REGISTRANT 011193

06718	100% 1 OZ. 1080 POISON MOUSE POISON	CA
06719	100% 2 OZ. 1080 POISON MOUSE POISON	CA

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REGISTRANT *NAME AND ADDRESS*

* 011208 SUTTER COUNTY AGRICL COMMISSIONER
142 GARDEN WAY
YUBA CITY CA 95991

********** PRODUCT NAME **********

08713	"1080" SQUIRREL POISON GRAIN BAIT	CA

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REGISTRANT *NAME AND ADDRESS*

* 011224 TULARE COUNTY AGRIC COMMISSIONER
COURTHOUSE RM 12-E
VISALIA CA 93277

********** PRODUCT NAME **********

08503	1080 GROUND SQUIRREL POISON GRAIN BAIT	CA
08506	COMPOUND 1080 RODENT POISON GRAIN BAIT	CA

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(11231) **** PRODUCT SEARCH LISTING ****

10/18/76 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING 1080 PAGE 11

REGISTRANT	*NAME AND ADDRESS*
* 011231	VENTURA COUNTY AGRIC. COMMISSIONER P.O. BOX 889 SANTA PAULA, CA 93060

********** PRODUCT NAME **********		
05310	1080 SQUIRREL POISON GRAIN BAIT	CA
05311	1080 SQUIRREL POISON GRAIN BAIT FOR MECHANICAL APPLICATION	CA

REGISTRANT	*NAME AND ADDRESS*
* 011418	MONTEREY COUNTY AGRICULTURAL COMMISSIONER PO BOX 1370 SALINAS CA 93901

********** PRODUCT NAME **********		
10242	TEN-EIGHTY POISONED BAIT-OAT GROATS	CA
10243	0.078% -1080 POISON BAIT	CA

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REGISTRANT *NAME AND ADDRESS*

* 033968 COLORADO DEPT OF AGRI
DIV OF ANIMAL INDUSTRY
1525 SHERMAN ST
DENVER, CO 80203

********** PRODUCT NAME **********

03003 FIELD RODENT BAIT CONTAINING 1080 CO

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REGISTRANT *NAME AND ADDRESS*

* 034481 ORANGE COUNTY AGRI COMMISSIONER
1010 SOUTH HARBOR BLVD
ANAHEIM, CA 92805

********** PRODUCT NAME **********

03239 TEN-EIGHTY SQUIRREL POISON CA

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REGISTRANT *NAME AND ADDRESS*

* 034482 PLUMAS COUNTY AGRI COMMISSIONER
ROUTE 1-BOX 230-A FAIRGROUNDS
QUINCY, CA 95971

********** PRODUCT NAME **********

06707 1.5 OUNCE 1080 SQUIRREL OATS CA

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(34485) **** PRODUCT SEARCH LISTING ****

10/18/76 APPLICANTS FOR REGISTRATION OF PRODUCTS CONTAINING 1080 PAGE 13

REGISTRANT	*NAME AND ADDRESS*
* 034485	STANISLAUS COUNTY DEPT OF AGRICULTURE 725COUNTY CENTER 3 COURT MODESTO, CA 95355

********** PRODUCT NAME **********		
06987	1080 SQUIRREL POISON BARLEY	CA
06988	1080 GOPHER BAIT	CA
06989	1080 SQUIRREL POISON GRAIN BAIT	CA

REGISTRANT	*NAME AND ADDRESS*
* 035981	NEVADA STATE DEPT OF AGRI P. O. BOX 1209 RENO, NV 89504

********** PRODUCT NAME **********		
06157	0.05% SODIUM FLUOROACETATE TREATED GRAIN BAIT	NV
06158	0.05% SODIUM FLUROACETATE TREATED CABBAGE BAIT	NV
06257	COYOTE CONTROL - BAIT STATION	NV

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REGISTRANT *NAME AND ADDRESS*

* 036024 COOPERATIVE EXTENSION SERVICE
COLLEGE OF AGRICULTURE
UNIVERSITY OF NEVADA RENO
RENO, NV 89507

********** PRODUCT NAME **********

06702 1080 SQUIRREL POISON - PASTE NV

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REGISTRANT *NAME AND ADDRESS*

* 004255 FIKE CHEMICALS, INC.
PO BOX 546
NITRO, WV 25143

********** PRODUCT NAME**********

EG (1A23) SODIUM FLUOROACETATE

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(02881) **** PRODUCT SEARCH LISTING ****

10/18/76 FEDERALLY REGISTERED PRODUCTS CONTAINING 1080 PAGE 1

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REGISTRANT *NAME AND ADDRESS*

* 002881 LYSTAD INC.
BOX 1718
GRAND FORKS ND 58201

********** PRODUCT NAME **********

00012 LYSTAD'S SODIUM FLOUROACETATE

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REGISTRANT *NAME AND ADDRESS*

* 005217 TULL CHEM COMPANY
OXFORD, AL 36203

********** PRODUCT NAME **********

00001 COMPOUND 1080

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REGISTRANT *NAME AND ADDRESS*

* 006913 ABALENE PEST CONTROL SERVICES INC
257 DUCHESS TURNPIKE
POUGHKEEPSIE NY 12603

********** PRODUCT NAME **********

00014 ABALENE RODENT POISON

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REGISTRANT *NAME AND ADDRESS*

* 006459 RENTOKIL LTD
FELCOURT E GRINSTEAD
SUSSEX ENGLAND

********** PRODUCT NAME **********

00002 FLUORAKIL 100

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REGISTRANT *NAME AND ADDRESS*

* 007122 AR CHEMICAL CORP
1514 ELEVENTH ST
PORTSMOUTH OH 45662

********** PRODUCT NAME **********

00090 FLUORAKIL 90 FLUOTOACETAMIDE

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[FR Doc.76-34895 Filed 11-30-76;8:45 am]

[FRL 650-2; OPP-30000/7]

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Certain Pesticide Products Containing Strychnine and Strychnine Sulfate

The Deputy Assistant Administrator, Office of Pesticide Programs, Environmental Protection Agency (EPA), has determined that a rebuttable presumption exists against registration and continued registration of those pesticide products containing strychnine and strychnine sulfate which are registered for outdoor, above-ground use.

I. Regulatory provisions.

A. General. The Environmental Protection Agency promulgated regulations (40 CFR 162) for the registration, reregistration, and classification of pesticides on July 3, 1975 (40 FR 28242). Section 162.11 of the regulations provides that a rebuttable presumption against registration shall arise if it is determined that a pesticide meets or exceeds any of the criteria for risk set forth in § 162.11 (a)(3). It it is determined that such a presumption against continued registration of a pesticide has arisen, the regulations require that the registrant be notified by certified mail and that the registrant be provided an opportunity to submit evidence in rebuttal of the presumption. In addition, the Agency has determined that the public should be provided with notice of the presumption so they may submit comments and any additional information relevant to the presumption.

A notice of rebuttable presumption against registration or continued registration of a pesticide is not to be confused with a notice of intent to cancel the registration of a pesticide and may or may not lead to cancellation. The notice of rebuttable presumption is issued when the evidence related to risk meets the Agency's criteria, whereas the notice of intent to cancel is issued only after a careful consideration of both risks and benefits and a determination is reached that the pesticide may generally cause unreasonable adverse effects on the environment.

Accordingly, all registrants and applicants for registration are invited pursuant to 40 CFR 162.11(a)(4) to submit evidence in rebuttal of the presumptions listed in Part II. Registrants and other interested parties may submit data on benefits which they believe would justify registration or continued registration in the event the Agency determines that the risk presumptions have not been completely rebutted. In addition, any registrant may petition the Agency to voluntarily cancel a current registration pursuant to section 6(a)(1) of FIFRA.

B. Rebuttal Criteria. Section 162.11(a)(4) provides that a party seeking new or continued registration may rebut the presumption by sustaining the burden of proving:

(1) In the case of a pesticide presumed against pursuant to the acute toxicity criteria of Section 162.11(a)(3)(i) or pursuant to the lack of emergency treatment criterion of § 162.11(a)(3)(iii), ". . . that when considered with the formulation, packaging, method of use, and proposed restrictions on and directions for use and widespread and commonly recognized practices of use, the anticipated exposure to an applicator or user and to local, regional or national populations of nontarget organisms is not likely to result in any significant acute adverse effects;"

(2) In the case of a pesticide presumed against pursuant to the chronic toxicity criteria of § 162.11(a)(3)(ii), ". . . that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects;" or

(3) In either case, that "the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error."

If after review of the evidence submitted in rebuttal, the Administrator determines that the applicant or registrant, as the case may be, has rebutted the presumption by sustaining the affirmative burden of proof set forth in subparagraph (4) of § 162.11(a) then, if the application or registration is otherwise in compliance with the Act and these regulations, in accordance with section 3(c) of the Act he will register the pesticide for such use or continue any such registration already in effect. In the case of an application for registration for which notice of approval is required to be published pursuant to § 162.7(d)(2), such notice shall state that the Administrator has determined that the presumption has been rebutted within the time provided for submission of rebuttal evidence. Such notice shall refer to the appropriate clause of § 162.11(a)(4)(i) and (ii) upon which the Administrator bases his determination that the presumption has been rebutted.

C. Benefits information. In addition to submitting evidence to rebut the presumption of risk, § 162.11(a)(5)(iii) provides that a registrant ". . . may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide subject to the presumption outweigh the risk of use." If the risk presumptions are not rebutted the benefit evidence submitted by the registrant and/or other interested persons and any preliminary EPA staff recommendations may be considered by the Administrator in determining the appropriate regulatory action. Specifically, § 162.11(a)(5)(iii) provides that if the "benefits appear to outweigh risks," the Administrator may issue notice of intent to hold a hearing pursuant to section 6(b)(2) of FIFRA rather than a notice of intent to cancel or deny registration pursuant to section 6(b)(1) of FIFRA. Alternatively, if the "benefits do not appear to outweigh the risks, the Administrator shall issue a notice pursuant to section 3(c)(6) or section 6(b)(1) of the Act, as appropriate." Moreover, if at any time the Administrator determines that a pesticide poses an "imminent hazard" to humans or the environment, a notice of suspension may be issued pursuant to Section 6(c) of the Act.

II. Presumptions.

Pesticide products containing strychnine and strychnine sulfate meet or exceed the following risk criteria set forth in 40 CFR 162.11(a)(3).

A. Acute toxicity: Hazard to wildlife. Sections 162.11(a)(3)(i)(B)(1) and (2) provide that a rebuttable presumption shall be issued if the pesticide as formulated occurs as a residue immediately following application in or on the feed of a mammalian or avian species representative of species likely to be exposed to such feed in amounts equivalent to the average daily intake, at levels equal to or greater than (1) the acute oral LD_{50} for mammalian species and (2) the subacute dietary LC_{50} for avian species.

Although the Agency currently lacks acute oral LD_{50} data for every exposed nontarget mammalian species and subacute dietary LC_{50} data for every exposed nontarget avian species, the available toxicity data, use patterns, nonselectivity, and mode of action of strychnine and strychnine sulfate clearly indicate that acutely lethal residue levels in the form of poisoned baits will be available to exposed nontarget species. These compounds exhibit a narrow range of toxic doses among exposed animals. Therefore, the same toxic properties which account for the efficacy of these compounds in killing target organisms will also cause the deaths of nontarget organisms. Thus, the available toxicity data can be reasonably applied to nontarget organisms.

The Agency has determined, however, that the placement of strychinine and strychnine sulfate underground in animal burrows will not result in significant exposure to nontarget species. Accordingly, products containing strychnine and strychnine sulfate which are registered for outdoor, above-ground use meet or exceed the criteria of § 162.11(a)(3)(i)(B), and a presumption against registration or continued registration exists.

B. Effects on nontarget organisms. 40 CFR 162.11(a)(3)(ii)(C) provides: "A rebuttable presumption shall arise if a pesticides ingredient(s) . . . [c]an reasonably be antiticipated to result in significant local, regional, or national population reductions in nontarget organisms, or fatality to members of endangered species." The extremely toxic nature of strychnine and strychnine sulfate [discussed above, paragraph (A)] and the nature of most of the uses suggest that a possible hazard to nontarget species might reasonably be anticipated. Field studies further support the likelihood of significant population reductions in nontarget species.

One such study (Howell, J., and Wishart, W., 1969, "Strychnine Poisoning in Canada Geese", Bull. Wildl. Disease Ass., 5:119) found that the above-ground placement of strychnine-treated oat baits for gopher control resulted in the

deaths of significant numbers of Canada geese. A study sponsored jointly by EPA and the Fish Wildlife Service (FWS) of the United States Department of the Interior assessed the field hazards of strychnine when applied above and below ground. Only preliminary results of this study are currently available; they indicate that underground placement of baits did not significantly affect nontarget organisms. However, the placement of baits above ground caused the deaths of significant numbers of nontarget organisms. The final, verified results of this study will be available in the near future, and will become a part of the Agency file on strychnine and may serve as a basis for a final determination pursuant to 40 CFR 162.11(a)(5).

The Agency currently lacks field evidence that the use of strychnine and strychnine sulfate have actually resulted in death to members of endangered species. However, experimental evidence suggests that such deaths can likely be anticipated.

A subspecies of kit fox, closely related to the endangered San Joaquin kit fox, was experimentally fed kangaroo rats which had been poisoned by baits containing strychnine. Schitoskey, F. Jr., 1975, "Primary and Secondary Hazards of Three Rodenticides to Kit Fox", Journal of Wildl. Mgt., 39(2):416–418) This ingestion caused lethal secondary poisoning in the kit fox. Consequently, the poisoning of small target mammals with strychnine or strychnine sulfate will likely result in exposure to kit foxes of lethal doses contained in rodent carcasses. Other endangered species including the California condor and the black-footed ferret may also be jeopardized by the use of strychnine or strychnine sulfate in controlling rodents and birds. Accordingly, a rebuttable presumption has arisen pursuant to § 162.11(a)(3)(ii)(C) against those products which are registered for outdoor above-ground use.

III. Registrations and products subject to the notice.

Each registrant and applicant for registration listed below is being notified by certified mail of the rebuttable presumption existing against registration and continued registration of its products.

The registrants and applicants for registration shall have 45 days from the date this notice is sent, or until January 6, 1977, to submit evidence in rebuttal of the presumption. However, the Administrator may, for good cause shown, grant an additional 60 days in which such evidence may be submitted. Notice of such an extension, if granted, will appear in the FEDERAL REGISTER.

IV. Duty to submit information on adverse effects.

Registrants are required by law to submit to EPA any additional information regarding any adverse effects on man or the environment which comes to a registrant's attention at any time [pursuant to section 6(a)(2) of FIFRA and 40 CFR 162.8(d)]. If any registrant of strychnine or strychnine sulfate has any published or unpublished information, studies, reports, analyses, or reanalyses regarding any adverse effects associated with strychnine or strychnine sulfate including, but not limited to, effects in animals species or humans, residues, and claimed or verified accidents to humans, domestic animals, or wildlife, which has not been previously submitted to EPA, it must be submitted immediately. Along with any rebuttal information submitted, registrants must certify that they have submitted all information know to them regarding any adverse effects associated with the use of strychnine or strychnine sulfate. In addition, the registrants should notify EPA of any studies currently in progress, including the purpose of the study, the protocol, the approximate completion date, and a summary of all results observed to date.

V. Public comments.

A position document, dated October 27, 1976, prepared by an Agency working group on strychnine and strychnine sulfate and containing references and the underlying data is avilable for public inspection. During the time allowed for submission of rebuttal evidence, comments on the presumptions set forth in the notice and on the material contained in the position document are also solicited from the public. In particular, any documented episodes of adverse effects to humans, domestic animals, or wildlife, and information as to any laboratory studies in progress or completed, are requested to be submitted to EPA as soon as possible. Likewise, any studies or comments on the benefits from the use of strychnine and strychnine sulfate are requested to be submitted. All comments and information should be sent to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Rm. 401, East Tower, 401 M St., SW, Washington, D.C. 20460. Three copies of the comments or information should be submitted in order to facilitate the work of the Agency and others interested in inspecting them. The comments and information should bear the identifying notation OPP–30000/7. Comments and information received within the specified time limit shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii). Comments received after the specified time period will be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments and information filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. on normal working days.

The material contained in the position document is available for public inspection in the Office of Special Pesticide Reviews, Rm. 447, East Tower, during the same time period.

Dated: November 22, 1976.

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

(05042) **** PRODUCT SEARCH LISTING ****

10/29/76 APPLICANTS OF PRODUCTS CONTAINING STRYCHNINE FOR ABOVE GROUND USE PAGE 1

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REGISTRANT *NAME AND ADDRESS*

* 005042 OREGON RODENT CONTROL OUTFITTERS
P O BOX 361 640 FILMORE ST
EUGENE OR 97401

********** PRODUCT NAME **********

08617 ORCO RABBIT BAIT OR
8840 ORCO GROUND SQUIRREL BAIT
8847 ORCO POISON BARLEY

****

REGISTRANT *NAME AND ADDRESS*

* 007276 RMC PROD COMPANY
BOX 200
FT DODGE IA 50500

********** PRODUCT NAME **********

03264 RMC POISON PEANUTS PELLETS (KILLS GOPHER & MOLE) IA

****

REGISTRANT *NAME AND ADDRESS*

* 00E612 B & G COMPANY
10535 MAYBANK DR
DALLAS TX 75220

********** PRODUCT NAME **********

10133 BGS ONE-SIXTEEN WILD RODENT OATS TX
10155 BGS ONE-SIXTEEN WILD RODENT STRYCHNINE TREATED GRAIN BAIT

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REGISTRANT *NAME ANC ADDRESS*

* 010924 ALAMEDA CCUNTY AGRIG COMMISSIONER
224 h WINTON AVENUE
HAYWARD, CA 94544

********** PRODUCT NAME **********

09283	STRYCHNINE LINNET POISCN BAIT	CA
09284	STRYCHNINE SPARROW POISON BAIT	CA
09287	STRYCHNINE JACK RABBIT POISCN GRAIN BAIT	CA

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REGISTRANT *NAME ANC ADDRESS*

* 010961 BUTTE CCUNTY AGRICULTURE CCMMISSICNER
PO EOX 1229
CROVILLE CA 95965

********** PRODUCT NAME **********

03230	SPARROW PCISCN (WITH STRYCHNINE)	CA
03231	SQUIRREL POISON (STRYCHNINE WHCLE GRAIN)	CA
03234	GCPHER PCISCN (GRAIN)	CA
03235	LINNETT PCISCN (WITH STRYCHNINE)	CA
03236	MOUSE PCISON (STRYCHNINE RCLLED BARLEY)	CA

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(1C963)

**** PRODUCT SEARCH LISTING ****

10/29/76

APPLICANTS OF PRODUCTS CONTAINING STRYCHNINE FOR ABOVE GROUND USE

PAGE 3

REGISTRANT *NAME AND ADDRESS*

* 010963 CALAVERAS COUNTY AGRIC COMMISSIONER
COUNTY GOVT CENTER EL DORADO RD
SAN ANDREAS CA 95249

********** PRODUCT NAME **********

05322 STRYCHNINE GROUND SQUIRREL POISON GRAIN BAIT CA

REGISTRANT *NAME AND ADDRESS*

* 010986 COLUSA COUNTY AGRICULTURAL COMMISSIONER
751 FREMONT ST
COLUSA CA 95932

********** PRODUCT NAME **********

07518 STRYCHNINE SQUIRREL BAIT CA

REGISTRANT *NAME AND ADDRESS*

* 011009 EL DORADO COUNTY AGRICULTURE COMMISSIONER
2850 COLD SPRINGS RD
PLACERVILLE CA 95667

********** PRODUCT NAME **********

05263 SQUIRREL BAIT CA

05264 STRYCHNINE JACK RABBIT POISON GRAIN BAIT CA

08112 STRYCHNINE SPARROW POISON BAIT

**CONTINUE REGISTRANT C11009

C8112	STRYCHNINE SPARROW POISON BAIT	CA

REGISTRANT	*NAME AND ADDRESS*
* 011019	FRESNO COUNTY AGRICULTURAL COMMISSIONER PO BOX 801 FRESNO CA 93712

********** PRODUCT NAME **********

09034	STRYCHNINE BLACKBIRD POISON BAIT	CA
09036	STRYCHNINE JACK RABBIT POISON GRAIN BAIT	CA
09037	STRYCHNINE HORNED LARK POISON BAIT	CA
09038	STRYCHNINE SQUIRREL POISON GRAIN BAIT	CA
09039	STRYCHNINE LINNET POISON BAIT	CA
09043	STRYCHNINE SPARROW POISON BAIT	CA
09044	GROUND SQUIRREL POISON (0.2%)	CA
09355	STRYCHNINE BLACKBIRD POISONED BAIT	CA
09356	STRYCHNINE SQUIRREL POISON GRAIN BAIT	CA
09357	STRYCHNINE SPARROW POISON BAIT	CA
09358	STRYCHNINE HORNED LARK POISON BAIT	CA

(11028) **** PRODUCT SEARCH LISTING ****

10/29/76 APPLICANTS OF PRODUCTS CONTAINING STRYCHNINE FOR ABOVE GROUND USE PAGE 5

REGISTRANT	*NAME AND ADDRESS*
* 011028	GLENN COUNTY AGRI COMMISSIONER PO BOX 351 WILLOWS, CA 95988

********** PRODUCT NAME **********

07056	STRYCHNINE SPARROW POISON BAIT	CA
07058	STRYCHNINE SQUIRREL POISON GRAIN BAIT	CA

REGISTRANT	*NAME AND ADDRESS*
* 011050	HUMBOLDT COUNTY AGRIC COMMISSIONER PO BOX 3576 EUREKA CA 95502

********** PRODUCT NAME **********

03238	STRYCHNINE SQUIRREL POISON GRAIN BAIT	CA

REGISTRANT	*NAME AND ADDRESS*
* C11053	IMPERIAL COUNTY AGRIC COMMISSIONER COURTHOUSE EL CENTRO CA 92243

********** PRODUCT NAME **********		
03453	STRYCHNINE KANGAROO RAT POISON GRAIN BAIT	CA
03454	STRYCHNINE JACK RABBIT POISON GRAIN BIAT	CA
03455	STRYCHNINE JACK RABBIT POISON	CA
03456	STRYCHNINE HORNED LARK POISON BAIT	CA
03460	STRYCHININE LINNET POISON BAIT	CA
03461	STRYCHNINE BLACK BIRD POISON BAIT	CA
03462	STRYCHNINE SPARROW POISON BAIT	CA

REGISTRANT	*NAME AND ADDRESS*
* C11067	KERN COUNTY AGRICULTURE COMMISIONER P O BOX 1351 BAKERSFIELD CA 93302

********** PRODUCT NAME **********		
05254	STRYCHNINE BLACK BIRD	CA
05340	STRYCHNINE HORNED LARK POISON BAIT	CA
05342	STRYCHNINE KANGAROO RAT POISON GRAIN BAIT	CA
05343	STRYCHNINE JACK RABBIT POISON GRAIN BAIT	CA

(11067) **** PRODUCT SEARCH LISTING ****

10/29/76 PAGE 7

**CONTINUE REGISTRANT 011067

05344 STRYCHNINE SPARROW POISON BAIT CA

05345 STRYCHNINE LINNET POISON BAIT CA

05347 STRYCHNINE SQUIRREL POISON GRAIN BAIT CA

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REGISTRANT *NAME AND ADDRESS*

* 011071 KINGS COUNTY AGRICULTURE COMMISSIONER
280 11 1/2 AVENUE
HANFORD CA 93230

********** PRODUCT NAME **********

06236 STRYCHNINE SPARROW POISON BAIT CA

06237 STRYCHNINE LINNET POISON BAIT CA

06238 STRYCHNINE HORNED LARK POISON BAIT CA

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REGISTRANT *NAME AND ADDRESS*

* 011074 LAKE COUNTY AGRIC COMMISSIONER
RTE 1 BOX 315-C
KELSEYVILLE CA 95451

********** PRODUCT NAME **********

8892 STRYCHNINE LINNET POISON BAIT

08898 POISONED BARLEY FOR GROUND SQUIRRELS CA

08901 STRYCHNINE LINNET POISON BAIT LINNET FORMULA NO. 1 CA

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REGISTRANT *NAME AND ADDRESS*

* 011084 LOS ANGELES COUNTY AGRICULTURAL COMMISSIONER
155 W. WASHINGTON BLVD 5TH FL.
LOS ANGELES, CA 90015

********** PRODUCT NAME **********

08518	LINNET POISON	CA
08519	STRYCHNINE HORNED LARK POISON BAIT	CA
08520	SPARROW POISON	CA
08521	STRYCHNINE ROLLED BARLEY	CA
08522	STRYCHNINE WHOLE BARLEY	CA

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REGISTRANT *NAME AND ADDRESS*

* 011085 MADERA COUNTY AGRICULTURAL COMMISSIONER
128 SO MADERA AVE
MADERA CA 93637

********** PRODUCT NAME **********

06109	STRYCHNINE LINNET POISON BAIT	CA
06116	STRYCHNINE JACK RABBIT POISON GRAIN BAIT	CA
06144	STRYCHNINE SPARROW POISON BAIT	CA
06145	STRYCHNINE SQUIRREL POISON GRAIN BAIT	CA

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(11087) **** PRODUCT SEARCH LISTING ****

10/29/76 APPLICANTS OF PRODUCTS CONTAINING STRYCHNINE FOR ABOVE GROUND USE PAGE 9

REGISTRANT *NAME AND ADDRESS*

* 011CE7 MARIN COUNTY ARGRICULTURAL COMMISSIONER
F O BOX A
SAN RAFAEL CA 94903

********** PRODUCT NAME **********

08245	STRYCHNINE SQUIRREL POISON GRAIN BAIT	CA

REGISTRANT *NAME AND ADDRESS*

* 0111CC MENDOCCINO CCUNTY AGIC COMMISSIONER
PO BOX 353
UKIAH, CA 95482

********** PRODUCT NAME **********

08721	STRYCHNINE SPARROW POISON BAIT	CA
08904	STRYCHNINE BLACK BIRD POISON BAIT	CA
08906	STRYCHNINE JACK RABBIT POISON	CA
08907	STRYCHNINE LINNET POISON BAIT	CA
08908	STRYCHNINE SQUIRREL POISON GRAIN BAIT	CA

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REGISTRANT *NAME AND ADDRESS*

* C111C1 MERCED COUNTY AGIC COMMISSIONER
740 W 22ND ST
MERCED CA 95340

********** PRODUCT NAME **********

06029	STRYCHNINE SQUIRREL GRAIN BAIT	CA
06030	STRYCHNINE SPARROW POISON BAIT	CA
06031	STRYCHNINE JACK RABBIT POISON GRAIN BAIT	CA
06032	STRYCHNINE LINNET POISON BAIT	CA

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REGISTRANT *NAME AND ADDRESS*

* 0111C5 MODOC COUNTY AGRIC COMMISSIONER
PO BOX 1091
ALTURAS CA 96101

********** PRODUCT NAME **********

06687	STRYCHNINE POISONED DANDELION	CA
06936	STRYCHNINE POISONED OAT GROATS	CA
06937	STRYCHNINE POISON GROUND SQUIRREL PASTE	
06938	OREGON GROUND SQUIRREL STRYCHNINE POISONED CABBAGE	CA
06942	STRYCHNINE POISON GROUND SQUIRREL PASTE	CA

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(11106) **** PRODUCT SEARCH LISTING ****

10/29/76 APPLICANTS OF PRODUCTS CONTAINING STRYCHNINE FOR ABOVE GROUND USE PAGE 11

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REGISTRANT *NAME AND ADDRESS*

* 011106 NAPA COUNTY ARGIC COMMISSIONER
1436 POLK ST
NAPA CA 94558

********** PRODUCT NAME **********

06692 POISONED BARLEY CA

06693 STRYCHNINE LINNET POISON BAIT CA

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REGISTRANT *NAME AND ADDRESS*

* 011109 NEVADA COUNTY AGRICULTURAL COMMISSIONER
MEMORIAL BLDG 225 SO AUBURN ST
GRASS VALLEY CA 95945

********** PRODUCT NAME **********

06691 STRYCHNINE SQUIRREL POISON GRAIN BAIT CA

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REGISTRANT *NAME AND ADDRESS*

* 011136 PLACER COUNTY AGRICULTURAL COMMISSIONER
11477 E AVE WEST
AUBURN CA 95603

********** PRODUCT NAME **********

07064 STRYCHINE BIRD POISON CA

07435 SQUIRREL POISON CA

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REGISTRANT *NAME AND ADDRESS*

* 011150 RIVERSIDE COUNTY AGRIC COMMIS
4060 ORANGE ST
RIVERSIDE CA 92501

********** PRODUCT NAME **********

08487 STRYCHNINE LINNET POISON BAIT CA

08488 STRYCHNINE MEADOWLARK POISON BAIT CA

08490 STRYCHNINE SQUIRREL POISON GRAIN BAIT CA

08491 STRYCHNINE HORNED LARK POISON BAIT CA

08492 STRYCHNINE JACK RABBIT POISON GRAIN BAIT CA

08494 STRYCHNINE SPARROW POISON BAIT CA

08495 BLACK BIRD POISON BAIT CA

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(11163) **** PRODUCT SEARCH LISTING ****

10/29/76 APPLICANTS OF PRODUCTS CONTAINING STRYCHNINE FOR ABOVE GROUND USE PAGE 13

REGISTRANT *NAME AND ADDRESS*

* 011163 SACRAMENTO COUNTRY AGRIC COMMISSIONRS
6680 ELVAS AVE
SACRAMENTO CA 95819

********** PRODUCT NAME **********

08510	STRYCHNINE SQUIRREL POISON GRAIN BAIT	CA
08511	SPARROW STRYCHNINE POISON 0.9%	CA

REGISTRANT *NAME AND ADDRESS*

* 011165 SAN BENITO COUNTY AGRICULTURAL COMMISSIONER
P O BOX 699
HOLLISTER CA 95023

********** PRODUCT NAME **********

08602	STRYCHNINE GRAIN	CA
08603	STRYCHNINE HORNED LARK POISON BAIT	CA
08604	STRYCHNINE LINNET POISON BAIT	CA
08605	STRYCHNINE SPARROW POISON BAIT	CA

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REGISTRANT *NAME AND ADDRESS*

* 011166 SAN BERNADINO COUNTY AGRICULTURAL COMMISSIONER
566 LUGO AVE
SAN BERNADINO CA 92410

********** PRODUCT NAME **********

04076	POISON GRAIN WHOLE BARLEY	CA
04081	BLACK BIRD BAIT	
04082	STRYCHNINE JACKRABBIT POISON GRAIN BAIT	CA
04083	HORNED LARK BAIT	CA
04084	LINNET BAIT	CA
08854	STRYCHNINE SPARROW POISON BAIT	CA

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REGISTRANT *NAME AND ADDRESS*

* 011168 SAN DIEGO COUNTY AGRICULTURAL COMMISSIONER
5555 OVERLAND AVE BLDG 3
SAN DIEGO CA 92123

********** PRODUCT NAME **********

05270	SPECIAL STRYCHNINE SPARROW POISON BAIT	CA
05271	STRYCHNINE BLACK BIRD POISON BIAT	CA
05272	STRYCHNINE SPARROW POISON BAIT	CA
05273	STRYCHNINE MOUSE POISON GRAIN BAIT	CA
05274	STRYCHNINE LINNET POISON BAIT	CA
05275	STRYCHNINE JACK RABBIT POISON GRAIN BAIT	CA

(11168) **** PRODUCT SEARCH LISTING ****

10/29/76 PAGE 15

**CONTINUE REGISTRANT 011168

05276	STRYCHNINE SQUIRREL POISON GRAIN BAIT	
05277	STRYCHNINE HORNED LARK POISON BAIT	CA
10244	STRYCHNINE GOPHER & JACK RABBIT POISON	CA

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REGISTRANT *NAME AND ADDRESS*

* 011173 SAN MATEO COUNTY AGRICULTURE COMMISSIONER
PO BOX 1009
REDWOOD CITY CA 94064

********** PRODUCT NAME **********

05255	STRYCHNINE LINNET POISON BAIT	CA

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REGISTRANT *NAME AND ADDRESS*

* 011174 SAN JOAQUIN COUNTY AGRICULTURE COMMISSIONER
PO BOX 1809
STOCKTON CA 95201

********** PRODUCT NAME **********

06150	STRYCHNINE HORNED LARK POISON BAIT	CA
06151	STRYCHNINE JACK RABBIT POISON GRAIN BAIT	CA
06152	STRYCHNINE LINNET POISON BAIT	CA
06153	STRYCHNINE SQUIRREL POISON BAIT	CA
06154	STRYCHNINE SPARROW POISON BAIT	CA

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REGISTRANT *NAME AND ADDRESS*

* C11179 SANTA CRUZ COUNTY AGRICULTURE COMMISSIONER
PO BOX 590
WATSONVILLE CA 95077

********** PRODUCT NAME **********

06656 LINNET POISON CA

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REGISTRANT *NAME AND ADDRESS*

* C11181 SANTA BARBARA COUNTY AGRICULTURE COMMISSIONER
PO BOX 127
SANTA BARBARA CA 93102

********** PRODUCT NAME **********

07062 STRYCHNINE HORNED LARK POISON BAIT CA

07063 STRYCHNINE SPARROW POISON BAIT CA

07066 STRYCHNINE LINNET POISON BAIT CA

07068 RABBIT POISON - ROLLED BARLEY CA

07071 STRYCHNINE BIRD POISON BAIT CA

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(11182) **** PRODUCT SEARCH LISTING ****

10/29/76 APPLICANTS OF PRODUCTS CONTAINING STRYCHNINE FOR ABOVE GROUND USE PAGE 17

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REGISTRANT *NAME AND ADDRESS*

* 011182 SANTA CLARA COUNTY AGRICULTURE COMMISSIONER
75 W ST JAMES ST
SAN JOSE CA 95113

********** PRODUCT NAME **********

08707	STRYCHNINE SPARROW POISON BAIT	CA
08709	STRYCHNINE LINNET POISON BAIT	CA

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REGISTRANT *NAME AND ADDRESS*

* 011188 SHASTA COUNTY AGRIC COMMISSIONER
1855 PLACER ST RM 202
REDDING CA 96001

********** PRODUCT NAME **********

09025	RODENT GRAIN POISON (.3)	CA
09026	MARMOT POISON	
09027	MEADOW MOUSE POISON	CA

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REGISTRANT *NAME AND ADDRESS*

* 011193 SISKIYOU COUNTY AGRIC COMMISSIONER
COURTHOUSE ANNEX
YREKA CA 96097

********** PRODUCT NAME **********

06720 STRYCHNINE SQUIRREL POISON CA

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REGISTRANT *NAME AND ADDRESS*

* 011197 SOLANO COUNTY AGRICULTURE COMMISSIONER
LIBRARY BUILDING
FAIRFIELD CA 94533

********** PRODUCT NAME **********

06725 STRYCHNINE LINNET POISON BAIT CA

07078 STRYCHNINE POISONED GRAIN (FOR SQUIRRELS) CA

07079 STRYCHNINE JACK RABBIT POISON GRAIN BAIT CA

07080 STRYCHNINE SPARROW POISON BAIT CA

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(11198) **** PRODUCT SEARCH LISTING ****

10/29/76 APPLICANTS OF PRODUCTS CONTAINING STRYCHNINE FOR ABOVE GROUND USE PAGE 19

REGISTRANT	*NAME AND ADDRESS*
* 011198	SONOMA COUNTY AGRICULTURAL COMMISSIONER 2555 MENDOCINO AVE ROOM 101-F SANTA ROSA CA 95401

********** PRODUCT NAME **********		
05253	STRYCHNINE POISON GRAIN BAIT FOR GOPHERS, SQUIRRELS AND MICE	CA
05258	STRYCHNINE LINNET POISON BAIT	CA
05259	STRYCHNINE SPARROW POISON BAIT	CA
05260	STRYCHNINE JACK RABBIT POISON GRAIN BAIT	CA

REGISTRANT	*NAME AND ADDRESS*
* 011208	SUTTER COUNTY AGRICL COMMISSIONER 142 GARDEN WAY YUBA CITY CA 95991

********** PRODUCT NAME **********		
08710	STRYCHNINE JACK RABBIT POISON GRAIN BAIT	CA
08712	STRYCHNINE GOPHER POISON	CA
08715	MAGPIE AND CROW BAIT, CONTAINS STRYCHNINE	CA
08716	POISON BAIT FOR RODENTS CONTAINS STRYCHNINE	CA
08717	SPARROW POISON BAIT	CA
08718	LINNET POISON BAIT	CA
08719	HORNED LARK POISON BAIT	CA

**CONTINUE REGISTRANT C11208

08720 BLACK BIRD POISON BAIT CA

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REGISTRANT *NAME AND ADDRESS*

* 011213 TEHAMA COUNTY AGRIC COMMISSIONER
PO BOX 38
RED BLUFF CA 96080

********** PRODUCT NAME **********

06721 STRYCHNINE SQUIRREL POISON GRAIN BAIT CA

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REGISTRANT *NAME AND ADDRESS*

* 011224 TULARE COUNTY AGRIC COMMISSIONER
COURTHOUSE RM 12-E
VISALIA CA 93277

********** PRODUCT NAME **********

08500 RAPE & CANARY LINNET STRYCHNINE POISON BAIT CA

08504 STRYCHNINE JACK RABBIT POISON GRAIN BAIT CA

08505 STRYCHNINE POISON BIRD BAIT

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(11225) **** PRODUCT SEARCH LISTING ****

10/29/76 APPLICANTS OF PRODUCTS CONTAINING STRYCHNINE FOR ABOVE GROUND USE PAGE 21

REGISTRANT *NAME AND ADDRESS*

* 011225 TUOLUMNE COUNTY AGRICULTURE COMMISSIONER
9 N WASHINGTON ST
SONORA CA 95370

********** PRODUCT NAME **********

03221 STRYCHININE SQUIRREL POISON BAIT CA

REGISTRANT *NAME AND ADDRESS*

* 011231 VENTURA COUNTY AGRIC. COMMISSIONER
P.O. BOX 889
SANTA PAULA, CA 93060

********** PRODUCT NAME **********

05307 KANGAROO RAT POISON BAIT CA

05314 STRYCHNINE SQUIRREL POISON GRAIN BAIT CA

05316 STRYCHNINE BIRD POISON CA

05318 JACK RABBIT POISON CA

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REGISTRANT *NAME AND ADDRESS*

* 011254 YOLO COUNTY AGRICULTURAL COMMISSIONER
PO BOX 175
WOODLAND CA 95695

********** PRODUCT NAME **********

07320	STRYCHNINE SQUIRREL POISON GRAINBAIT	CA
07324	STRYCHNINE JACK RABBIT POISON GRAIN BAIT	CA
07325	STRYCHNINE SPARROW POISON BAIT	CA

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REGISTRANT *NAME AND ADDRESS*

* 011255 YUBA COUNTY AGRICULTURAL COMMISSIONER
PO BOX 264
MARYSVILLE CA 95901

********** PRODUCT NAME **********

08703	STRYCHNINE GOPHER POISON GRAIN BAIT	CA
08704	SQUIRREL POISON GRAIN BAIT	CA

****

(11361) **** PRODUCT SEARCH LISTING ****

10/29/76 APPLICANTS OF PRODUCTS CONTAINING STRYCHNINE FOR ABOVE GROUND USE PAGE 23

REGISTRANT *NAME AND ADDRESS*

* 011361 AMACCR CCMPANY AGRIC
PC BCX 10
JACKSON CA 96642

********** PRCDUCT NAME **********

09132 STRYCHNINE SQUIRREL POISON GRAIN BAIT CA

REGISTRANT *NAME AND ADDRESS*

* 011418 MCNTEREY CCUNTY AGRICULTURAL COMMISSIONER
PO BOX 1370
SALINAS CA 93901

********** PRODUCT NAME **********

08691 STRYCHNINE BLACK BIRD POISON BAIT CA

08696 STRYCHNINE HCRNED LARK POISON BAIT CA

08697 STRYCHNINE LINNET POISCN BAIT CA

08698 STRYCHNINE CROWN SPARROW POISON BAIT CA

REGISTRANT *NAME AND ADDRESS*

* 03C945 OWYHEE RODENT EXTERMINATOR DIST
BOX 400
MARSING ID 83639

********** PRODUCT NAME **********

05266 5% STRYCHNINE BAIT SUSPENSION ID

05268 0.5% STRYCHNINE TREATED BRAIN BAIT ID

REGISTRANT *NAME AND ADDRESS*

* 033968 COLORADO DEPT OF AGRI
DIV OF ANIMAL INDUSTRY
1525 SHERMAN ST
DENVER, CO 80203

********** PRODUCT NAME **********

03001 GROUND SQUIRREL AND PRAIRIE DOG BAIT CONTAINING STRYCHNINE CO

03002 PIGEON BAIT CONTAINING STRYCHNINE CO

03004 HOUSE MOUSE,MEADOW MOUSE AND POCKET GOPHER BAIT CO

(34481) **** PRODUCT SEARCH LISTING ****

10/29/76 APPLICANTS OF PRODUCTS CONTAINING STRYCHNINE FOR ABOVE GROUND USE PAGE 25

REGISTRANT *NAME AND ADDRESS*

* 034481 ORANGE COUNTY AGRI COMMISSIONER
1010 SOUTH HARBOR BLVD
ANAHEIM, CA 92805

********** PRODUCT NAME **********

03240	GOPHER AND MICE POISON,STRYCHNINE AND BARLEY	CA
03241	FIELD MOUSE POISON,STRYCHNINE AND MILO	CA
03242	FIELD MOUSE POISON,STRYCHNINE AND ROLLED BARLEY	CA
03243	BIRD POISON,STRYCHNINE AND BIRD SEED	CA

REGISTRANT *NAME AND ADDRESS*

* 034482 PLUMAS COUNTY AGRI COMMISSIONER
ROUTE 1-BOX 230-A FAIRGROUNDS
QUINCY, CA 95971

********** PRODUCT NAME **********

06704	STRYCHNINE PASTE	CA
06705	STRYCHNINE SQUIRREL POISON GRAIN BAIT	CA

****

REGISTRANT *NAME AND ADDRESS*

* C34485 STANISLAUS COUNTY DEPT OF AGRICULTURE
725COUNTY CENTER 3 COURT
MODESTO, CA 95355

********** PRODUCT NAME **********

03223	STRYCHNINE LINNET POISON BAIT	CA
03224	STRYCHNINE SPARROW POISON BAIT	CA
03225	STRYCHNINE HORNED LARK POISON BAIT	CA

****

REGISTRANT *NAME AND ADDRESS*

* C34904 BERTRAND ELEVSTORS INC
678
MONUMENT, KS 67747

********** PRODUCT NAME **********

10221	NEW PRAIRIE POISONED GRAIN	KS

****

(35981) **** PRODUCT SEARCH LISTING ****

10/29/76 APPLICANTS OF PRODUCTS CONTAINING STRYCHNINE FOR ABOVE GROUND USE PAGE 27

****

REGISTRANT *NAME AND ADDRESS*

* 035981 NEVADA STATE DEPT OF AGRI
P. O. BOX 1209
RENO, NV 89504

********** PRODUCT NAME **********

06102	STRYCHNINE TREATED CABBAGE BAIT	NV
06155	99.5% STRYCHNINE ALKALOID	NV
06156	STRYCHNINE SPARROW POISON BAIT	NV

****

REGISTRANT *NAME AND ADDRESS*

* 036024 COOPERATIVE EXTENSION SERVICE
COLLEGE OF AGRICULTURE
UNIVERSITY OF NEVADA RENO
RENO, NV 89507

********** PRODUCT NAME **********

06726	STRYCHNINE ALKALOID	NV

****

****

REGISTRANT *NAME AND ADDRESS*

* 037855 NEVADA DEPT. OF AGRICULTURE
BOX 11100
RENO, NV 89510

********** PRODUCT NAME **********

09505 0.5% STRYCHNINE TREATED GRAIN BAIT NV

****

REGISTRANT *NAME AND ADDRESS*

* 036765 CENTER FOR DISEASE CONTROL (DHEW)
1600 CLIFTON RD
ATLANTA GA 30333

********** PRODUCT NAME **********

E (PA-2) STRYCHNINE POWDER

****

*REGISTRANT *NAME AND ADDRESS*

* 035975 MONTANA DEPARTMENT OF LIVESTOCK
CAPITOL COMPLEX
HELENA, MT 59601

********** PRODUCT NAME **********

R (PA-1) STRYCHNINE ALKALOID-100%

****

(00056) **** PRODUCT SEARCH LISTING ****

10/29/76 FEDERALLY REGISTERED PRODUCTS CONTAINING STRYCHNINE FOR ABOVE GROUND PAGE 1

****

REGISTRANT *NAME AND ADDRESS*

* 000056 EATON JT & COMPANY INC
10311 MEECH AVE
CLEVELAND OH 44105

********** PRODUCT NAME **********

00022 EATON'S PIGEON POISONED GRAIN

****

REGISTRANT *NAME AND ADDRESS*

* 000322 FORT DODGE CHEMICAL COMPANY
2116 8TH AVE. SOUTH
FORT DODGE IA 50501

********** PRODUCT NAME **********

00001 GOPHER DEATH (TABLETS)

****

REGISTRANT *NAME AND ADDRESS*

* 000368 MASTER LABS
BEAVER FALLS PA 15010

********** PRODUCT NAME **********

00030 STAR TREATED SEED FOR KILLING MICE

****

****

REGISTRANT *NAME AND ADDRESS*

* 000728 PEARSON & COMPANY
PO BOX 7151
MOBILE AL 36601

********** PRODUCT NAME **********

00060 PEARSON S MILO MAIZE POISON GOPHER BAIT

00074 PEARSONS POISON PEANUTS

****

REGISTRANT *NAME AND ADDRESS*

* 000814 CARAJON CHEMICAL COMPANY INC
PO BOX 167
FREMONT MI 49412

********** PRODUCT NAME **********

00004 FORCE'S RO-DEX

****

(00909) **** PRODUCT SEARCH LISTING ****

10/29/76 FEDERALLY REGISTERED PRODUCTS CONTAINING STRYCHNINE FOR ABOVE GROUND PAGE 3

****

REGISTRANT *NAME AND ADDRESS*

* 000909 CCCKE LABCRATORY PRODUCTS
4759 S DURFEE AVE
PICO RIVERA CA 90660

********** PRODUCT NAME **********

00041 QUICK CA ACTICN POISONED BARLEY

****

REGISTRANT *NAME AND ADDRESS*

* 001388 KCRINEK REMECY COMPANY
BOX 10 / 222 W WATER ST
STAYTON, OR 97383

********** PRODUCT NAME **********

00021 DEADLY TO GCPHERS

00025 DEADLY POISCNED GRAIN FOR GRCUND SQUIRRELS AND MICE

****

****

REGISTRANT *NAME AND ADDRESS*

* 004271 R & M EXTERM INC
BOX 5
TYLER WA 99035

********** PRODUCT NAME **********

00010 R & M FIELD RODENT BAIT CONTAINING STRYCHNINE FORMULATION

****

REGISTRANT *NAME AND ADDRESS*

* 004704 EHRLICH J C CHEMICAL COMPANY INC
800 HIESTERS LANE
READING PA 19605

********** PRODUCT NAME **********

00018 EHRLICH'S PIGEON BAIT POISONED GRAIN

00019 EHRLICH'S ENGLISH SPARROW BAIT POISONED GRAIN

****

(05704) **** PRODUCT SEARCH LISTING ****

10/29/76 FEDERALLY REGISTERED PRODUCTS CONTAINING STRYCHNINE FOR ABOVE GROUND PAGE 5

****

REGISTRANT *NAME AND ADDRESS*

* 006704 US DEPARTMENT OF INT FISH & WILDLIFE
SER PREDATOR & ROD CONTROL DIVISION
WASHINGTON DC 20240

********** PRODUCT NAME **********

00015 PORCUPINE BLOCKS, CONTAINING STRYCHNYNE CODE 1.1

00042 1-10 POISONED GRAIN CODE 5.1

00057 0.35% STRYCHNINE TREATED GRAIN BAIT

00058 0.5% STRYCHNINE TREATED GRAIN BAIT

****

REGISTRANT *NAME AND ADDRESS*

* 007122 AR CHEMICAL CORP
1514 ELEVENTH ST
PORTSMOUTH OH 45662

********** PRODUCT NAME **********

00040 GUARDIAN STRYCHNINE MOUSE SEEDS

00056 GUARDIAN STRYCHNINE WHOLE GRAIN POISONED GRAIN

****

****

REGISTRANT *NAME AND ADDRESS*

*. 008222 LING FUANG INDUSTRIES, INC.
LING FUANG, IND.
1235 48TH AVENUE
CAKLAND, CA 94601

********** PRODUCT NAME **********

00015 T & C GOPHER PELLETS

****

REGISTRANT *NAME AND ADDRESS*

* 008612 B & G COMPANY
10539 MAYBANK DR
DALLAS TX 75220

********** PRODUCT NAME **********

00030 SPARROW-CRACKS STRYCHNINE TREATED GRAIN BAIT

00032 PIGEON-9 STRYCHNINE TREATED GRAIN BAIT

****

(005561) **** PRODUCT SEARCH LISTING ****

10/29/76 FEDERALLY REGISTERED PRODUCTS CONTAINING STRYCHNINE FOR ABOVE GROUND PAGE 7

****

REGISTRANT *NAME AND ADDRESS*

* 005561 KELLEY'S PROF RODENT CONTRCL SERV
2121 W STUBBS
EDINBURG TX 78539

********** PRODUCT NAME **********

00002 KELLEY'S ONE-SIXTEEN STRYCHNINE TREATED GRAIN BAIT

****

REGISTRANT *NAME AND ADDRESS*

* 005651 MAMMAL SURVEY & CONTRCL SERVICE
216 N TILLAMOOK ST
PORTLAND OR 97227

********** PRODUCT NAME **********

00004 THIS IS THE WAY BAIT FOR GROUND SQUIRRELS (.52%)

00005 THIS IS THE WAY BAIT FOR GROUND SQUIRRELS (.31%)

****

REGISTRANT *NAME AND ADDRESS*

* 010031 PETERSEN SEED COMPANY
GORDON, NB 69343

********** PRODUCT NAME **********

00001 PETERSENS GOPHER-RODENT KILLER

REGISTRANT *NAME AND ADDRESS*

* 010108 RED STAR POISON COMPANY
RT 1 BOX 70 E
WOODBURN, OR 97071

********** PRODUCT NAME **********

00003 RED STAR POISONED GRAIN FOR SQUIRRELS AND MICE

REGISTRANT *NAME AND ADDRESS*

* 010140 SEBESTA BAIT MIXING PLANT
P O BOX 306
MITCHELL SD 57301

********** PRODUCT NAME **********

00002 SEBESTA'S PRAIRIE DOG GROUND SQUIRREL, FIELD MICE & KANGAROO RAT B

(13808) **** PRODUCT SEARCH LISTING ****

10/29/76 FEDERALLY REGISTERED PRODUCTS CONTAINING STRYCHNINE FOR ABOVE GROUND PAGE 9

REGISTRANT	*NAME AND ADDRESS*
* 0138C8	STATE DEPT OF AGRICULTURE WILDLIFE SERVICES FUND STATE OFFICE BLDG #1 PIERRE SD 57501

********** PRODUCT NAME **********

00003 PRAIRIE DOG, GROUND SQUIRREL, FIELD MICE, AND KANGAROO RAT BAIT

****

REGISTRANT *NAME AND ADDRESS*

* 009782 WOODBURY CHEMICAL COMPANY
PO BOX 4319
PRINCETON FL 33030

********** PRODUCT NAME **********

03263 POISON CANARY SEED FL

****

REGISTRANT *NAME AND ADDRESS*

* 011074 LAKE COUNTY AGRIC COMMISSIONER
RTE 1 BOX 315-C
KELSEYVILLE CA 95451

********** PRODUCT NAME **********

08892 STRYCHNINE LINNET POISON BAIT LINNET FORMULA NO. 3 CA

****

REGISTRANT *NAME AND ADDRESS*

* 011087 MARIN COUNTY ARGRICULTURAL COMMISSIONER
P O BOX A
SAN RAFAEL CA 94903

********** PRODUCT NAME **********

08240 STRYCHNINE SPARROW POISON BAIT CA

****

(35578) **** PRODUCT SEARCH LISTING ****

10/29/76 APPLICANTS OF PRODUCTS CONTAINING STRYCHNINE SULFATE FOR ABOVE GROUND PAGE 2

****

REGISTRANT *NAME AND ADDRESS*

* 035578 WYOMING DEPT OF AGRICULTURE
2219 CAREY AVENUE
CHEYENNE, WY 82002

********** PRODUCT NAME **********

08705 STRYCHNINE SULFATE TECHNICAL

****

****

REGISTRANT *NAME AND ADDRESS*

* 000004 BONIDE CHEMICAL CO. INC.
2 WURZ AVE.
YORKVILLE NY 13495

********** PRODUCT NAME **********

00024 BONIDE ONE SHOT MOUSE KILLER

****

REGISTRANT *NAME AND ADDRESS*

* 000030 SWEENEY W R MFR INC
340 S MAIN ST
SALISBURY MO 65281

********** PRODUCT NAME **********

00005 SWEENEY'S POISON WHEAT

****

REGISTRANT *NAME AND ADDRESS*

* 000368 MASTER LABS
BEAVER FALLS PA 15010

********** PRODUCT NAME **********

00044 STAR POISON WHEAT

****

(00419) **** PRODUCT SEARCH LISTING ****

10/29/76 FEDERAL PRODUCTS CONTAINING STRYCHNINE SULFATE FOR ABOVE GROUND USE PAGE 2

REGISTRANT	*NAME AND ADDRESS*
* 00041S	CENCL CCMPANY DIV OF EURGESS VIBROCRAFTERS INC P O BOX 177 ROUTE 45 & PETERSON RD LIBERTYVILLE, IL 60048

********** PRCDUCT NAME **********

00CC6 CENCL POISONED WHEAT

00020 CENCL GCPHER CCRN POISCN

REGISTRANT	*NAME AND ADDRESS*
* 00053C	PIPER CCMPANY INC 2152 YALE AVE ST LCUIS MO 63143

********** PRODUCT NAME **********

COCC6 PAKET BRAND POISCN WHEAT

****

REGISTRANT *NAME AND ADDRESS*

* 000690 PERK PRODUCTS COMPANY
1338 LEWIS ST
NASHVILLE TN 37210

********** PRODUCT NAME **********

00003 BLAM - KILLS MICE

****

REGISTRANT *NAME AND ADDRESS*

* 000788 VICTORY CHEM COMPANY
728-30 N 2ND ST
PHILADELPHIA PA 19123

********** PRODUCT NAME **********

00001 VICTORY POISONED SEED MOUSE KILLER

****

REGISTRANT *NAME AND ADDRESS*

* 001748 YORK CHEMICAL COMPANY
195 ATLANTIC AVE
GARDEN CITY PARK NY 11044

********** PRODUCT NAME **********

00090 CERTOX STRYCHNINE SEED

****

(C4941) **** PRODUCT SEARCH LISTING ****

10/29/76 FEDERAL PRODUCTS CONTAINING STRYCHNINE SULFATE FOR ABOVE GROUND USE PAGE 4

****

REGISTRANT *NAME AND ADDRESS*

* 004941 NIP-CO MANUFACTURING CO INC
276 FAIR ST
KINGSTON NY 12401

********** PRODUCT NAME **********

00002 MOUSE-NIP

****

REGISTRANT *NAME AND ADDRESS*

* 007276 RMC PROD COMPANY
BOX 200
FT DODGE IA 50500

********** PRODUCT NAME **********

00004 RMC GOPHER BAIT

****

REGISTRANT *NAME AND ADDRESS*

* 009652 SPERRY J COMPANY
P. O. BOX 433
HOSPERS, IA 51238

********** PRODUCT NAME **********

00001 SPERRY'S GOPHER GRAIN

00005 SPERRY S POISON WHEAT KILLS MICE

****

****

REGISTRANT *NAME AND ADDRESS*

* 09786 HONEY BEE ENTERPRISES
RT 2 BOX 41
BATTLE GROUND WA 98604

********** PRODUCT NAME **********

00001 BAILEY'S MOLEX

****

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