

federal register

WEDNESDAY, DECEMBER 8, 1976



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Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

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

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

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

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

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

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE, DEPARTMENT OF AGRICULTURE

PART 29—TOBACCO INSPECTION

Amendment to Regulations Relating to Fees and Charges for Permissive Inspection

Notice was published in the FEDERAL REGISTER of May 4, 1976 (41 FR 18425) amending Subparts B and F of 7 CFR Part 29, relating to fees and charges for permissive inspection of tobacco pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; USC 511 et seq.).

Statement of consideration. The Department is amending § 29.123 of Subpart B—Regulations, relating to fees and charges for services performed under an agreement and other than under an agreement (21 FR 3669, May 30, 1956; 25 FR 4949, June 4, 1960; and 40 FR 44112, September 25, 1975; and 41 FR 18425).

The Tobacco Inspection Act authorizes official inspection and grading of tobacco. Such inspection and grading service is either mandatory or permissive. Mandatory inspection as defined in 7 CFR 29.71, consists of inspecting and certifying tobacco, free of charge, on designated markets (as defined in 7 CFR 29.1(e)), before it is offered for sale. Permissive inspection, as defined in 7 CFR 29.56, consists of inspecting, including sampling and weighing, and certifying, and is made available to interested parties on a fee basis. The Act requires such fees to be reasonable, and as nearly as possible, to cover the cost of performing the services.

Additionally, the Department is amending § 29.9252 of 7 CFR Part 29, appearing in Subpart F, which establishes the fees and charges for the permissive inspection of nonquota Maryland tobacco, U.S. Type 32, produced and marketed in a quota area. The amended section provides that the fees charged for such inspection are the same as the fees provided for in 7 CFR 29.123, as amended herein.

This amendment updates the regulations under which permissive tobacco inspection and grading services are provided by increasing the hourly salary fees charged to users of this service.

Because salaries paid to Federal employees have been increased under the provisions of Public Law 92-210, and Executive Order 11941, it has been determined that in order to cover the costs of providing permissive tobacco inspection,

the hourly salary fee must be increased as provided for herein.

The provisions of 7 CFR, Part 29, §§ 123 and 9251, prescribing fees and charges in connection with the performance of permissive inspection are hereby amended by changing the phrases "\$12.60 per hour," "\$15.00 per hour," and "\$18.85 per hour," to "\$13.80 per hour," "16.50 per hour," and \$20.65 per hour," respectively.

Therefore, the regulations are amended as follows:

§ 29.123 Fees and charges.

The fees and charges for inspection under an agreement or other than under an agreement are as follows:

(a) Fees and charges for inspection at redrying plants and receiving points shall comprise the cost of salaries, travel, per diem, and related expenses to cover the cost of performing the service. Fees shall be for actual time required to render the service calculated to the nearest 30-minute period. The base hourly salary rate shall be \$13.80. The overtime rate for service performed outside the inspector's regularly scheduled tour of duty shall be \$16.50. The rate of \$20.65 shall be charged for work performed on Sundays or holidays.

(b) The fees or charges for hogshead, bale or case inspection shall comprise the same costs as provided in paragraph (a) of this section.

(c) The fees or charges for sample inspection shall comprise the same costs as provided in paragraph (a) of this section.

§ 29.9251 Fees and charges.

Fees and charges for inspection and certification services performed under an agreement or other than under an agreement are as follows:

Fees and charges for inspection and certification services at receiving points shall comprise the cost of salaries, travel, per diem, and related expenses to cover the cost of performing the service. Fees shall be for actual time required to render the service calculated to the nearest 30-minute period. The base hourly salary rate shall be \$13.80. The overtime rate for service performed outside the inspector's regularly scheduled tour of duty shall be \$16.50. The rate of \$20.65 shall be charged for work performed on Sundays or holidays.

It is hereby found and determined that public procedures with respect to this amendment are impractical and unnecessary based on predetermined needs for amending these regulations to meet increased inspection costs. Good cause

exists to waive the 30-day advance notice of the effective date of this amendment.

Effective date: December 8, 1976.

Dated: December 3, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc. 76-36079 Filed 12-7-76; 8:45 am]

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

[Tangerine Reg. 48, Amdt. 4]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Size Requirements

This amendment of Tangerine Regulation 48 (§ 905.566; 41 FR 42177, 49801, 51029, 51796) is issued pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905). The amendment lowers the minimum diameter requirement applicable to domestic fresh shipments of Florida tangerines to 2 1/8 inches (size 210) during the period December 6, 1976, through January 2, 1977. The specification of such minimum size requirement for Florida tangerines is necessary to satisfy current and prospective demand for such fruit and maintain orderly marketing conditions.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the recommendations of the committees established under the afore-said amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of tangerine shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The amendment reflects the Department's appraisal of the current and prospective market demand conditions for Florida tangerines. This amendment relaxes current minimum size requirements applicable to domestic fresh shipments of tangerines during the period December 6, 1976, through January 2, 1977. The action is consistent with the size distribution and available supply of tangerines in the production area. The amendment is designed to ensure an

ample supply of fruit to consumers. For the season through November 21, 1976, fresh shipments of Florida tangerines totaled 1,856 carlots, and there were an estimated 2,744 carlots remaining for fresh shipment. This amendment is consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

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

Order. In § 905.566 (Tangerine Regulation 48; 41 FR 42177, 49801, 51029, 51796) the provisions of paragraph (a) (2) are revised to read as follows:

§ 905.566 Tangerine Regulation 48.

(a) * * *

(1) * * *

(2) Any tangerines, grown in the production area, which are of a size smaller than $2\frac{1}{16}$ inches in diameter, except that a tolerance for tangerines smaller than such minimum diameter shall be permitted as specified in § 51.1818 of the United States Standards for Grades of Florida Tangerines; *Provided*, That during the period December 6, 1976, through January 2, 1977, such tangerines may be shipped if they are of a size not smaller than $2\frac{1}{16}$ inches in diameter, except that a tolerance for tangerines smaller than such minimum diameter shall be permitted as specified in § 51.1818 of said United States Standards for Grades of Florida Tangerines.

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

Dated: December 3, 1976, to become effective December 6, 1976.

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

[FR Doc. 76-36022 Filed 12-7-76; 8:45 am]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Expenses and Rate of Assessment

This document authorizes expenses of \$151,000 of the Growers Administrative Committee, under Marketing Order No. 905, for the 1976-77 fiscal period and fixes a rate of assessment of \$0.004 per standard packed box of fruit handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses.

On November 12, 1976, notice of proposed rulemaking was published in the

Federal Register (41 FR 49992), regarding proposed expenses and the related rate of assessment for the period August 1, 1976, through July 31, 1977, pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The notice provided that all written data, views, or arguments in connection with said proposals be submitted not later than December 1, 1976. None were received. After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Growers Administrative Committee (established pursuant to said amended marketing agreement and order) it is hereby found and determined that:

§ 905.215 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Growers Administrative Committee during the period August 1, 1976, through July 31, 1977, will amount to \$151,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 905.41, is fixed at \$0.004 per standard packed box of fruit.

(c) *Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.*

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) Shipments of fruit are now being made, (2) The relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit handled from the beginning of such period, and (3) The current fiscal period began on August 1, 1976, and said rate of assessment will automatically apply to all assessable fruit beginning with such date.

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

Dated: December 3, 1976.

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

[FR Doc. 76-36078 Filed 12-7-76; 8:45 am]

[Docket No. AO-214-A6]

PART 981—ALMONDS GROWN IN CALIFORNIA

Order Amending Order

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and

in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each previously issued amendment thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed amendment of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California.

Upon the basis of the record it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of almonds grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of almonds grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of almonds grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than December 8, 1976. Any delay beyond that date would tend to disrupt the orderly marketing of almonds grown in California. The 1976-77 crop year began July 1, 1976. On that date, the order was amended to require handlers to cause to be determined the percent of inedible kernels in each variety of almonds received by them, and to provide for their disposition. This amendment exempts bleaching stock almonds from these determination and disposition requirements, and therefore should be made effective as soon as practicable so that the Secretary may issue corre-

sponding rules and regulations for the 1976-77 crop year, which are needed to implement the applicable provisions of the order contained in § 981.42(a). The delivery of the 1976 almond crop is well under way and the final details of the inedible determination and obligation are urgently needed. Uncertainty currently exists as to the details for implementing § 981.42(a). This burdens the field buying and processing activities of handlers. Prompt issuance is also necessary, to allow handlers an opportunity to make adjustments in their reports, if necessary, which they must soon submit to the Board.

In view of the foregoing, it is hereby found and determined that good cause exists for making this order effective December 8, 1976, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (Sec. 553(d)), Administrative Procedure Act (5 U.S.C. 551-559).

(c) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the handling of Almonds Grown in California" upon which the aforesaid public hearing was held has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping almonds covered by the said order, as amended, and as hereby further amended) who, during the period July 1, 1975 through June 30, 1976, handled not less than 50 percent of the volume of such almonds covered by the said order, as amended, and as hereby further amended, and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who during the period July 1, 1975 through June 30, 1976 (which has been deemed to be a representative period), have been engaged within California, in the production of almonds for market.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of almonds, shall be in conformity to and in compliance with the terms and conditions of the said order, as amended, and as hereby further amended, as follows:

Section 981.42(a) is revised to read as follows:

§ 981.42 Quality control.

(a) *Incoming.* Except as provided in this paragraph, each handler shall cause to be determined, through the inspection agency, and at handler expense, the percent of inedible kernels in each variety received by him and shall report the determination to the Board. The quantity of inedible kernels in each variety in excess of two percent of the kernel weight received, shall constitute a weight obligation to be accumulated in the course of processing and shall be delivered to the Board, or Board accepted crushers, feed manufacturers, or feeders. The Board, with the approval of the Secre-

tary, may change this percentage for any crop year, may authorize additional outlets, may exempt bleaching stock from inedible kernel determination or obligation and may establish rules and regulations necessary and incidental to the administration of this provision, including the method of determining inedible kernel content and satisfaction of the disposition obligation. The Board for good cause may waive portions of obligations for those handlers not generating inedible material from such sources as blanching or manufacturing.

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

Effective date: December 8, 1976.

Signed at Washington, D.C., on December 2, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-36077 Filed 12-7-76;8:45 am]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Expenses of Raisin Administrative Committee, and Rate of Assessment, for 1976-77 Crop Year

Notice was published in the November 4, 1976, issue of the FEDERAL REGISTER (41 FR 48540), regarding proposed expenses of the Raisin Administrative Committee, and rate of assessment, for the 1976-77 crop year, under §§ 989.79 and 989.80 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The total expenses proposed in the notice were \$235,000, and the assessment rate proposed was \$2.47 per ton of assessable raisins. The assessable tonnage was estimated by the Committee at 95,000 tons.

The notice afforded interested persons opportunity to submit written data, views, or arguments on the proposal. None were received.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Raisin Administrative Committee, and other available information, it is found that the expenses of the Raisin Administrative Committee and the rate of assessment for the crop year beginning August 1, 1976, shall be contained in a new § 989.327 in Subpart—Budget of Expenses and Rate of Assessment.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of the amended marketing agreement and order require that the rate of assessment fixed for a particular crop year which handlers are required

to pay shall be applicable to all free tonnage raisins of the crop year; and (2) The current crop year began on August 1, 1976, and the rate of assessment fixed herein will automatically apply to all such raisins beginning with that date.

Section 989.327 reads as follows:

§ 989.327 Expenses of the Raisin Administrative Committee and rate of assessment for the 1976-77 crop year.

(a) *Expenses.* Expenses (other than those specified in § 989.82) in the amount of \$235,000 are reasonable and likely to be incurred by the Raisin Administrative Committee during the crop year beginning August 1, 1976, for the maintenance and functioning of the Committee and for such purposes as the Secretary may, in accordance with § 989.79, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, under § 989.80, to pay to the Raisin Administrative Committee as his pro rata share of the expenses is fixed at \$2.47 per ton applicable to each of the following:

(1) Free tonnage raisins acquired by the handler during the crop year, exclusive of such quantity thereof as represents the assessable portion of other handlers' raisins under paragraph (b) (3) of this section;

(2) Reserve tonnage raisins released or sold to the handler for use as free tonnage, during that crop year; and

(3) Standard raisins (which he does not acquire) recovered by the handler by the reconditioning of off-grade raisins but only to the extent of the aggregate quantity of the free tonnage portions of these standard raisins that are acquired by other handlers during the crop year.

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

Dated: December 2, 1976.

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

[FR Doc.76-36024 Filed 12-7-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-978; Amdt. 18]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Editorial Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. December 3, 1976.

Effective: December 28, 1976.

Part 212 of the Board's Economic Regulations provides for charter trips by foreign air carriers. This editorial amendment is being issued to correct references in § 212.8(a)(3) to "Part 297" and to "§ 297.23" of the same chapter. The Board, by adoption of ER-917, dated June 27, 1975, consolidated, recodified,

and revised Parts 296 and 297 of the Economic Regulations. The consolidation was accomplished by repealing Part 297 and by revising Part 296 to include the substantive content of the provisions formerly set forth in Part 297; more specifically, the provisions formerly set forth in § 297.23 are now included in § 296.41.

Accordingly, it is necessary to amend § 212.8(a)(3) in order to correct these references.

This editorial amendment is issued by the undersigned pursuant to delegation of authority from the Board to the General Counsel, in 14 CFR § 385.19, and shall become effective on December 28, 1976. Procedures for review of this amendment are set forth in Subpart C of Part 385 (14 CFR §§ 385.50 through 385.54).

Accordingly, the Board hereby amends § 212.8(a)(3) to read as follows:

§ 212.8 Charter flight limitations.

(a) * * *

(3) By an international air freight forwarder holding a currently effective operating authorization under Part 296 of this subchapter for the carriage of property in foreign air transportation; by a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense; or, with respect to flights from the United States in foreign air transportation, by a foreign air freight forwarder holding a currently effective foreign air carrier permit issued by the Board under section 402 of the Act, and, with respect to flights to the United States in foreign air transportation, by any foreign air freight forwarder who has complied with the provisions of § 296.41 of this chapter;

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324). Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 F.R. 5989 (49 U.S.C. 1324 (note)).

By the Civil Aeronautics Board:

JAMES C. SCHULTZ,
General Counsel.

[FR Doc. 76-38976 Filed 12-7-76; 9:45 am]

**CHAPTER V—NATIONAL AERONAUTICS
AND SPACE ADMINISTRATION**
**PART 1208—REPORTING PROCEDURES
FOR NASA AND AEROSPACE RELATED
EMPLOYMENT**

This revision reflects: (1) changes in the fiscal year as defined in the Fiscal Year Adjustment Act (Pub. L. 94-273); (2) changes in relevant deadlines for filing reports, and (3) minor editorial changes.

Since this revision implements changes in the fiscal year as prescribed by statute, notice and public procedures thereon are not required.

1. Part 1208 is hereby revised in its entirety as follows:

Sec.
1208.100 Scope.
1208.101 Applicability.

Sec.
1208.102 Definitions.
1208.103 Who must file.
1208.104 Time and procedure for filing reports.

AUTHORITY: The provisions of this Part 1208 are issued under sec. 7 of Pub. L. 91-303 (84 Stat. 372; 42 U.S.C. 2462, 1970 Supp.) and Pub. L. 94-273.

§ 1208.100 Scope.

(a) This part identifies and prescribes the procedures to be followed by:

(1) Former employees of NASA who were subsequently employed by or performed services for, or represented, an aerospace contractor, and

(2) Present employees of NASA who were previously employed by, or served as a consultant or otherwise to, an aerospace contractor, who are required to submit employment reports in compliance with section 6 of Pub. L. 91-119, as amended by section 7 of Pub. L. 91-303 (84 Stat. 372; 42 U.S.C. 2462, 1970 Supp.) and by Pub. L. 94-273.

(b) Failure to file such reports is punishable by a maximum of 6 months imprisonment, or a fine of not more than \$1,000, or both.

§ 1208.101 Applicability.

The provisions of this part apply to NASA Headquarters and NASA field installations and to certain present and former NASA employees.

§ 1208.102 Definitions.

For the purposes of this part, the following definitions apply:

(a) The term "former employee" means any former officer or employee of NASA, including consultants or part-time employees, whose salary rate at any time during the 3-year period immediately preceding the termination of his last employment with NASA was equal to or greater than the minimum salary rate at such time for positions in grade GS-13. Included are (1) former wage board employees; (2) former employees in the lower General Schedule grades; (3) former consultants, experts, part-time or temporary employees; and (4) former employees who held Excepted Positions, or were appointed under 5 U.S.C. 3104 ("Public Law 313 Scientists"), or were paid under an Executive Schedule Pay Level, whose rates of pay, if computed on an annual basis, would have equaled or exceeded the rate of pay for GS-13, Step 1.

(b) The term "aerospace contractor" means any individual, firm, corporation, partnership, association, or other legal entity, which provides services and materials to or for NASA in connection with any aerospace system under a contract directly with NASA. Subcontractors, as such, are excluded from the definition of "aerospace contractor." A subsidiary of a corporation which is a separate legal entity and contracts directly with NASA in its own name will be considered an "aerospace contractor" for purposes of this definition, rather than the parent corporation. Thus, only the dollar amount of contracts awarded by NASA to a subsidiary contracting with NASA

in its own name during a fiscal year will be considered in determining whether a person employed or formerly employed by the subsidiary is required to report.

(c) The term "services and materials" means either services or materials or services and materials which are provided as a part of, or in connection with, any aerospace system and includes construction performed under contracts awarded by NASA in connection with any aerospace system.

(d) The term "aerospace system" includes, but is not limited to, any rocket, launch vehicle, rocket engine, propellant, spacecraft, command module, service module, landing module, tracking device, communications device, or any part or component thereof, which is used in either manned or unmanned spaceflight operations.

(e) The term "contracts awarded" means contracts awarded by negotiation and includes the net amount of modifications to, and the exercise of options under, such contracts. All transactions under \$10,000 each are excluded. Contracts awarded by formal advertising are also excluded.

(f) With the exception of fiscal year 1976, the term "fiscal year" means a year beginning on October 1 and ending on September 30 of the next succeeding year and is designated by the year in which it ends. (For example, fiscal year 1977 begins on October 1, 1976, and ends on September 30, 1977.) For 1976, however, the fiscal year is defined by the 15-month period July 1, 1975, through September 30, 1976.

§ 1208.103 Who must file.

Except as provided in paragraph (e) of this section, the following categories of former and present NASA employees are required to file the report prescribed under this Part 1208:

(a) Any former employee (including former employees referred to in paragraph (b) of this section) who, during any fiscal year:

(1) Was employed by or served as a consultant or otherwise to an aerospace contractor for any period of time; or

(2) Represented any aerospace contractor at any hearing, trial, appeal, or other action in which the United States was a party and which involved services and materials provided or to be provided to NASA by such contractor; or

(3) Represented any such contractor in any transaction with NASA involving services or materials provided or to be provided by such contractor to NASA.

(b) Any former employee whose employment with, or services for, an aerospace contractor terminated during any fiscal year is required to file a report for such fiscal year if he would otherwise be required to file a report under paragraph (a) of this section.

(c) Any present employee of NASA, including (1) present employees referred to in paragraph (d) of this section; (2) wage board employees; (3) employees in lower General Schedule grades; (4) consultants, experts, part-time or temporary employees; and (5) employees who hold Excepted Positions, or were ap-

pointed under 5 U.S.C. 3104 ("Public Law 313 Scientists"), or were paid under an Executive Schedule Pay Level, who:

(i) Was previously employed by or served as a consultant or otherwise to an aerospace contractor in any fiscal year; and

(ii) Whose salary rate in NASA is, or if computed on an annual basis would be, equal to or greater than the minimum salary rate for positions in grade GS-13.

(d) Any person whose employment with or service for NASA terminated during any fiscal year is required to file a report for such fiscal year if he would otherwise be required to file a report under paragraph (c) of this section.

(e) The following categories of former and present NASA employees are exempt from the reporting requirements:

(1) No former or present employee is required to file a report for any year prior to fiscal year 1971.

(2) No former employee shall be required to file a report under this part for any fiscal year in which he was employed by or served as a consultant or otherwise to an aerospace contractor if the total amount of contracts awarded by NASA to such contractor during such year was less than \$10,000,000; and no present employee shall be required to file a report under this part for any fiscal year in which he was employed by or served as a consultant or otherwise to an aerospace contractor if the total amount of contracts awarded to such contractor by NASA during such year was less than \$10 million.

(3) No former employee shall be required to file a report under this part for any fiscal year on account of employment with NASA if such employment was terminated 3 years or more prior to the beginning of such fiscal year; and no present employee shall be required to file a report under this part for any fiscal year on account of employment with or services performed for an aerospace contractor if such employment was terminated or such services were performed 3 years or more prior to the beginning of such fiscal year.

(4) No former employee shall be required to file a report under this part for any fiscal year during which he was employed by or served as a consultant or otherwise to an aerospace contractor at a salary rate of less than \$15,000 per year; and no present employee shall be required to file a report under this part for any fiscal year during which he was employed by or served as a consultant or otherwise to an aerospace contractor at a salary rate of less than \$15,000 per year.

§ 1208.104 Time and procedure for filing reports.

(a) Former and present employees required to file reports will file them by February 15 following the close of each fiscal year. (See § 1208.102 and § 1208.03.)

(b) Reports will be prepared on NASA Form 1480 (Rev. August 1976).

(c) Former employees may obtain NASA Form 1480 from the Personnel Of-

fice of the NASA installation where they were employed or from the aerospace contractor by whom employed.

(d) The originals of the completed reports will be submitted to the Director of Personnel, NASA, Washington, D.C. 20546.

Effective date. The provisions of this revised Part 1208 become effective December 8, 1976.

JAMES C. FLETCHER,
Administrator.

[FR Doc. 76-36110 Filed 12-7-76; 8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8952]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Electronic Computer Programming Institute, Inc. Et Al.

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

In the Matter of Electronic Computer Programming Institute Inc., a Corporation, and Chestkin Computer Corp., a corporation, and York Mountain Computer Corp., a corporation, and Data Processing Resources, Incorporated, a corporation, and Electronic Computer Programming Institute of Fresno, Inc., a corporation.

Order dismissing a complaint issued against a New York City computer programming training school corporation for alleged violations of section 5 of the Federal Trade Commission Act. Because of the corporation's impending dissolution, and the unavailability of sufficient assets for consumer redress satisfaction, the Commission held that further proceedings would not be in the public interest and ordered the complaint dismissed.

The order to dismiss is as follows:

ORDER

The administrative law judge has certified complaint counsel's motion (1) To dismiss the complaint in this matter, with the Commission reserving the right to take further action as the public interest may require; (2) That the Commission direct the General Counsel not to file proofs of claim in the pending bankruptcy proceedings relating to respondents; and (3) That the Commission withdraw its direction to the General Counsel that he seek court enforcement of subpoenas issued to Sidney Davis and William S. Kalaboke.

The Commission agrees with complaint counsel that further proceedings

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

² See order, September 21, 1976 (Interlocutory order (88 F.T.C. _____)).

are not in the public interest in view of the impending dissolution of the respondent corporations, the insubstantiality of the assets that would be available for satisfaction of a consumer redress award² and the cost of further proceedings.

The Commission has, therefore, determined that complaint counsel's motion be, and it hereby is, granted. The Commission's decision to dismiss the complaint is without prejudice to the taking of such further action as the public interest may require.

It is so ordered.

Commissioner Dole not participating by reason of absence.

The order was issued by the Commission October 26, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 76-36017 Filed 12-7-76; 8:45 am]

[Docket No. 8824]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Coca-Cola Co. and Glendinning Companies, Inc.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.150 Premiums and prizes; § 13.150-35 Prizes; § 13.157 Prize contests; § 13.160 Promotional sales plans; § 13.205 Scientific or other relevant facts; § 13.260 Terms and conditions. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-45 Maintain records. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; § 13.1051-20 Adequate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1705 Prize contests; § 13.1740 Scientific or other relevant facts; § 13.1760 Terms and conditions. —Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1883 Prize contests; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2013 Offers deceptively made and evaded; § 13.2020 Premium or premium conditions; § 13.2027 Prize contests; § 13.2063 Scientific or other relevant facts; § 13.2080 Terms and conditions. Subpart—Using contest schemes unfairly: § 13.2270 Using contest schemes unfairly.

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

¹ Pursuant to section 19(a)(2) of the Federal Trade Commission Act.

In the Matter of The Coca-Cola Company, a corporation, and Glendinning Companies, Inc., a corporation.

Consent order requiring an Atlanta, Ga., manufacturer of soft drinks and other food products, among other things to cease failing, in contests and promotional games, to disclose all terms, conditions and rules; to award all prizes to entries who conform to the conditions of entitlement to a prize; and to keep adequate records for a minimum of two years.

Consent order requiring a Westport, Conn., promotional firm, among other things to cease failing, in contests and promotional games, to meet all of the above-mentioned requirements, and additionally, in relation to the future conduct of skill contests, to base them solely on matters of established, provable fact; to use such facts as are readily available from reference materials; to disclose that skill is involved and the reference works on which answers are based; to file questions and answers with an independent organization prior to promotion implementation; and to make available to participants the correct answers and a list of winners within sixty (60) days of judging the contest.

The orders to cease and desist, including further orders requiring report of compliance therewith, are as follows:¹

ORDER AS TO COCA-COLA COMPANY

It is ordered, That respondent The Coca-Cola Company, a corporation, its successors and assigns, officers, agents, representatives and employees, directly or through any corporation or other device, in connection with the advertising, offering for sale, sale or distribution of Coca-Cola, Tab, or any food or other product, or in connection with the sale or distribution of "Big Name Bingo", or any other promotional game, contest, sweepstake or similar device which involves or offers the awarding of a prize or anything of value to participants therein, by any means, in commerce, as "commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist from:

Engaging in, promoting the use of, or participating in any such promotional game, contest, sweepstake or similar device, by means of any announcement, notice or advertisement, unless:

(a) All of the requirements, terms and conditions for participating therein and for entitlement of such prizes are clearly and conspicuously set forth in each advertisement or notice which purports to explain or illustrate the operation of, manner of participation in, or the basis for or prospects of becoming entitled to or receiving a prize in connection with, any such contest or promotional game.

(b) All such prizes are in fact awarded to all participants therein whose entries conform to the stated requirements, terms and conditions for

entitlement to and receipt of such prizes.

(c) There are maintained by respondent or its designee for a period of at least two years after the closing of each such promotional game or contest and the awarding of all prizes in connection therewith, full and adequate records including all entry forms submitted by participants therein, which clearly disclose the operation of such promotional game or contest, the basis or method used to determine entitlement to prizes, and the facts as to the receipt of such prizes by participants entitled thereto; which said records and documents shall be open for inspection during normal business hours by each contest participant or his duly authorized representative.

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

It is further ordered, That respondent notify the Commission at least 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 respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Commissioner Dole not participating by reason of absence.

ORDER AS TO GLENDINNING COMPANIES, INC.

It is ordered, That respondent Glendinning Companies, Inc., a corporation, its successors and assigns, officers, agents, representatives and employees, directly or through any corporation or other device, in connection with the advertising, offering for sale, sale or distribution of Coca-Cola, Tab, or any food or other product, or in connection with the sale or distribution of "Big Name Bingo", or any other promotional game, contest, sweepstake or similar device which involves or offers the awarding of a prize or anything of value to participants therein, by any means, in commerce, as "commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist from:

1. Engaging in, promoting the use of, or participating in any such promotional game, contest, sweepstake or similar device, by means of any announcement, notice or advertisement, unless:

(a) All of the requirements, terms and conditions for participating therein and for entitlement of such prizes are clearly and conspicuously set forth in each advertisement or notice which purports to explain or illustrate the operation of, manner of participation in, or the basis for or prospects of becoming entitled to or receiving a prize in connection with, any such contest or promotional game.

(b) All such prizes are in fact awarded to all participants therein whose entries conform to the stated requirements, terms and conditions for entitlement to and receipt of such prizes.

(c) There are maintained by respondent or its designee for a period of at least two years after the closing of each such promotional game or contest and the awarding of all prizes in such connection therewith, full and adequate records including all entry forms submitted by participants therein, which clearly disclose the operation of such promotional game or contest, the basis or method used to determine entitlement to prizes, and the facts as to the receipt of such prizes by participants entitled thereto; which said records and documents shall be open for inspection during normal business hours by each contest participant or his duly authorized representative.

2. Engaging in, promoting the use of, or participating in the development or operation of any skill contest, unless:

a. The skill contest is based solely on matters of established, provable fact.

b. The factual subject matter is obtainable from readily available reference materials, e.g., those available in the typical public library.

c. Contest materials and advertising disclose clearly and conspicuously that a substantial degree of skill is involved and also the specific reference works on which the answers are based (e.g., a specific dictionary, encyclopedia, atlas, or historical work), and contest rules and directions clearly provide all necessary information for the contestant to participate successfully.

d. Questions and answers with complete supporting data as outlined in paragraphs (a) and (b) and complete judging procedures are filed with an independent organization prior to promotion implementation.

e. The correct answers and a list of winners is made available to participants upon request and filed with an independent organization within 60 days of the close of judging of the competition.

For purposes of this order a skill contest is defined as any promotional contest or device in which the award of a prize or anything of value to the participants is determined on the basis of the winning answers or solutions submitted by participants through the exercise of a substantial degree of skill in determining the winning answers or solutions to the questions or problems which are the subject of the contest or device.

In the event that the Commission promulgates a final trade regulation rule concerned with skill contests, then such trade regulation rule shall completely supersede and replace paragraph 2 and such trade regulation rule shall become part of this order.

It is further ordered, That the terms of this Order shall not apply to a promotional game, contest or device conducted by or under the direction of a governmental instrumentality, or where the respondent neither knew nor had reason to

¹ Copies of the Complaint and Decisions and Orders filed with the original document.

know of failure to comply with the terms of this order.

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

It is further ordered, That respondent notify the Commission at least 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 respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Commissioner Dole not participating by reason of absence.

The Decisions and orders were issued by the Commission October 26, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-36057 Filed 12-7-76; 8:45 am]

[Docket No. C-2849]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Furniture Corporation of America, T/A
Furniture Leasing of America, Inc.

Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-50 Maintain means of communication; 13.533-55 Refunds, rebates and/or credits. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051-20 Adequate. Subpart—Neglecting, unfairly or deceptively: § 13.1895 Scientific or other relevant facts.

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

In the Matter of Furniture Corporation of America, a corporation, doing business as Furniture Leasing of America, Inc.

Consent order requiring a Miami, Fla., furniture leasing company, among other things to cease failing to maintain adequate records; and to follow prescribed procedures to locate and make proper refunds to past and present eligible customers.

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

ORDER

It is ordered, That respondent Furniture Corporation of America, a corpora-

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

tion, doing business as Furniture Leasing of America, Inc., its successors and assigns, and its officers, and its representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the handling of customers' money deposited as a condition precedent to or in conjunction with the signing of a consumer lease agreement incident to the leasing of furniture, related accessories or any other personal property, in, or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Failing to determine, prior to the negotiation of a lease agreement with two or more legally unrelated lessees, which person will be designated by the joint lessees to be the recipient of the information relating to the lessees' returnable deposit in the event that respondent is obligated to return any portion of the deposit to such customers.

2. Failing to incorporate the following language into respondent's "Lease Pickup Form":

It is imperative that you obtain the lessee's forwarding address for a Deposit Refund. If lessee is not sure of the address, ask if we can send the refund care of a friend or relative. If you cannot obtain an address, send the lessee Form A and so note below:

Street _____ Apt. _____
City _____ State _____ Zip Code _____

If "care of", specify who _____

If above not available, Form A sent on _____

3. Failing to complete the appropriate portion of the addition to respondent's "Lease Pickup Form", as it is described in Paragraph 2.

4. Failing to send to each customer, or designated lessee in instances where a designation as provided for in Paragraph 1 has been made, from whom respondent has failed to obtain an address to which the lessee's returnable deposit is to be sent, within three (3) business days after the lessee notifies respondent that it may pick up its furniture, and related accessories, the following notice and detachable postage paid business reply postcard:

FORM A

DEAR LESSEE: We have scheduled the pickup of your furniture as requested. It is important that you inform us of an address to which we can send your Deposit, if we find you are entitled to it being refunded.

If you are not sure of your forwarding address, we would be happy to send it care of a friend or relative.

Please fill in the form below, tear along the perforated line and mail it to us. The postage is prepaid.

Thank you for your assistance.

**FURNITURE LEASING OF AMERICA, INC.
DEPOSIT REFUND REQUEST**

Lessee: _____
Lease Agreement Number: _____
Send Refund To: _____
Street _____ Apt. No. _____
City _____ State _____ Zip Code _____

If refund is to be sent care of another, give their name: _____

Thank you for your cooperation.

Furniture Leasing of America, Inc., Post Office Box 430225, Miami, Florida 33148 (305) 592-5590.

5. Failing to perform the following steps, no later than thirty (30) business days after the expiration of the lease agreement, after determining that a customer has fully performed the terms, conditions and covenants contained in the lease agreement and has returned to respondent all leased items in the same condition in which they were delivered, ordinary wear excepted, and is thus due either a full or a partial return of the deposit:

a. Determine whether the customer's file contains an address to which a returnable deposit is to be forwarded. If so, respondent shall forward a check in the appropriate amount to the customer or his designee at the address given. If not, respondent is to perform those steps detailed in Paragraphs 5b and 5c below.

b. Determine the name and address of the customer's parents, present employer and a listed personal reference of the customer from data set forth in the customer's credit application filed by the customer incident to the consummation of the lease agreement. Forward the notice, entitled "We Need Your Help" and described below, to the parents of the customer, if their name and address is available in the customer's file, or both the present employer and one personal reference of the customer listed in the customer's file.

WE NEED YOUR HELP

The individual listed below recently rented furniture from Furniture Leasing of America and is due the return of a money deposit which will be sent to him/her as soon as we can determine his/her correct address and/or telephone number. If you know his/her address and/or telephone number, please complete the following, tear along the perforated line and mail to us. The postage is prepaid.

Thank you for your help.

FURNITURE LEASING OF AMERICA, INC.

(Lessee) _____
(Street) _____ (Apt.) _____
(City) _____ (State) _____ (Zip Code) _____
(Area Code) _____ (Telephone Number) _____

c. Send an envelope containing the "WE NEED YOUR HELP" notice, described in Paragraph 5b, to the customer's current address, as it appears in the customer's file, requesting an address correction, on the envelope, from the United States Postal Service.

d. If the customer's telephone number is received from any source, respondent shall use it to attempt to contact the customer and determine the customer's forwarding address.

e. If the customer's forwarding address is received from any source, respondent shall refund the appropriate amount of the deposit to the customer at the forwarding address.

f. If no address or telephone number, or information which would directly lead to the discovery of the address or telephone number of the customer, is received within ninety (90) days after the termination of the customer's lease, the customer's lease file or a complete summary thereof, including a notation of the specific amount of money due the customer, will be maintained by respondent for a period of 3 years from the date of the lease terminated, during which period of time any request by the customer for the return of the deposit due will be immediately honored. At the end of the 3 year period, the relevant state law will govern the appropriate disposition of customers' deposited money.

6. Failing to keep adequate records which may be inspected by Commission staff members, upon reasonable notice, which (1) Substantiate that respondent is following the procedures specified in Paragraphs 1 through 5 of this order and (2) Readily disclose the disposition of each customer's deposit and reasons therefor.

It is further ordered, That respondent will refund all returnable deposits to customers whose leases terminated on or after January 1, 1973 and which have not been refunded as of the effective date of this order. Respondent, in refunding the above-described money, will follow the procedures detailed in Paragraph 5 of this order. Respondent will fully comply with the provisions of this paragraph no later than three (3) months after the effective date of this order.

It is further ordered, That respondent, after the effective date of this order, shall include a copy of this order in each of its training manuals, and require each present and future employee who is or becomes charged with implementing any portion of this order to read a copy of this order and to sign a statement acknowledging that they have read this order.

It is further ordered, That respondent notify the Commission at least 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 respondent herein shall within sixty (60) days

after service upon it 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 26, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-36058 Filed 12-7-76; 8:45 am]

[Docket No. C-2846]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Guardian Loan Company, Inc.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.155 Prices; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act; § 13.205 Scientific or other relevant facts; § 13.260 Terms and conditions; 13.260-40 Insurance coverage. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-25 Displays, in-house; 13.533-45 Maintain records; 13.533-55 Refunds, rebates and/or credits. Subpart—Misrepresenting oneself and goods—Goods: § 13.1740 Scientific or other relevant facts; § 13.1760 Terms and conditions; 13.1760-40 Insurance coverage. Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-40 Insurance coverage; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

In the Matter of Guardian Loan Company, Inc., a corporation.

Consent order requiring a Roslyn Heights, N.Y., consumer finance company, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act. Further, respondent is required to cease misrepresenting the terms and conditions of insurance coverage requirements; to display insurance information in-house; to mail insurance disclosure letters together with cancellation forms to customers; to send customer-requested refunds within a specified time; and to maintain records.

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

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

ORDER

For purposes of this order, the following definitions of terms shall apply:

(a) "Consumer loans in open status" refers to those consumer loans in which payments at least totaling the amount of one regular monthly payment have been made by the borrower in the last six months.

(b) "Delinquent account" refers to those accounts which are more than 30 days past due for an amount which equals the amount of one regular monthly payment.

(c) "Net cash advance" refers to the actual amount of cash that a borrower will receive after choosing one of the credit insurance options available, including that option which contains no credit insurance, in connection with his loan.

(d) "Penetration rate" refers to the percentage of all loans eligible for credit insurance on which charges for such insurance are made.

(e) "Refund method" refers to an accounting method to compute refunds of insurance premiums in connection with cancellation of insurance coverage which method makes use of both the Rule of 78 and a pro rata computation. As an example, the Rule of 78 would operate on a 12-month loan as follows: The numbers 1 through 12 added together provide the figure 78. This is the denominator. The sum of the months expired at the date of cancellation supplies the numerator. The first month of a 12-month loan is considered as 12 because the outstanding balance is 12 times as large during the first month as it is for the last month. The second month is 11, and so on, to 1. The portion of insurance premiums which must be refunded is, for cancellation during the first month, 78/78-12/78 or 66/78; second month 66/78-11/78 or 55/78; and so on down to the 12th month. The numerator for a 24-month contract is obtained by beginning with 24, instead of 12, as for a 12-month contract, or 36 in the case of a 36-month contract or any other number denoting the total number of months or periods in a particular contract. To the amount of any refund due in connection with any loan as determined by use of the Rule of 78 will be added an amount which is equal to 40 percent of the difference between said Rule of 78 amount and that amount which would be due if said refund were to be computed on a pro rata basis. Said pro rata amount refers to an amount which shall be at least as great a proportion of the total insurance premiums collected by respondent in connection with any loan as the number of remaining monthly payments, scheduled to follow the installment date nearest the date of cancellation as explained below, bears to the total number of monthly payments scheduled by the loan contract. Any cancellation made on or before the fifteenth day following an installment date shall be deemed to have

been made on the installment date immediately preceding the date of cancellation. Any cancellation made after the fifteenth day following an installment date shall be deemed to have been made on the installment date immediately following the date of cancellation. Any borrower making cancellation on or before the fifteenth day following consummation of the loan shall receive a refund or credit for the full amount of insurance premiums in connection with said loan. Cancellation for purposes of computing the amount of any refund or credit due shall be as of the date of receipt by respondent of the notice set forth in Attachment C of this order or as of the date of receipt by respondent of any other communication from the borrower under the terms of this order indicating his desire to cancel his insurance coverage.

(f) "Time of closing" refers to that period of time during which loan documents are presented to the borrower for consummation of a loan transaction whereby the borrower becomes obligated to make payments to respondent to satisfy said loan.

I. *It is ordered*, That respondent, Guardian Loan Company, Inc., its successors and assigns, and its officers, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the granting of consumer loans subject to the provisions of Regulation Z (12 CFR 226.8) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing, when the charges for credit life insurance and/or credit disability insurance are not included in the finance charge for consumer loans:

(a) To present to the borrower as the first document at the time of closing, which document shall be the first document to be completed by respondent and the first document to be signed by the borrower(s) at the time of said closing in respondent's loan offices, or to mail to the borrower, who is consummating his loan through the mail, at the same time as consummation papers are to be mailed, a separate, written, personal insurance authorization form which sets forth clearly and conspicuously:

(i) The borrower has received credit approval up to a specified amount;

(ii) The borrower's decision with regard to the insurance available through respondent is not considered in granting the credit;

(iii) The purchase of credit insurance is optional and is not required by Guardian Loan Company, Inc., in connection with the loan;

(iv) The amount of the total premium for credit life insurance and the amount of the total premium for credit disability insurance (which, if elected, will be deducted from the amount of the proceeds and added to the "amount financed");

(v) The net cash advance options which would result from the borrower's election to take the loan, set forth in the following order from left to right across the document: (1) Without either credit

life insurance or credit disability insurance, (2) With credit life insurance only, (3) with credit disability insurance only, (4) with both credit life insurance and credit disability insurance, (5) with other available forms of credit insurance, if applicable, except that, in any state where credit property insurance is available alone as well as in multiple combinations or options with other forms of credit insurance, respondent, in addition to providing the required information for the above stated four options, need only provide the required information for one other option if the borrower has indicated an interest in such an option;

(vi) A signature and date line for each option set forth in (v) above for the borrower(s) to indicate his election;

(vii) The borrower authorizes respondent on behalf of the borrower to pay the insurance premiums to the insurance company for such personal insurance which has been chosen.

(b) To send to mail order loan borrowers, at the same time and along with the papers to consummate said loan, a separate written statement containing the notice, in no less than 12 point bold type and easily legible, which this order requires to be displayed at respondent's loan offices.

(c) To make the disclosures required by subparagraph (a) above on a separate document which contains no other printed or written material.

(d) To make disclosures required by subparagraphs (i), (ii) and (iii) above in no less than 12 point type. A form substantially in conformance with Attachment A herein will be considered as in compliance with the provisions of subparagraphs (a), (b) and (c) above. Respondent shall maintain the original statement for two years following its execution and provide the customer with an executed copy thereof.

2. Making any marks or otherwise instructing a borrower where to sign or date the separate personal insurance authorization form required by subparagraph (a) above in advance of the borrower's free and independent choice for such insurance.

3. Misrepresenting, orally or otherwise, directly or by implication, that credit life and/or credit disability insurance are required as a condition of obtaining credit from respondent.

4. Discouraging, by misrepresentation, oral or otherwise, directly or by implication, the declination of credit life and/or credit disability insurance.

5. Representing, orally or otherwise, directly or indirectly, that the borrower's failure to elect credit insurance will result in a delay in processing his loan or in his receiving the proceeds.

6. Failing to compute and disclose accurately the finance charge, as required by §§ 226.4(a) (5) and 226.8(d) of Regulation Z.

7. Failing to compute and disclose accurately the annual percentage rate to the nearest quarter of one percent as required by §§ 226.5(b) and 226.8(b) of Regulation Z.

8. Failing to use the term "amount financed" to describe the amount of credit extended as required by § 226.8(d) (1) of Regulation Z.

9. Failing, in any consumer loan transaction or advertisement, to make all disclosures, in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8, 226.9 and 226.10 of Regulation Z.

II. *It is further ordered*, That respondent display at each booth, or at or near each desk or other location where loans are consummated, in such a manner and in such dimensions so as to be easily viewed and read by the borrower from his seated or other normal position in such booth or at such desk or other location, and which shall not be in close proximity to any other written or display material, the following notice:

NOTICE TO BORROWERS

The purchase of credit insurance is optional and is not required by this company in connection with your loan. Your decision with regard to the insurance available is not considered by this company in the granting or denying of credit to you.

III. *It is further ordered*, That respondent maintain records on a state by state basis (covering each state in which they do business) of the penetration rate of (a) credit life insurance for loans; and (b) credit disability insurance for loans. Such records shall be maintained on a yearly basis and submitted to the Commission each year for a period of five years, and thereafter from time to time as the Commission may request.

IV. *It is further ordered*, That respondent, in reporting penetration rates, state the total number and dollar amount of loans entered into each year which were eligible for credit insurance, stated separately for credit life insurance and credit disability insurance.

V. *It is further ordered*, That within forty-five (45) days after the date this order becomes final respondent mail to all borrowers to whom credit life and/or credit disability insurance were sold prior to the date this order becomes final and the premium(s) for same were not included in the finance charge, and who did not receive death benefits or health benefits under said insurance policies, in connection with respondent's consumer loans in open status on the date this order becomes final, notwithstanding the sale or assignment of any or all of said loans to a third party, the two notices set forth in Attachments B and C of this order, together with a self-addressed, postpaid, return envelope.

VI. *It is further ordered*, That within forty-five (45) days after the date this order becomes final respondent contact by telephone or other means available all those borrowers who would be sent, under the terms of this order, the notices set forth in Attachments B and C of this order were it not for the fact that said borrowers have been extended confidential loans by respondent under the terms of which no correspondence is forwarded

by mail to said borrowers, in order to advise said borrowers of their prerogatives to cancel their insurance coverage and receive a partial refund of the insurance premiums paid;

Provided however, That any obligation under Paragraphs V and VI above shall only apply to respondent and shall not apply to: (a) Any third party to whom said loans may be or may have been sold or assigned, (b) any offices of respondent transferred to a third party in connection with the sale or assignment of said loans, or (c) Any of said loans sold or assigned to a third party;

Provided further however, That it is understood that any of said loans sold or assigned to a third party shall be used by respondent pursuant to the terms of Paragraphs V and VI above solely to determine the names of the borrowers required by it to fulfill its obligation under said Paragraphs and the amount of each insurance premium refund which may be required pursuant to respondent's fulfillment of such obligation;

Provided further however, That respondent shall not be required to forward the two notices set forth in Attachments B and C of this order to any borrower, or to contact any borrower who has been extended a confidential loan, who has already received the above mentioned notices prior to the date this order becomes final, or who has already been contacted by respondent with respect to cancellation of insurance coverage prior to the date this order becomes final, and where any and all follow-up provisions required by this order with respect to said notices or contact, including the making of refunds or the crediting of accounts, where applicable, have been or will be accomplished by respondent within the time periods specified in this order;

Provided further however, That respondent shall not be required to forward the two notices set forth in Attachments B and C of this order to any borrower who, for any loan consummated prior to the date this order becomes final, received from respondent during the time of closing of said loan the personal insurance authorization form required by section 1(a) of this order and where any and all requirements connected with said form as required by this order have been accomplished by respondent.

VII. *It is further ordered,* That a record of mailing by respondent of the notices set forth in Attachments B and C of this order be kept by respondent and that said record be available for examination by Commission personnel in connection with any compliance obligations arising out of this order.

VIII. *It is further ordered,* That all telephone calls or other attempts to advise the above mentioned confidential loan borrowers of their cancellation prerogatives be noted on the ledger cards of such borrowers so as to legibly indicate: (1) The dates and times of such telephone calls or other means of communication employed to make contact

with said borrowers; (2) The results of such attempts; and (3) the name or initial of respondent's employee making such contacts.

Respondent's obligations under Paragraphs V and VI of this order shall not be fulfilled until each borrower affected by said Paragraphs has received the notices, or been contacted, as specified therein; *Provided however,* That respondent shall be deemed to have complied with said Paragraphs V and VI if respondent can demonstrate that it expended reasonable efforts, in writing or orally, to deliver such notices or make such contact according to the terms of this order.

IX. *It is further ordered,* That any and all requests for refunds of insurance premiums under the terms of this order be made by respondent based on the Refund Method as defined in this order and that said refunds be made by respondent within thirty (30) days of receipt by respondent, within the time period specified in this order, of the notice set forth in Attachment C of this order or receipt by respondent of any other form of communication from borrowers indicating their desire to cancel their credit insurance coverage;

Provided however, That respondent under Paragraph IX above shall have the option in connection with open status but delinquent accounts to either make refunds in accordance with the terms of this order or to credit said accounts for the full amount of any refunds due.

X. *It is further ordered,* That respondent, when crediting any delinquent account with the full amount of any refund due following receipt of the notice set forth in Attachment C of this order, or following contact with any borrower under the terms of this order, credit said account within thirty (30) days of the receipt by respondent of said notice or within thirty (30) days of the contact by respondent whereby the borrower indicates his desire to cancel his credit insurance coverage.

XI. *It is further ordered,* That the above mentioned credit be reflected on the next account status statement to be sent to the borrower following the above mentioned crediting of his account;

Provided however, That respondent shall not be required under Paragraphs IX and X above to make refunds or to credit accounts with respect to any cancellation notice, as so set forth in Attachment C of this order, or any cancellation request, received by respondent later than twenty-one (21) days following the post office receipt date of said notice's mailing by respondent or later than twenty-one (21) days from the date that respondent otherwise notifies the borrower of his cancellation prerogatives.

XII. *It is further ordered,* That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent at its general offices in Roslyn Heights, New York and in each of its subsidiary loan offices who are engaged in the extension of con-

sumer loans, and that respondent secure a signed statement acknowledging receipt of said copy of this order from each such person.

XIII. *It is further ordered,* That respondent notify the Commission within thirty (30) days of any change in the corporate respondent which may affect compliance obligations with regard to the extension of consumer loans arising out of this order, 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 with regard to the extension of consumer loans which may affect compliance obligations arising out of this order.

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

Commissioner Dole not participating by reason of absence.

The Decision and Order was issued by the Commission October 20, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 76-36059 Filed 12-7-76; 8:45 am]

[Docket No. C-2848]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Joseph Corn & Sons Inc., and Milton Corn

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.73 Formal regulatory and statutory requirements; § 13.73-10 Fur Products Labeling Act; § 13.95 Identity of product; § 13.95-20 Fur Products Labeling Act; § 13.130 Manufacture or preparation; § 13.130-20 Fur Products Labeling Act; § 13.205 Scientific or other relevant facts. Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely; § 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 Formal regulatory and statutory requirements; § 13.1212-30 Fur Products Labeling Act; § 13.1220 Identity; § 13.1255 Manufacture or preparation; § 13.1255-30 Fur Products Labeling Act; § 13.1320 Scientific or other relevant facts. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 Formal regulatory and statutory requirements; § 13.1623-30 Fur Products Labeling Act; § 13.1655 Identity; § 13.1680 Manufacture or preparation; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1855 Identity; § 13.1865 Manufacture or preparation; § 13.1865-40 Fur Products Labeling Act; § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; (15 U.S.C. 45, 69f).)

In the Matter of Joseph Corn & Son, Inc., a corporation, and Milton Corn, individually and as an officer of said corporation.

Consent order requiring a New York City manufacturer of fur products, among other things, to cease misbranding and deceptively invoicing their fur products by failing to set forth on labels and invoices information and disclosures mandated by the Fur Products Labeling Act.

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

ORDER

It is ordered, That the respondents Joseph Corn & Son, Inc., a corporation, its successors and assigns, and its officers, and Milton Corn, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or any other device in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur" and "fur" product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on a label the item number or mark assigned to such fur product.

4. Failing to set forth on a label the true animal name of the fur used in such fur product.

5. Setting forth information required under the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on a label pertaining to such fur product.

6. Setting forth required information on a label in handwriting.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Prod-

ucts Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on an invoice that the fur contained in such fur product is natural when such is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to disclose the term "natural" on invoices to describe fur products, which contain fur which has not been pointed, bleached, dyed, tip-dyed, or otherwise artificially colored, as required by Rule 19(g) of said rules and regulations.

It is further ordered, That the individual respondent named herein promptly notify the Commission of each change in business or employment status, which includes discontinuance of his present business or employment and each affiliation with a new business or employment, for ten (10) years following the effective date of this order. Such notice shall include respondent's current business address and a description of the business or employment in which he is engaged as well as a description of his duties and responsibilities. The expiration of the notice provision of this paragraph shall not affect any other obligations arising under this order.

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 respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents 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 the order to cease and desist contained herein.

Commissioner Dole did not participate by reason of absence.

The Decision and Order was issued by the Commission October 21, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-36060 Filed 12-7-76; 8:45 am]

[Docket Nos. 8964-8969-0]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Leonard F. Porter, Inc., et al.

Leonard F. Porter, Inc., et al.—Docket No. 8964; Indian Arts & Crafts, Inc., et al.—Docket No. 8965; J. L. Houston, Inc., et al.—Docket No. 8966; Western Novelty Co., et al.—Docket No. 8967; Herman Krupp t/a Oceanic Trading

Company—Docket No. 8968; Heinz Lange t/a Northwest Arts and Crafts—Docket No. 8969.

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

In the Matters of Leonard F. Porter, Inc., a corporation, and Leonard F. Porter, individually and as an officer of said corporation; Indian Arts & Crafts, Inc., a corporation, and Walter J. Lowen, Jeannette M. Lowen, and Howard Lowen, individually and as officers of said corporation; J. L. Houston, Inc., a corporation, and James L. Houston and Shirley Houston, individually and as officers of said corporation; Western Novelty Co., a corporation, and Donald F. Moehring and Donald L. Collis, individually and as officers of said corporation; Herman Krupp, an individual doing business as Oceanic Trading Company; Heinz Lange, an individual doing business as Northwest Arts and Crafts.

Order dismissing complaints, issued against six Seattle, Wash., and/or Portland Oreg., manufacturers and distributors of crafts and souvenir-type articles, alleging respondents misrepresented their products as being handmade in Alaska by Alaskan natives, rather than machine-made elsewhere by non-Alaskans. The Commission held that there was no adequate basis for warranting entry of orders prohibiting the alleged practices, and that the State of Alaska was in a far better position to gauge the extent of any harm and provide effective solutions.

The order or dismissal is as follows:¹

FINAL ORDER

This matter having been heard by the Commission upon the appeal of complaint counsel from the administrative law judge's initial decision, and upon briefs and oral argument in support thereof and in opposition thereto, and the Commission, for the reasons stated in the accompanying opinion, having determined that the appeal should be denied and that the complaints should be dismissed.

It is ordered, That the findings of the administrative law judge be adopted as the findings of the Commission to the extent not inconsistent with the accompanying opinion.

It is further ordered, That the complaints in this matter be, and they hereby are, dismissed.

Commissioner Dole did not participate by reason of absence.

The Order of Dismissal was issued by the Commission October 19, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-36061 Filed 12-7-76; 8:45 am]

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

¹ Copies of the Complaints Order Amending Complaint, Initial Decision, Final Order and Opinion of the Commission filed with the original document.

Title 26—Internal Revenue
CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY
 SUBCHAPTER A—INCOME TAX
 [T.D. 7442]

PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Special Elections for Certain Section 403 (b) Annuity Contracts

Correction

In FR Doc. 76-35040, appearing at page 52295, in the issue for Monday, November 29, 1976, the following change should be made:

On page 52296, in the first column, the following material should be inserted after the twelfth line of the first complete paragraph:

"amount is subject to cost of living increases. In addition, the maximum".

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Appendix to Subpart Y—Redelegation of Authority To Compromise and Close Civil Claims

Appendix to Subpart Y is amended by adding the following Land and Natural Resources Division Directive No. 7-76:

LAND AND NATURAL RESOURCES DIVISION
 [Directive No. 7-76]

REDELEGATION OF AUTHORITY TO INITIATE AND TO COMPROMISE LAND AND NATURAL RESOURCES DIVISION CASES

This directive supersedes Land and Natural Resources Memorandum No. 388 (appendix to Subpart Y) and Directives Nos. 4-72 and 5-72. By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, and particularly §§ 0.65, 0.160, 0.162, 0.164, 0.166, and 0.168 thereof, I hereby redelegate to the Deputy Assistant Attorney General, certain Section Chiefs, and to the United States Attorneys, the following authority to act in connection with, and to compromise, Land and Natural Resources Division cases:

SECTION I—AUTHORITY TO INITIATE CASES

A. Delegation to United States Attorneys.—1. Land Cases. United States Attorneys are hereby authorized to act in matters concerning real property of the United States, including tribal and restricted individual Indian land, not involving new or unusual questions or questions of title or water rights, on behalf of any other department or agency in response to a direct request in writing from an authorized field officer of the department or agency concerned, without prior authorization from the Land and Natural Resources Division, in the following-described cases:

(a) Actions to recover possession of property from tenants, squatters, tres-

passers, or others, and actions to enjoin trespasses on Federal property;

(b) Actions to recover damages resulting from trespasses when the amount of the claim for actual damage based upon an innocent trespass does not exceed \$40,000 (The United States Attorneys may seek recovery of amounts exceeding \$40,000 (i) if the actual damages are \$40,000 or less and State statutes permit the recovery of multiple damages, e.g., double or treble, for either a willful or an innocent trespass; or (ii) if the actual damages are \$40,000 or less, but the action is for conversion to obtain recovery of the enhanced value of property severed and removed in the trespass);

(c) Actions to collect delinquent rentals or damages for use and occupancy of not more than \$40,000;

(d) Actions to collect costs of forest fire suppression and other damages resulting from such fires if the total claim does not exceed \$40,000;

(e) Actions to collect delinquent operation and maintenance charges accruing on Indian irrigation projects and federal reclamation projects of not more than \$40,000; and

(f) Actions to collect loans of money or livestock made by the United States to individual Indians without limitation on amount, including loans made by Indian tribal organizations to individual Indians if the loan agreements, notes and securities have been assigned by the tribal organizations to the United States.

2. Environmental Cases. United States Attorneys are hereby authorized to act, without prior authorization from the Land and Natural Resources Division, on behalf of any other department or agency in response to a direct request in writing from an authorized field officer of the department or agency concerned, in the following environmental cases:

(a) Civil or criminal actions involving the filling of, the deposit of dredged or fill material upon, or the alteration of the channels of, the waters of the United States, in violation either of section 10 of the River and Harbor Act of March 3, 1899 (33 U.S.C. 403), or of Sections 301, 309 and 404 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1311, 1319 and 1344, respectively), or of both statutes;

(b) Any other civil or criminal actions to enforce the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 et seq.); and

(c) Civil or criminal actions involving the discharge of refuse into the navigable waters of the United States and, in certain cases, their tributaries, in violation of section 13 of the Act of March 3, 1899 (33 U.S.C. 407), except for

(i) In rem actions against vessels, which actions shall continue to be handled in the manner set forth in Departmental Memorandums 374 and 376, dated June 3, 1964, and shall continue to be under the jurisdiction of the Civil Division; and

(ii) Criminal actions involving the discharge either of oil or of hazardous substances, for which discharge a government agency either has imposed a

civil penalty pursuant to section 311(b) (6) of the Federal Water Pollution Control Act Amendment of 1972 (33 U.S.C. 1321(b) (6)), or has under consideration the imposition of such a penalty.

3. Notification to Division of Direct Referral. In each case referred to the United States Attorneys pursuant to the authority set forth in Subparagraphs 1 and 2 above, the United States Attorney shall, prior to taking action, assure that a copy of the authorized field officer's written request has been forwarded to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C., 20530.

SECTION II—AUTHORITY TO COMPROMISE, DISMISS, OR CLOSE CASES

A. Delegation to Deputy Assistant Attorney General. Subject to the limitations imposed by Paragraph D of this Section, the Deputy Assistant Attorney General in the Land and Natural Resources Division is hereby authorized, with respect to matters assigned to the Land and Natural Resources Division, to accept or reject offers in compromise of claims against the United States in which the amount of the proposed settlement does not exceed \$100,000, and of claims in behalf of the United States in which the gross amount of the original claim does not exceed \$100,000.

B. Delegation to Section Chiefs. Subject to the limitations imposed by Paragraph D of this Section, the Chiefs of the Land Acquisition, Indian Claims, Pollution Control, Indian Resources, and General Litigation Sections of the Land and Natural Resources Division are hereby authorized, with respect to matters assigned to their respective sections, to accept or reject offers in compromise of claims against the United States in which the amount of the proposed settlement does not exceed \$75,000, and of claims in behalf of the United States in which the gross amount of the original claim does not exceed \$75,000.

C. Delegations to United States Attorneys.—1. Compromise of Land Cases. Subject to the limitations imposed by Paragraph D of this section, United States Attorneys are authorized, without the prior approval of the Land and Natural Resources Division, to accept or reject offers in compromise in the direct referral land cases listed in Subparagraph A-1 of Section I, if the authorized field officer of the interested agency concurs in writing, except that a United States Attorney may accept an offer without the concurrence of the field officer if the acceptance is based solely upon the financial circumstances of the debtor.

2. Compromise of Environmental Cases. Subject to the limitations imposed in Paragraph D of this Section, United States Attorneys are hereby authorized, without the prior approval of the Land and Natural Resources Division, to accept or reject offers in compromise in actions to collect civil penalties assessed pursuant to section 311(b) (6) of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1321(b) (6)). With this one exception, none of

the direct referral cases listed in Subparagraph A-2 of Section I may be settled or compromised by a United States Attorney without the prior approval of the Assistant Attorney General of the Land and Natural Resources Division.

3. Compromise of Condemnation Cases.

(a) Subject to the limitations imposed in Paragraph D of this section, United States Attorneys are hereby authorized, without the prior approval of the Land and Natural Resources Division, to accept or reject offers in compromise of claims against the United States for just compensation in condemnation proceedings in any case in which

(i) The gross amount of the proposed settlement does not exceed \$40,000; and

(ii) The settlement is approved in writing (the written approval to be retained in the file of the United States Attorney concerned) by the authorized field representative of the acquiring agency if the amount of the settlement exceeds the amount deposited with the declaration of taking as to the particular tract of land involved; and

(iii) The amount of the settlement is compatible with the sound appraisal, or appraisals, upon which the United States would rely as evidence in the event of trial, due regard being had for probable minimum trial costs and risks; and

(iv) The case does not involve the reversion of any land or improvements or any interest, or interests, in land under the Act of October 21, 1942, 56 Stat. 797 (40 U.S.C. 258f). 3(b). When a United States Attorney has settled a condemnation proceeding under the authority conferred upon him by the foregoing subparagraph, he shall promptly secure the entry of judgment and distribution of the award, and shall take all other steps necessary to dispose of the matter completely. The United States Attorney concerned shall also immediately forward to the Department a report, in the form of a letter or memorandum, bearing his signature or showing his personal approval, stating the action taken and containing an adequate statement of the reasons therefor. In routine cases, a form, containing the minimum elements of the required report, may be used in lieu of a letter or memorandum. In any case, special care shall be taken to see that the report contains a statement as to what the valuation testimony of the United States would have been if the case had been tried.

4. Closing or Dismissal of Matters and Cases. Subject to the limitations imposed in Paragraph D of this section, a direct referral matter described in Section I may be closed without action by the United States Attorney or, if filed in court, may be dismissed by him, if the field officer of the interested agency concurs in writing that it is without merit legally or factually. Except for claims on behalf of Indians or Indian tribes, the United States Attorney may close a claim without consulting the field officer of the interested agency if the claim is for money only and if he concludes (a) that the cost of collection under the circum-

stances would exceed the amount of the claim, or (b) that the claim is uncollectable. With respect to claims asserted by the United States on behalf of individual Indians or Indian tribes, the United States Attorney may close a claim without consulting the field officer of the interested agency if the claim is for money only and if he concludes that the claim is uncollectable; claims on behalf of Indian individuals and tribes may not be closed merely because the cost of collection might exceed the amount of the claim.

D. Limitations on delegations. The authority to compromise, close or dismiss cases delegated by Paragraphs A, B and C of this section may not be exercised when,

(a) For any reason, the compromise of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totaling more than the respective amounts designated above;

(b) Because a novel question of law or a question of policy is presented, or for any other reason, the offer should, in the opinion of the officer or employee concerned, receive the personal attention of the Assistant Attorney General in charge of the Land and Natural Resources Division; and

(c) The agency or agencies involved are opposed to the proposed closing or dismissal of a case, or acceptance or rejection of the offer in compromise.

If any of the conditions listed above exist, the matter shall be submitted for resolution to the Assistant Attorney General in charge of the Land and Natural Resources Division.

Effective date of this directive. This Directive shall be effective on December 8, 1976.

Dated: October 29, 1976.

PETER R. TAFT,
Assistant Attorney General,
Land and Natural Resources
Division.

Approved:
HAROLD R. TYLER, JR.,
Deputy Attorney General,
Department of Justice.

[FR Doc. 76-36021 Filed 12-7-76; 8:45 am.]

Title 40—Protection of Environment

**CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCY**

SUBCHAPTER C—AIR PROGRAMS

[FRL 653-7]

**PART 52—APPROVAL AND PROMULGA-
TION OF IMPLEMENTATION PLANS**

Approval of Revision to Great Basin Unified Air Pollution Control District Rules and Regulations in the State of California; Revocation of Substitute Regulations

On April 21, 1976, the State of California submitted to the Regional Administrator, Region IX, a revision of the Great Basin Unified Air Pollution Control District Regulation II—Permits. As re-

vised, Great Basin Unified Air Pollution Control District Regulation II, Rules 200-216, will provide a procedure by which persons, who wish to construct, modify or operate any article, machine, equipment, or other contrivance that may cause the issuance of air contaminants, may be granted a permit to do so. A permit shall not be granted, however, if it is determined that such construction, modification, or operation would interfere with the attainment or maintenance of a National Ambient Air Quality Standard.

The State of California has submitted proof that this revision to its State Implementation Plan was adopted after a public hearing was held on March 10, 1976, in Bishop, California, after notice conforming to 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans, was given.

On August 17, 1976 (41 FR 34782) the Environmental Protection Agency advised the public of receipt of the revised Great Basin Unified Air Pollution Control District Regulation II, Rules 200-216 and requested public comments within thirty (30) days. No comments were received.

After a thorough review of Great Basin Unified Air Pollution Control District's revised Regulation II, Rules 200-216, comparing them to the requirements of Clean Air Act Section 110(a)(2)(A-H), the requirements of 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans, and particularly 40 CFR 51.18, review of new sources and modifications, the Administrator hereby approves Rules 200, 201, 202, 203, 204, 205, 209, 210, 211, 212, 213, 214, and 216 as part of the State Implementation Plan. Rules 206, 207 and 208, pertaining to Emission Monitoring and Rule 215, pertaining to Public Availability of Emission Data, will be acted on in separate FEDERAL REGISTER notices.

In accordance with this approval the Administrator hereby deletes 40 CFR 52.233 (d) (1) and (g) (1) (i) which were substitute regulations, implemented and enforced by EPA, for the review of new sources and modifications in the Great Basin Unified Air Pollution Control District. This approval transfers primary authority for implementation and enforcement from EPA to the District.

The Administrator finds good cause for making this rulemaking effective immediately since the regulations being approved by the Administrator are currently being enforced by the State and local Air Pollution Control Agencies.

This notice is issued under the authority of section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5).

Dated: December 2, 1976.

JOHN QUARLES,
Acting Environmental
Protection Agency Administrator.

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

Subpart F—California

1. Section 52.220, paragraph (c) is revised to read as follows:

§ 52.220 Identification of Plan.

(c) * * *

(31) Revised regulation for 13 APCD's submitted on April 21, 1976, by the Governor's designee.

(i) Great Basin Unified APCD

(a) Rules 200-216

2. Section 52.233, paragraphs (d) (1) and (g) (1) (i) are revoked and reserved.

§ 52.233 Review of new sources and modifications.

(d) * * *

(1) [Reserved]

(g) * * *

(1) * * *

(i) [Reserved]

[FR Doc. 76-36098 Filed 12-7-76; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 176]

Preference for U.S. Flag Air Carriers and Procurement of Products of the Handicapped

This amendment of the Federal Procurement Regulations (FPR) makes changes in Subparts 1-1.3, General Policies, and 1-5.8, Procurement of Products of the Blind and Other Severely Handicapped. Regarding General Policies, § 1-1.323, Preference for U.S. flag air carriers, reflects the requirements of Pub. L. 93-623 of January 3, 1975. This Act requires the Comptroller General of the United States to disallow payments to contractors who use non-U.S. flag air carriers; i.e., noncertificated air carriers when such use is not satisfactorily proven. The General Accounting Office (GAO) prescribed criteria in the June 17, 1975, Comptroller General's memorandum (B-138942) entitled "Guidelines for Implementation of section 5 of the International Air Transportation Fair Competitive Practices Act of 1974" regarding the availability or unavailability of certificated air carriers. Section 1-1.323 also includes those criteria. GAO has issued a revised "Guidelines" memorandum (B-138942) dated March 12, 1976, which includes additional criteria designed to prevent unreasonable delays in official travel over relatively short distances. This amendment reflects the new criteria. With respect to the Procurement of Products of the Blind and Other Severely Handicapped, the following changes have been made. Sections 1-5.800, 1-5.801, and 1-5.802 have been revised to change the name of the organization responsible for the program to "Committee for Purchase from the Blind and Other Severely Handicapped." A definition of "Direct Labor" has been added to § 1-5.802. In addition, § 1-5.804 has been changed to reflect the

transfer of the central nonprofit agency functions for all nonblind workshops to the National Industries for the Severely Handicapped, Inc. The designations of five national organizations as central nonprofit agencies were withdrawn (41 FR 26905, June 30, 1976). The change also reflects the designation of the National Industries for the Blind as the central nonprofit agency for the products of all blind workshops. The amendment also includes an editorial correction which involves the insertion in § 1-16.101 of a reference to a minority business enterprise representation.

PART 1-1—GENERAL

Subpart 1-1.3—General Policies

Section 1-1.323-3(b) is amended to add paragraph (4) as follows:

§ 1-1.323-3 Availability or unavailability of certificated air carrier.

(b) * * *

(4) When the elapsed traveltime on a scheduled flight from origin to destination airports by noncertificated air carrier(s) is 3 hours or less, and service by certificated air carrier(s) would involve twice such scheduled traveltime.

PART 1-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 1-5.8—Procurement of Products of the Blind and Other Severely Handicapped

Section 1-5.800 is revised as follows:

§ 1-5.800 Scope of subpart.

This subpart prescribes policies and procedures for carrying out the requirements of the Wagner-O'Day Act, as amended (Pub. L. 92-28, 85 Stat. 77 (41 U.S.C. 46-48c)), and the rules of the Committee for Purchase from the Blind and Other Severely Handicapped (41 CFR Part 51; 38 FR 16316, June 21, 1973; 38 FR 19045, July 16, 1973; as amended by 39 FR 35365, October 1, 1974).

Section 1-5.801 is amended as follows:

§ 1-5.801 General.

(b) A listing of commodities and services which shall be purchased from workshops for the blind and other severely handicapped is contained in the Procurement List published by the Committee for Purchase from the Blind and Other Severely Handicapped and distributed by the General Services Administration (GSA). Copies of the Procurement List may be obtained by submitting GSA Form 457, FSS Publications Mailing List Application, to the General Services Administration, Building 41, Federal Center, Denver, Colorado 80225. The Procurement List is identified by Mailing Code OOSC-0002. All other correspondence to the Committee should be addressed to the Executive Director of the Committee at the address listed on the inside front cover of the Procurement List.

Section 1-5.802 is amended as follows:

§ 1-5.802 Definitions.

(b) "Committee" means the Committee for Purchase from the Blind and Other Severely Handicapped.

(k) "Direct labor" means all work required for preparation, processing, and packing of a commodity or work directly related to the performance of a service but not supervision, administration, inspection, or shipping.

Section 1-5.804-2 is revised as follows:

§ 1-5.804-2 Names and addresses.

The following central nonprofit agencies represent all workshops providing commodities or services for sale in the Procurement List:

Agency	Symbol
National Industries for the Blind, 1511 K Street, NW., Suite 1043, Washington, D.C. 20005.	IB
National Industries for the Severely Handicapped, 4350 East-West Highway, Suite 1120, Washington, D.C. 20014.	SH

All letter requests for allocations shall be submitted to the appropriate nonprofit agency, as indicated on the Procurement List.

PART 1-16—PROCUREMENT FORMS

Subpart 1-16.1—Forms for Advertised Supply Contracts

Section 1-16.101 reads as follows:

§ 1-16.101 Contract forms.

(a) Solicitation, Offer and Award (Standard Form 33, November 1969 edition). Pending the publication of a new edition of the form, Block 9 may be modified by deleting the present provision of Item 1 and by substituting therefor the following provision to permit Standard Form 33A to be incorporated by reference:

(1) Solicitation Instructions and Conditions, SF 33A ----- edition, which is attached or incorporated herein by reference.

In addition, the Clean Air and Water Certification prescribed in § 1-1.2302-1 shall be added as Item 10 to the Representations, Certifications, and Acknowledgements on the back of the form. Further, the solicitation representation prescribed by § 1-1.1303 shall be added as Item 11 of the Representations, Certifications, and Acknowledgements.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 436(c).)

Effective date: This amendment is effective February 7, 1977.

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

Dated: November 29, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc. 76-36082 Filed 12-7-76; 8:45 am]

Title 45—Public Welfare

CHAPTER XIII—OFFICE OF HUMAN DEVELOPMENT, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
PART 1340—CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAM

Miscellaneous Revisions

The authority citation for Part 1340 and §§ 1340.1-2(h), 1340.1-3(a), 1340.2-2 and 1340.2-3, Chapter XIII of Title 45 of the Code of Federal Regulations are revised by the Assistant Secretary for Human Development, with the approval of the Secretary of Health, Education, and Welfare.

The section revisions are identical to revisions proposed April 23, 1976, 41 FR 16972, with the exception of nonsubstantive editorial changes in the revision of § 1340.1-3(a). The authority citation for Part 1340 is changed to update it and make it correct. Individual authority citations are also provided for the four revised sections.

No public comments were received pursuant to the proposed regulations.

The purpose for the revision of § 1340.1-2(h) is to make the definition of "State" conform to the legislation. The statutory basis is section 4(e) of the Child Abuse Prevention and Treatment Act, Pub. L. 93-247, which was added by section 8(d)(2) of the Headstart, Economic Opportunity, and Community Partnership Act of 1974, Pub. L. 93-644 (42 U.S.C. 5103(e)).

Section 1340.1-3(a), covering general administrative requirements with respect to grants, is revised so that all provisions of Part 74, Administration of Grants, of Title 45 of the Code of Federal Regulations apply to all grants made under Part 1340. The purpose of this revision is to add the remaining subparts of Part 74 to those already made applicable for grants to private nonprofit organizations. Thus all grants, whether to public or private grantees, are governed by the same set of regulations. Previously, § 1340.1-3(a) made all of Part 74 applicable to units of State and local government and only specified subparts of Part 74 applicable to grants to nonprofit organizations.

45 CFR 74 contains uniform regulations for the administration of Department of Health, Education, and Welfare grants to State or local governments and cost principles for all grantees. As stated in § 74.1(b), the administrative requirements are designed so that they may also be applied to grants to grantees other than State and local governments where the granting agency concerned as a matter of policy finds such application appropriate. This is the basis for the Office of Human Development's action at this time. Consistent with § 74.4(a)(2)(i), the subparts of Part 74 are made applicable to grantees other than State or local governments by duly published regulations.

With respect to the application of Part 74 to grants to nonprofit organizations, it should be noted, as stated in § 74.4

(2)(ii), that "where any given subpart of this part has been so made applicable in its entirety, any particular provision in that subpart which by its terms is expressly limited to State or local governments shall not be deemed to have been made applicable to other grantees."

The language proposed for the revision of § 1340.1-3(a), that "The provision of Part 74 of this title shall apply to all grants made under this part to units of State and local government and to nonprofit private organizations," has been changed in the final regulation to provide the title of Part 74 and to delete the words following "part." The identification of grantees was unnecessary since the effect of the revision is to apply Part 74 to all Part 1340 grants.

The purpose of revising § 1340.2-2 is to add the authority under section 2(b)(4) of the Child Abuse Prevention and Treatment Act, Pub. L. 93-247 (42 U.S.C. 5101(b)(4)), to provide technical assistance through grants. The basis for acting at this time is the desirability to provide flexibility by allowing use of the full legislative option to provide technical assistance by grants as well as directly or through contracts.

The purpose of revising § 1340.2-3 is to add the authority to make grants as conferred by section 2(c) of the Child Abuse and Prevention and Treatment Act, Pub. L. 93-247, which was added by section 8(d)(1) of the Headstart, Economic Opportunity, and Community Partnership Act of 1974, Pub. L. 93-644 (42 U.S.C. 5101(c)). The basis for acting at this time is the desirability to provide flexibility by allowing use of the full legislative option to provide training materials and training through grants as well as directly or through contracts.

The heading for Part 1340, "Child Abuse and Neglect Prevention and Treatment Program," used with these revisions is the heading used when the regulations were originally issued, December 19, 1974, 39 FR 43936. When codified the word "Program" was inadvertently changed to "Project." Today's heading is the correct heading.

The authority citation below the table of contents of Part 1340 and §§ 1340.1-2(h), 1340.1-3(a), 1340.2-2 and 1340.2-3 are revised as set forth below.

(Catalog of Federal Domestic Assistance Program Number is 13.628)

Effective date: These regulations shall be effective December 8, 1976.

Dated: October 19, 1976.

STANLEY B. THOMAS, Jr.,
Assistant Secretary
for Human Development.

Approved: December 1, 1976.

DAVID MATHEWS,
Secretary.

45 CFR Part 1340 is amended as follows:

1. The title of Part 1340 is revised to read as set forth in the headings to this document.

2. The authority to Part 1340 is revised as follows:

AUTHORITY: Secs. 2-5 and 7, Pub. L. 93-247, 88 Stat. 4, as amended by Sec. 8(d), Pub. L. 93-644, 88 Stat. 2310 (42 U.S.C. 5101-5103).

3. Paragraph (h) of § 1340.1-2 is revised as follows:

§ 1340.1-2 Definitions.

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

(Sec. 4(e), Pub. L. 93-247, 88 Stat. 5, as added by Sec. 8(d)(2), Pub. L. 93-644, 88 Stat. 2310 (42 U.S.C. 5103(e)).)

4. Paragraph (a) of § 1340.1-3 is revised as follows:

§ 1340.1-3 General administrative requirements.

(a) The provisions of Part 74, Administration of Grants, of this title shall apply to all grants made under this part. (45 CFR 74.1(b) and 74.4(a)(2)(i).)

5. Section 1340.2-2 is revised as follows:

§ 1340.2-2 Technical assistance.

Technical assistance authorized in subsection 2(b)(4) of the Act will be furnished by the National Center on Child Abuse and Neglect directly, by grant, or by contract, to public agencies and nonprofit private organizations to assist them in planning, improving, developing and carry out programs and activities relating to the prevention, identification, and treatment of child abuse and neglect.

(Sec. 2(b)(4), Pub. L. 93-247, 88 Stat. 4 (42 U.S.C. 5101(b)(4)).)

6. Section 1340.2-3 is revised as follows:

§ 1340.2-3 Training materials and training.

The National Center on Child Abuse and Neglect, directly, through grants, or through contracts, will develop, compile and publish training materials and conduct training for personnel who are engaged or intend to engage in the prevention, identification, and treatment of child abuse and neglect.

(Sec. 2(c), Pub. L. 93-247, 88 Stat. 4, as added by Sec. 8(d)(1), Pub. L. 93-644, 88 Stat. 2310 (42 U.S.C. 5101(c)).)

[FR Doc. 76-35932 Filed 12-7-76; 8:45 am]

Title 50—Wildlife and Fisheries

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

PART 26—PUBLIC ENTRY AND USE

Nantucket National Wildlife Refuge, Mass.

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.

MASSACHUSETTS

NANTUCKET NATIONAL WILDLIFE REFUGE

Entry by foot, motor vehicle, or boat is permitted during daylight hours for nature study, photography, hiking, shell collecting, shell fishing, and surf fishing. Surf and shell fishing shall be in accordance with all state and local regulations.

Registered over-the-sand vehicles are permitted on designated sand trails and on the open ocean beach. Vehicle permits will be required and may be obtained from the Trustees of Reservations, Coskata-Coatue Wildlife Refuge Manager, Harbor Square, P.O. Box 13, Nantucket Massachusetts 02554. All over-the-sand vehicle permit requirements and regulations promulgated by the Trustees of Reservations for the Coskata-Coatue Wildlife Refuge will apply.

The refuge area, comprising 40 acres, is delineated on maps available from the Refuge Manager, Ninigret National Wildlife Refuge, P.O. Box 307, Charlestown, Rhode Island 02813, 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.

HOWARD N. LARSEN,
Regional Director,
Fish and Wildlife Service.

NOVEMBER 30, 1976.

[FR Doc.76-36019 Filed 12-7-76; 8:45 am]

PART 33—SPORT FISHING

Certain National Wildlife Refuges in Idaho

The following special regulations are issued and are effective on Saturday, January 1, 1977.

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

General Conditions. Fishing shall be in accordance with applicable State and Federal regulations and special conditions listed. Portions of refuges which are open to fishing are designated by signs and/or from the office of the Regional Director, Fish and Wildlife Service, PO Box 3737, Portland OR 97208.

Bear Lake National Wildlife Refuge, PO Box 837, Soda Springs, Idaho 83276.

Special Condition: The use of boats on the refuge is not permitted except during the migratory waterfowl hunting season.

Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, Idaho 83651. Sport fishing is permitted on the entire

refuge year-round except as stipulated under Special Conditions.

Special Conditions: (1) Fishing is not permitted on the public hunting area during the migratory waterfowl hunting season.

(2) Boats with motors may be used during daylight hours only (interpreted here to be one hour before sunrise to one hour after sunset) from April 15 through September 30.

(3) Shoreline fishing is prohibited on the islands of the Snake River sector from February 1 to May 31.

Kootenai National Wildlife Refuge, Star Route #1, Box 160, Bonners Ferry, Idaho 83805.

Sport fishing is permitted on portions of Kootenai River, Deep Creek and Myrtle Creek within the refuge.

Minidoka National Wildlife Refuge, Route 4, Rupert, Idaho 83350.

Sport Fishing is permitted on the entire refuge year-round except as stipulated under Special Conditions.

Special Conditions: (1) Shoreline fishing shall be permitted on the entire refuge year around.

(2) Boat fishing is permitted on the main reservoir from Minidoka Dam to the west end of Bird Island April 1 through September 30, and from Smith Springs to the east end of the refuge October 1 through June 30 during daylight hours only.

(3) Boat crossing lanes at Smith and Gifford Springs open year around.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1977.

WILLIAM H. MEYER,
Acting Regional Director,
United States Fish and Wildlife Service.
[FR Doc.76-36018 Filed 12-7-76; 8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2400]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

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

from locations which are threatened by flood hazards.

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

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

The effective date of identification shall be January 7, 1976. This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

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

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

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
California	Sonoma	Rohnert Park, city of	H 060380A 01 through H 060380A 03	Director of Public Works/City Engineer, 6750 Commerce Blvd., Rohnert Park, Ga. 94928.	Nov. 29, 1974
Connecticut	Litchfield	Barkhamsted, town of	H 060134A 01 through H 060134A 14	Clerk, Route 318, Box 185, Pleasant Valley, Conn. 06063	Nov. 5, 1976
Do	Middlesex	Chester, town of	H 060060A 01 through H 060060A 06	Selectman, Town Hall, 65 Main St., Chester, Conn. 06412	Aug. 30, 1974
Do	New Haven	North Branford, town of	H 060085A 01 through H 060085A 10	Town Manager, Town Hall, Route 80, North Branford, Conn. 06471	Nov. 5, 1976
Georgia	Pickens	Unincorporated areas	H 130149A 01 through H 130149A 18	County Commission, Courthouse, Jasper, Ga. 30143	June 21, 1974
Kentucky	Mason	do	H 210259 01 through H 210259 25	County Judge, Courthouse, Maysville, Ky. 41056	Nov. 5, 1976
Maine	York	Biddeford, city of	H 230145A 01 through H 230145A 16	Mayor, City Hall, Biddeford, Maine 04005	Dec. 31, 1976
Do	Penobscot	Millinocket, town of	H 230111A 01 through H 230111A 05	Town Manager, Town Hall, Millinocket, Maine 04462	May 24, 1974
Massachusetts	Berkshire	Adams, town of	H 250016A 01 through H 250016A 09	Selectman, Park St., Adams, Mass. 01220	Nov. 5, 1976
Do	do	Becket, town of	H 250018 01 through H 250018 18	Selectman, Town Hall, Becket, Mass. 01223	Oct. 18, 1974
Do	Middlesex	Holliston, town of	H 250195A 01 through H 250195A 09	Selectman, Town Hall, P.O. Box 207, Holliston, Mass. 01746	Nov. 5, 1976
Do	Franklin	Montague, town of	H 250122A 01 through H 250122A 12	Selectman, Town Hall, Avenue "A", Turner Falls, Mass. 01376	Mar. 22, 1974
Do	Worcester	Oxford, town of	H 250325A 01 through H 250325A 11	Selectman, Town Hall, Main St., Oxford, Mass. 01540	Nov. 5, 1976
Do	Hampshire	Plainfield, town of	H 250169A 01 through H 250169A 09	Selectman, Town Hall, Main St., Plainfield, Mass. 01070	June 28, 1974
Do	Worcester	Shrewsbury, town of	H 250332A 01 through H 250332A 08	Selectman, Town Hall, 100 Maple Ave., Shrewsbury, Mass. 01545	Nov. 5, 1976
Do	do	Westborough, town of	H 250341A 01 through H 250341A 10	Selectman, Town Hall, West Main St., Westborough, Mass. 01581	Sept. 6, 1974
New Hampshire	Merrimack	Allenstown, town of	H 330103A 01 through H 330103A 08	Selectman, Town of Allenstown, Allenstown, N.H. 03275	Nov. 5, 1976
Do	Sullivan	Claremont, city of	H 330154A 01 through H 330154A 13	Mayor, Town Hall, Claremont, N.H. 03743	Mar. 8, 1974
Do	Hillsborough	Hancock, town of	H 330089A 01 through H 330089A 11	Selectman, Town Hall Hancock, N.H. 03449	Nov. 5, 1976
Do	Carroll	Jackson, town of	H 330011A 01 through H 330011A 20	Selectman, Town Hall, Jackson, N.H. 03846	May 31, 1974
Do	Grafton	Lyme, town of	H 330067A 01 through H 330067A 15	Selectman, Town Hall, Lyme, N.H. 03768	Nov. 5, 1976
New Mexico	Sandoval	Cuba, city of	H 330095 01	Mayor, P.O. Box 426, Cuba, N. Mex. 87013	June 28, 1974
Ohio	Erie	Unincorporated areas	H 390133A 01 through H 390133A 23	President, County Commissioners, Courthouse, Sandusky, Ohio 44870	Nov. 5, 1976
Oklahoma	Pottawatomie	Bethel Acres, town of	H 400346 01 through H 400346 12	Mayor, Town Hall, Bethel Acres, Okla. 73801	Jan. 31, 1975
Oregon	Josephine	Grants Pass, city of	H 410108A 01 through H 410108A 04	Mayor, City Hall, Grants Pass, Oreg. 97526	Nov. 5, 1976
Texas	Colorado	Columbus, city of	H 480145A 01 through H 480145A 02	Mayor, City Hall, 410 Walnut St., Columbus, Tex. 78034	Feb. 15, 1974
Do	Kerr	Kerrville, city of	H 480420B 01 through H 480420B 03	Director of Public Works, City Hall, Kerrville, Tex. 78028	Nov. 5, 1976
Do	Montgomery	Panorama Village, city of	H 481263 01 through H 481263 03	Mayor, City Hall, Panorama Village, Tex.	Mar. 22, 1974
Do	Wharton	Wharton, city of	H 480654 01 through H 480654 02	City Manager, P.O. Box 1026, Wharton, Tex. 77488	Nov. 5, 1976
Do	Montgomery	Whispering Oaks, town of	H 481168 01	Mayor, Town Hall, Whispering Oaks, Tex. 77302	Dec. 28, 1973
Utah	Davis	West Bountiful, city of	H 490052A 01	Mayor, 550 North 800 West, West Bountiful, Utah 84087	Nov. 5, 1976
Vermont	Orleans	Brownington, town of	H 500245A 01 through H 500245A 16	Chairman, RFD, Orleans, Vt. 05860	Dec. 13, 1974
Do	do	Craftsbury, town of	H 500247A 01 through H 500247A 15	Selectman, Town Hall, Craftsbury, Vt. 05826	Nov. 5, 1976
Do	do	Jay, town of	H 500233A 01 through H 500233A 12	Chairman, RFD, North Troy, Vt. 05859	Sept. 13, 1974
Do	do	North Troy, village of	H 500087A 01	Trustee, Village Hall, North Troy, Vt. 05859	Nov. 5, 1976
Do	Washington	Northfield, village of	H 500117A 01	Clerk, Village Hall, Northfield, Vt. 05963	Aug. 2, 1974
Do	Windham	Putney, town of	H 500134A 01 through H 500134A 11	Selectman, Town Hall, Putney, Vt. 04347	June 21, 1974
Washington	Grays Harbor	Cosmopolis, town of	H 530059A 01	Mayor, Town Hall, 190 E. 5th Street, Cosmopolis, Wash. 98537	Nov. 5, 1976
California	San Bernardino	Ontario, city of	H 060278A 01 through H 060278A 12	City Engineer, City Hall, Ontario, Calif. 91761	Aug. 9, 1974
Connecticut	Hartford	Burlington, town of	H 060145A 01 through H 060145A 11	Selectman, Town Hall, Burlington, Conn. 06083	Nov. 12, 1976
Illinois	Christian	Kincaid, village of	H 170858A 01	Village Pres., Village Hall, Kincaid, Ill. 62540	July 19, 1974
Do	Grundy	Verona, village of	H 170264A 01	Village Pres., Village Hall, Verona, Ill. 60479	Nov. 12, 1976
Kentucky	Carter	Grayson, city of	H 210051A 01 through H 210051A 02	Mayor, City Hall, Grayson, Ky. 41143	Jan. 7, 1977
Louisiana	Allen Parish	Kinder, town of	H 230010B 01	Mayor, Town Hall Building, Kinder, La. 70048	Feb. 1, 1974
Maine	Washington	Alexander, town of	H 230090A 01 through H 230090A 15	1st Selectman, Pleasant Lake Camp Ground, Alexander, Maine No zip code	Nov. 5, 1976
Do	Aroostook	Crystal, town of	H 230421A 01 through H 230421A 12	Town Manager, RFD No. 1, Island Falls, Maine No. zip code	Dec. 8, 1974
Do	Cumberland	Harrison, town of	H 230049A 01 through H 230049A 15	Selectman, Town Hall, Harrison, Maine 04040	Nov. 12, 1976
Do	Washington	Jonesport, town of	H 230138A 01 through H 230138A 22	Selectman, Town Hall, W. Jonesport, Jonesport, Maine 04649	June 21, 1974

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Franklin	New Sharon, town of	H 230059A 01 through H 230059A 17.	Chairman, Board of Selectmen, Cope Cod Hill, New Sharon, Maine 04955.	June 21, 1974
Do	do	Temple, town of	H 230062A 01 through H 230062A 12.	First Selectman, RFD Box 44, Temple, Maine 04984.	Nov. 12, 1976
Do	Aroostook	Woodland, town of	H 230040A 01 through H 230040A 12.	Selectman, Town Hall, Woodland, Maine 04604.	Dec. 6, 1974
Massachusetts	Middlesex	Acton, town of	H 250176A 01 through H 250176A 08.	Selectman, Town Hall, P.O. Box 236, Acton, Mass. 01729.	Nov. 12, 1976
Do	Berkshire	Great Barrington, town of	H 250024A 01 through H 250024A 12.	Selectman, Town Hall, 334 Main Street, Great Barrington, Mass. 01230.	July 26, 1974
Do	Middlesex	Hudson, town of	H 250197A 01 through H 250197A 07.	Selectman, Main St., Hudson, Mass. 01749.	Nov. 12, 1976
Do	Essex	Middleton, town of	H 250094A 01 through H 250094A 06.	Selectman, Town Hall, S. Main St., Middleton, Mass. 01949.	Dec. 6, 1974
Do	do	Rowley, town of	H 250101A 01 through H 250101A 08.	Secretary, Board of Selectmen, Town Hall, Rowley, Mass. 01969.	Nov. 12, 1976
Mississippi	Hinds	Clinton, city of	H 280071A 01 through H 280071A 04.	Mayor, P.O. Box 156, Clinton, Miss. 39056.	June 14, 1974
Missouri	Pike	Frankford, city of	H 290093 01.	Mayor, City Hall, Frankford, Mo. 63441.	Nov. 12, 1976
New Hampshire	Coos	Carroll, town of	H 330030A 01 through H 330030A 19.	Chairman, Board of Selectmen, Office of the Selectmen for Carroll, N.H., Twin Mountain, N.H. 03595.	Jan. 24, 1975
Do	Rockingham	Deerfield, town of	H 330127A 01 through H 330127A 19.	Selectman, Town Hall, Deerfield, N.H. 03337.	Nov. 12, 1976
Do	Merrimack	Epsom, town of	H 330112A 01 through H 330112A 12.	Selectman, Town Hall, Epsom, N.H. 03234.	Mar. 15, 1974
Do	Carroll	Tamworth, town of	H 330018A 01 through H 330018A 17.	Chairman, Board of Selectmen, Office of the Selectmen, Tamworth, N.H. 03886.	Nov. 12, 1976
New Jersey	Burlington	Beverly, city of	H 340080B 01.	Mayor, Broad St., Beverly, N.J. 08010.	June 4, 1976
Do	Morris	Mine Hill, township of	H 340556A 01.	Mayor, Baker St., Mine Hill, N.J. 07801.	June 21, 1974
New York	Allegany	Bolivar, village of	H 360026A 01.	Mayor, P.O. Box 320, Bolivar, N.Y. 14715.	Do.
Do	Warren	Horicon, town of	H 360574A 01 through H 360574A 19.	Town Supervisor, Town Hall, Brant Lake, N.Y. 12815.	Do.
Do	do	Lake Luzerne, town of	H 360578A 01 through H 360578A 17.	Town Supervisor, 2143 Main St., Lake Luzerne, N.Y. 12846.	Do.
Do	Columbia	New Lebanon, town of	H 360176B 01 through H 360176B 03.	Supervisor, Town Hall, New Lebanon Center, N.Y. 12126.	July 30, 1976
Do	Westchester	Pelham, village of	H 360925B 01 through H 360925B 02.	Mayor, 195 Sparks Ave., Pelham, N.Y. 10803.	Apr. 12, 1974
Oklahoma	Pottawatomie	Teemseh, city of	H 400179A 01 through H 400179A 06.	City Manager, 114 North Broadway, Teemseh, Okla. 74873.	Nov. 12, 1976
Oregon	Lane	Oakridge, city of	H 410136A 01.	City Administrator, City Hall, Oakridge, Ore. 97463.	May 10, 1974
Pennsylvania	Washington	Cross Creek, township of	H 422145A 01 through H 422145A 03.	Chairman, R.D. 3, Knox Hill, Aella, Pa. 15312.	Nov. 12, 1976
Do	York	Dover, township of	H 420020A 01 through H 420020A 13.	Chairman, 4747 Carlisle Rd., Dover, Pa. 17315.	Feb. 1, 1974
Do	do	Glen Rock, borough of	H 420624A 01.	Borough Manager, 115 Hayward Heights, Glen Rock, Pa. 17327.	Nov. 12, 1976
Do	Luzerne	Harveys Lake, borough of	H 420009A 01 through H 420009A 04.	Mayor, Borough Hall, Harveys Lake, Pa. 18618.	Dec. 28, 1973
Do	Lebanon	Jonestown, borough of	H 420572A 01 through H 420572A 02a.	Mayor, Borough Hall, Jonestown, Pa. 17038.	Nov. 12, 1976
Do	Chester	Kennett Square, borough of	H 420280B 01.	Borough Manager, Corner E. and Linden and North Broad Street, Kennett Square, Pa. 19348.	Mar. 30, 1973
Do	Allegheny	Leet, township of	H 421075B 01.	Chairman, 309 Ambridge Ave., Ambridge, Pa. 15003.	May 21, 1976
Do	Snyder	Middleburg, borough of	H 420807A 01.	Mayor, 13 North St., Middleburg, Pa. 17842.	Dec. 28, 1973
Do	Cumberland	Monroe, township of	H 420364A 01 through H 420364A 11.	Chairman, R.D. 1, Box 461, Mechanicsburg, Pa. 17055.	Nov. 12, 1976
Do	Cambria	Nanty Glo, borough of	H 422610A 01.	Mayor, Chestnut St., Nanty Glo, Pa. 15943.	Nov. 12, 1976
Do	Luzerne	Nescopeck, borough of	H 420618A 01.	Mayor, Borough Hall, Nescopeck, Pa. No zip code.	Oct. 12, 1973
Do	York	Railroad, borough of	H 420935A 01.	President, 350 West Railroad Ave., Railroad, Pa. 17355.	Aug. 9, 1974
Do	Cumberland	Silver Spring, township of	H 420370A 01 through H 420370A 17.	Chairman, 317 Carlisle Pike, Mechanicsburg, Pa. 17055.	Nov. 12, 1976
Do	do	Upper Allen, township of	H 420372B 01 through H 420372B 03.	Township Manager, Box 51, Grantham, Pa. 17827.	May 11, 1973
South Dakota	Pennington	Keystone, town of	H 460231 01 through H 460231 03.	President, Town Hall, Keystone, S. Dak. 57751.	Nov. 12, 1976
Do	Lincoln	Lennox, city of	H 460192A 01.	Mayor, City Hall, Lennox, S. Dak. 57039.	Jan. 7, 1977
Do	Lyman	Oacoma, town of	H 460128 01.	Town President, Town Hall, Oacoma, S. Dak. 57365.	May 3, 1974
Tennessee	Gibson	Trenton, city of	H 470062A 01 through H 470062A 03.	Mayor, 309 College St., Trenton, Tenn. 38382.	Nov. 12, 1976
Vermont	Windsor	West Windsor, town of	H 500301A 01 through H 500301A 08.	Town Clerk, Town Clerk's Office, Town of West Windsor, Brownville, Vt. 05037.	Feb. 28, 1975
Washington	King	Bothell, city of	H 530075A 01 through H 530075A 04.	City Manager, City Hall, Bothell, Wash. 98011.	Nov. 12, 1976
Do	Franklin	Connell, town of	H 530280A 01.	Mayor, P.O. Box 187, Connell, Wash. 99326.	July 11, 1975
Wisconsin	Ozaukee	Cedarburg, city of	H 550032A 01.	Mayor, P.O. Box 41, Cedarburg, Wis. 53012.	Dec. 28, 1973
Do	Columbia	Portage, city of	H 550063A 01 through H 550063A 03.	Mayor, 115 West Pleasant St., Portage, Wis. 53091.	May 3, 1974

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Arizona	Yuma	Yuma, city of	H 040102A 01 through H 040102A 04	Mayor, 180 First St., Yuma, Ariz. 85364	Apr. 12, 1974
Colorado	El Paso	Palmer Lake, town of	H 080065A 01 through H 080065A 02	Mayor, P.O. Box 208, Palmer Lake, Colo. 70133	Nov. 19, 1976
Connecticut	Windham	Ashford, town of	H 090165A 01 through H 090165A 13	Selectman, Town Hall, Box 38, Warrenville, Conn. 06278	Nov. 19, 1976
Do	Litchfield	Bantam, borough of	H 090043A 01	c/o Clerk, Bantam, Conn. 06750	Nov. 8, 1974
Do	Hartford	Glastonbury, town of	H 090124A 01 through H 090124A 16	Clerk, 2108 Main St., Glastonbury, Conn. 06033	Sept. 13, 1976
Do	New London	Waterford, town of	H 090107A 01 through H 090107A 22	Mayor, Town Hall, Waterford, Conn. 06384	Nov. 19, 1976
Do	Windham	Windham, town of	H 090119A 01 through H 090119A 09	Selectman, Town Hall, P.O. Box 94, Willimantic, Conn. 06226	Apr. 12, 1974
Do	New Haven	Woodbridge, town of	H 090153A 01 through H 090153A 08	Clerk, 11 Meetinghouse Lane, Woodbridge, Conn. 06525	Nov. 19, 1976
Florida	Lake	Fruitland Park, city of	H 120387A 01 through H 120387A 02	City Manager, P.O. Box 158, Fruitland, Park, Fla. 32731	June 28, 1974
Idaho	Cassia	Oakley, town of	H 160045A 01 through H 160045A 02	Mayor, P.O. Box 266, Oakley, Idaho 83346	Nov. 19, 1976
Illinois	Lake	Lincolnshire, village of	H 170378A 01 through H 170378A 02	Professional Engineer, 1374 Old Skokie Rd., Highland Park, Ill. 60035	Oct. 18, 1974
Do	Tazewell	Morton, village of	H 170652A 01 through H 170652A 07	Village President, 131 South Plum Ave., Morton, Ill. 61550	Nov. 9, 1973
Do	Cook	Sauk Village, village of	H 170157B 01 through H 170157B 02	Executive Assistant, 22272 Cornell, Sauk Village, Ill. 60411	Nov. 19, 1976
Do	Vernon	Tilton, village of	H 170670A 01	Village President, 121 West Fifth St., Tilton, Ill. 61832	May 31, 1974
Indiana	Henry	Knightsdown, town of	H 180030B 01	Town Attorney, First National Bank Building, Knightsdown, Ind. 46148	Nov. 19, 1976
Iowa	Dubuque and Jones	Cascade, city of	H 190117B 01 through H 190117B 02	Mayor, City Hall, 320 First Ave. West, Cascade, Iowa 52303	Dec. 26, 1976
Do	Cerro Gordo	Rock Falls, city of	H 190351A 01	Mayor, City Hall, Rock Falls, Iowa 50467	Nov. 19, 1976
Kentucky	Trimble	Unincorporated areas	H 210300A 01 through H 210300A 16	County Judge, Courthouse, Bedford, Ky. 40006	Jan. 14, 1977
Louisiana	Webster Parish	Cotton Valley, town of	H 220322A 01	Mayor, Town Hall, Cotton Valley, La. 71018	Do.
Maine	York	Alfred, town of	H 230191A 01 through H 230191A 13	Chairman, Board of Selectman, Town Office, Alfred, Maine 04002	Feb. 21, 1975
Do	Franklin	Avon, town of	H 230345A 01 through H 230345A 12	Selectman, Town Hall, Avon, Maine 04966	Nov. 19, 1976
Do	Somerset	Harmony, town of	H 230360A 01 through H 230360A 12	First Selectman, RFD, #1, Box 91, Harmony, Maine 04942	Jan. 14, 1977
Do	Aroostook	Houlton, town of	H 230621A 01 through H 230621A 15	Selectman, Town Hall, 67 Court St., Houlton, Maine 04730	Apr. 18, 1975
Do	Penobscot	Hudson, town of	H 230392A 01 through H 230392A 12	Selectman, Town Hall, Hudson, Maine 04449	Nov. 19, 1976
Do	Washington	Machiasport, town of	H 230141A 01 through H 230141A 07	Selectman, Town Hall, Machiasport, Maine 04655	Jan. 14, 1977
Do	York	Old Orchard Beach, town of	H 230153A 01 through H 230153A 04	Town Manager, Town Hall, Old Orchard Beach, Maine 04064	July 19, 1974
Do	Cumberland	Standish town of	H 230207A 01 through H 230207A 26	Code Enforcement Officer, P.O. Box 293, Standish, Maine 04084	Nov. 19, 1976
Maryland	Frederick	Middletown, town of	H 240162A 01	Mayor, Town Hall, Middletown, Md. 21769	Aug. 23, 1974
Do	Cecil	Rising Sun, town of	H 240158A 01	Mayor, Town Hall, Rising Sun, Md. 21911	Nov. 19, 1976
Do	Washington	Smithsburg, town of	H 240124A 01	Mayor, Town Hall, Smithsburg, Md. 21783	Jan. 14, 1977
Massachusetts	Middlesex	Cambridge, city of	H 250186A 01 through H 250186A 03	Assistant Planner, 57 Inman St., Cambridge, Mass. 02139	Do.
Do	Worcester	Charlton, town of	H 250299A 01 through H 250299A 16	Selectman, Town Hall, Main St., Charlton, Mass. 01507	June 21, 1974
Do	Hampden	Chester, town of	H 250136A 01 through H 250136A 13	Selectman, Town Hall, Middlefield St., Chester, Mass. 01011	Nov. 19, 1976
Do	Berkshire	Clarksburg, town of	H 250020A 01 through H 250020A 06	Selectman, Route 19, Clarksburg, Mass.	July 26, 1974
Do	Bristol	Easton, town of	H 250053A 01 through H 250053A 04	Selectman, Town Hall, Drawer "0", 135 Elm St., Easton, Mass. 02356	Nov. 19, 1976
Do	Worcester	Mendon, town of	H 250216A 01 through H 250216A 07	Selectman, Main St., Mendon, Mass. 01756	Sept. 20, 1974
Do	Hampden	Russell, town of	H 250148A 01 through H 250148A 08	Selectman, Main St., Russell, Mass. 01071	Nov. 19, 1976
Do	Barnstable	Sandwich, town of	H 250112A 01 through H 250112A 15	Selectman, Town Hall, Sandwich, Mass. 02563	June 28, 1976
Do	Norfolk	Sharon, town of	H 250252A 01 through H 250252A 12	Selectman, Town Hall, Sharon, Mass. 02067	Nov. 19, 1976
Do	Middlesex	Shirley, town of	H 250213A 01 through H 250213A 07	Selectman, Town Hall, Lancaster Rd., Shirley, Mass. 01464	Oct. 18, 1974
Do	do	Winchester, town of	H 250228A 01 through H 250228A 04	Selectman, Town Hall, 71 Mount Vernon St., Winchester, Mass. 01890	June 28, 1974
Michigan	Newaygo	Big Prairie, township of	H 260465A 01 through H 260465A 04	Township Supervisor, R. 3, Box 134, White Cloud, Mich. 49349	Nov. 19, 1976
Do	Grand Traverse	Fife Lake, township of	H 260465A 01 through H 260465A 12	Township Supervisor, Fife Lake, Mich. 49633	Jan. 14, 1977
Do	Genesee	Mt. Morris, city of	H 260626A 01	Mayor, 11649 Saginaw St., Mt. Morris, Mich. 48458	Do.
Do	St. Joseph	Nottawa, township of	H 260514A 01 through H 260514A 11	Supervisor, R. 3, Sturgis, Mich. 49001	Do.
Do	Eaton	Oneida, township of	H 260070A 01 through H 260070A 11	Supervisor, 5892 Mt. Hope Highway Grand Ledge, Mich. 48837	Do.
Do	Alger	Onota, township of	H 260345A 01 through H 260345A 08	Township Supervisor, Deerton, Mich. 49882	Do.
Do	Oakland	Rochester, city of	H 260326A 01 through H 260326A 02	City Manager, P.O. Box 10, Rochester, Mich. 48033	Apr. 11, 1975
Do	Saginaw	St. Charles, village of	H 260593A 01 through H 260593A 02	Village Clerk, 621 Delle Avenue, St. Charles, Mich. 48655	Nov. 19, 1976
Minnesota	Otter Trail	Fergus Falls, city of	H 270337A 01 through H 270337A 04	Mayor, 112 Washington Ave., Fergus Falls, Minn. 56537	Oct. 8, 1976
Do	Fillmore	Whalan, city of	H 270133A 01	Mayor, City Hall, Whalan, Minn. 55986	Nov. 19, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Mississippi	Bolivar	Benoit, town of	H 280013A 01	Mayor, Preston St., Box 117, Benoit, Miss. 38725	May 24, 1974
Do.	Waltham	Tylertown, town of	H 280175A 01	Mayor, P.O. Box 191, Tylertown, Miss. 39667	June 28, 1974
New Hampshire	Hillsborough	Bedford, town of	H 330083A 01 through H 330083A 09	Selectman, Town Hall, Bedford, N.H. 30102	Mar. 29, 1974
Do.	Rockingham	Candia, town of	H 330126A 01 through H 330126A 04	Selectman, Town Hall, Candia, N.H. 03034	Nov. 19, 1976
Do.	Belknap	Laconia, city of	H 330005A 01 through H 330005A 10	Selectman, City Hall, Laconia, N.H. 03246	Feb. 21, 1975
Do.	Grafton	Landaff, town of	H 330060A 01 through H 330060A 10	Selectman, Town Hall, Lisbon, N.H. 03585	Nov. 19, 1976
Do.	Cheshire	Marlborough, town of	H 330024A 01 through H 330024A 14	Selectman, Town Hall, Marlborough, N.H. 03455	Dec. 6, 1974
Do.	Hillsborough	New Ipswich, town of	H 330099A 01 through H 330099A 12	Selectman, Town Hall, New Ipswich, N.H. 03071	Nov. 19, 1976
Do.	Rockingham	Nottingham, town of	H 330137A 01 through H 330137A 17	Selectman, Town Hall, Nottingham, N.H. 03290	Dec. 13, 1974
Do.	Sullivan	Plainfield, town of	H 330162A 01 through H 330162A 20	Selectman, Town Hall, Meriden, N.H. 03770	Nov. 19, 1976
Do.	Strafford	Somersworth, city of	H 330151A 01 through H 330151A 06	Mayor, City Hall, Somersworth, N.H. 03878	Feb. 21, 1975
Do.	Merrimack	Wilmot, town of	H 330124A 01 through H 330124A 13	Chairman, Board of Selectman, Town Hall, Wilmot, N.H. 03287	Nov. 19, 1976
Do.	Hillsborough	Wilton, town of	H 330102A 01 through H 330102A 08	Selectman, Town Hall, Wilton, N.H. 30386	Apr. 5, 1974
New Jersey	Burlington	Burlington, township of	H 340090A 01 through H 340090A 05	Mayor, Route 130 and Stevens Dr., Burlington, N.J. 08016	Nov. 19, 1976
Do.	Cumberland	Millville, city of	H 340173A 01 through H 340173A 12	Mayor, City Hall, Millville, N.J. 08332	Do.
Do.	Burlington	Mount Holly, township of	H 340106A 01	Councilman, 25 Washington St., Mt. Holly, N.J. 08060	Apr. 20, 1973
Do.	Hunterdon	Union, township of	H 340242A 01 through H 340242A 07	Mayor, R.D. 1, Pattenburg, Asbury, N.J. 08802	Nov. 19, 1976
New York	Monroe	East Rochester, village of	H 360414A 01 through H 360414A 02	Mayor, 317 Main St., East Rochester, N.Y. 14455	July 19, 1974
Do.	Wayne	Galen, town of	H 361235A 01 through H 361235A 06	Supervisor, R.D. 2, Clyde, N.Y. 14433	Nov. 19, 1976
Do.	Saratoga	Galway, town of	H 360716C 01 through H 360716C 12	Supervisor, Box 226, Galway, N.Y. 12074	Aug. 13, 1976
Do.	Orange	Port Jervis, city of	H 360076A 01 through H 360076A 03	Building Inspector, 20 Hammond St., Port Jervis, N.Y. 12771	Dec. 26, 1975
Do.	Niagara	Porter, town of	H 360510A 01 through H 360510A 10	Supervisor, 120 Lockport St., Youngstown, N.Y. 14174	June 14, 1974
Do.	Ontario	Shortsville, village of	H 360055B 01	Planner, 120 North Main St., Canandaigua, N.Y. 14424	Nov. 19, 1976
North Carolina	Rowan	Salisbury, city of	H 370215A 01 through H 370215A 05	Mayor, P.O. Box 479, Salisbury, N.C. 28144	Mar. 1, 1974
Ohio	Wyandot	Nevada, village of	H 390722A 01	Mayor, Village Hall, Nevada, Ohio 44849	Nov. 19, 1976
Oklahoma	Canadian	Union City, town of	H 400334A 01 through H 400334A 25	Mayor, Town Hall, P.O. Box 57, Union City, Okla. 73090	Feb. 22, 1974
Pennsylvania	Westmoreland	Cook, township of	H 422186A 01 through H 422186A 06	Chairman, R.D. 4, Ligonier, Pa. 15658	Nov. 19, 1976
Do.	Chester	East Fallowfield, township of	H 421479A 01 through H 421479A 03	Township Supervisor, R.D. 1, Coatesville, Pa. 19320	Jan. 14, 1977
Do.	Lebanon	East Hanover, township of	H 421012A 01 through H 421012A 12	Chairman, R.D. 2, Annville, Pa. 17003	Aug. 31, 1973
Do.	Cumberland	Lemoyne, borough of	H 420361A 01 through H 420361A 02	President of Council, 741 Walnut St., Lemoyne, Pa. 17043	Nov. 19, 1976
Do.	Lancaster	Lititz, borough of	H 420554A 01 through H 420554A 03	President, Seven South Broad St., Lititz, Pa. 17543	Jan. 14, 1977
Do.	Lycoming	Lycoming, township of	H 420644B 01 through H 420644B 05	Township Secretary, R.D. No. 2, Box 224, Cogan Station, 17728	Mar. 8, 1976
Do.	Cumberland	Mechanicsburg, borough of	H 420362A 01 through H 420362A 03	Mayor, 36 West Main St., Mechanicsburg, Pa. 17055	Nov. 19, 1976
Do.	Northumberland	Mount Carmel, borough of	H 420738A 01	Mayor, 50 North Oak St., Mt. Carmel, Pa. 17851	Jan. 9, 1974
Do.	Lebanon	North Annville, township of	H 420970A 01 through H 420970A 07	Chairman, R.D. 2, Box 157, Annville, Pa. 17003	Nov. 19, 1976
Do.	Montgomery	Schwensville, borough of	H 421905B 01 through H 421905B 02	Mayor, 700 Main St., Schwensville, Pa. 19473	May 21, 1976
Tennessee	Sequatchie	Dunlap, city of	H 470270A 01 through H 470270A 12	Mayor, P.O. Box 546, Dunlap, Tenn. 37327	Oct. 25, 1974
Do.	Chester	Henderson, city of	H 470025A 01 through H 470025A 02	Mayor, P.O. Box 68, Henderson, Tenn. 38340	Nov. 19, 1976
Do.	Weakley	Martin, city of	H 470202A 01 through H 470202A 03	Mayor, P.O. Box 290, Martin, Tenn. 38237	Jan. 14, 1977
Texas	Cooke	Gainesville, city of	H 480154A 01 through H 480154A 05	Mayor, City Hall, 200 South Rusk, P.O. Drawer J, Gainesville, Tex. 76240	Mar. 1, 1974
Do.	Harris	Galena Park, city of	H 480283A 01 through H 480283A 02	Mayor, P.O. Box 46, Galena Park, Tex. 77547	Nov. 19, 1976
Do.	Harris	Hilshire Village, city of	H 480295A 01	Mayor, P.O. Box 55233, Hilshire Village, Tex. 77055	Feb. 15, 1974
Do.	Anderson	Palestine, city of	H 480004A 01 through H 480004A 06	Mayor, City Hall, 504 North Queen St., P.O. Drawer Z, Palestine, Tex. 75801	Nov. 19, 1976
Do.	Hale	Plainview, city of	H 480275A 01 through H 480275A 07	Mayor, 901 Broadway, P.O. Box 520, City Hall, Plainview, Tex. 79072	Feb. 15, 1974
Vermont	Windsor	Barnard, town of	H 500292A 01 through H 500292A 12	Selectman, Town Hall, Barnard, Vt. 05031	Nov. 19, 1976
Do.	Rutland	Brandon, town of	H 500090A 01 through H 500090A 12	Selectman, Town Hall, Brandon, Vt. 05773	Sept. 6, 1974
Do.	Orleans	Charleston, town of	H 500083A 01 through H 500083A 12	Selectman, Town Hall, Charleston, Vt. 05672	Nov. 19, 1976
Do.	do	Derby, town of	H 500248A 01 through H 500248A 17	Selectman, Town Hall, Derby, Vt. 05829	Aug. 9, 1974
Do.	Washington	East Montpelier, town of	H 500111A 01 through H 500111A 13	Selectman, Town Hall, East Montpelier, Vt. 05651	Nov. 19, 1976
Do.	Chittenden	Jericho, town of	H 500037A 01 through H 500037A 13	Selectman, Town Hall, Jericho, Vt. 05405	June 14, 1974
Do.	Rutland	Mendon, town of	H 500095A 01 through H 500095A 14	Selectman, Town Hall, Rutland, Vt. 05701	Nov. 19, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Wisconsin	Calumet	Chilton, city of	H 550037B 01	City Attorney, Box 162, 16 West Main, Chilton, Wis. 53014	May 21, 1976
Do.	Sauk	Merrimac, village of	H 550038B 01	Village President, Village Hall, Merrimac, Wis. 53661	Apr. 12, 1974 Nov. 19, 1976 Aug. 20, 1976 Dec. 28, 1973 Nov. 19, 1976
California	Santa Clara	Los Altos Hills, town of	H 060342A 01 through H 060342A 04	Mayor, 26376 Fremont Rd., Los Altos Hills, Calif. 94022	May 24, 1974 Nov. 26, 1976
Connecticut	New Haven	Branford, town of	H 090073A 01 through H 090073A 16	Clerk, Town Hall, Main St., P.O. Box 150, Branford, Conn. 06405	July 26, 1974 Nov. 26, 1976
Do.	Windham	Eastford, town of	H 090115A 01 through H 090115A 12	Selectman, Town Hall, Westford Rd., Eastford, Conn. 06242	Mar. 13, 1974 Nov. 26, 1976
Do.	New London	Franklin, town of	H 090154A 01 through H 090154A 08	Selectman, Town Hall, R.F.D. No. 1, North Franklin, Conn. 06254	Nov. 26, 1976
Do.	Hartford	Granby, town of	H 090125A 01 through H 090125A 14	Selectman, Town Hall, 15 North Granby Rd., Granby, Conn. 06035	Nov. 26, 1976
Do.	New Haven	Wolcott, town of	H 090093A 01 through H 090093A 08	Clerk, 10 Kenea Ave., Wolcott, Conn. 06716	May 3, 1974
Florida	Polk	Dundee, town of	H 120409A 01 through H 120409A 04	Mayor, P.O. Drawer A, Dundee, Fla. 33838	Jan. 21, 1977
Illinois	Jo Daviess	East Dubuque, city of	H 170752A 01	Mayor, 193 Sinsinawa Ave., East Dubuque, Ill. 61025	Do.
Indiana	Marion	Lawrence, city of	H 180160A 01 through H 180160A 07	Mayor, 4455 McCoy St., Lawrence, Ind. 46226	Do.
Maine	Hancock	Gouldsboro, town of	H 230283A 01 through H 230283A 25	Selectman, Town Hall, Gouldsboro, Maine 04636	Do.
Do.	Penobscot	Kenduskeag, town of	H 230108A 01 through H 230108A 06	First Selectman, R.F.D. No. 4, Box 139, Bangor, Maine 04401	Nov. 1, 1974 Nov. 26, 1976
Maryland	Montgomery	Barnesville, town of	H 240094A 01	President of Council, Box 313, Barnesville, Md. 20703	Jan. 21, 1977
Do.	Worcester	Berlin, town of	H 240111A 01	Mayor, P.O. Box 7, Berlin, Md. 21811	Do.
Do.	Dorchester	Hurlock, town of	H 240112A 01 through H 240112A 02	Mayor, P.O. Box 327, Hurlock, Md. 21643	Do.
Do.	Wicomico	Willards, town of	H 240082A 01 through H 240082A 02	Mayor, Town Hall, Willards, Md. 21874	Do.
Do.	Frederick	Woodstock, town of	H 240053A 01	Town Commissioners, P.O. Box 88, Woodstock, Md. 21798	Do.
Massachusetts	Norfolk	Franklin, town of	H 250240A 01 through H 250240A 10	Chairman, Planning Board, Town Hall, West Central St., Franklin, Mass. 02038	Sept. 20, 1974 Nov. 26, 1976
Do.	Plymouth	Rochester, town of	H 250280 01 through H 250280 12	Administrative Clerk, Town Hall, Rochester, Mass. 02770	July 19, 1974 Nov. 26, 1976
Do.	Middlesex	Somerville, city of	H 250214A 01 through H 250214A 03	Mayor, City Hall, Highland Ave., Somerville, Mass. 02143	July 26, 1974 Nov. 26, 1976
Do.	do.	Tyngsborough, town of	H 250220A 01 through H 250220A 08	Selectman, Town Hall, Kendall Rd., Tyngsborough, Mass. 01879	Aug. 2, 1974 Nov. 26, 1976
Michigan	Leelanau	Leelanau, township of	H 260114A 01 through H 260114A 24	Township Supervisor, Leelanau Township Office, Northport, Mich. 49670	Dec. 6, 1974 Nov. 26, 1976
Minnesota	Rice	Fairbault, city of	H 270404B 01 through H 270404B 04	Mayor, 208 1st Ave., NW., Fairbault, Minn. 55021	Jan. 21, 1977
Do.	Jackson	Unincorporated areas	H 270632A 01 through H 270632A 42	Zoning Administrator, Box 64, Jackson, Minn. 56143	Mar. 21, 1975 Nov. 26, 1976
Do.	St. Louis	Mountain Iron, city of	H 270424A 01 through H 270424A 45	Mayor, Box 505, Mountain Iron, Minn. 55768	May 24, 1974 Nov. 26, 1976
Mississippi	DeSoto	Hernando, city of	H 280292A 01 through H 280292A 02	Mayor, 70 Highway 51 North, Hernando, Miss. 38632	Jan. 21, 1977
Missouri	Montgomery	Rhineland, village of	H 290243A 01	Mayor, Village Hall, P.O. Box 385, Rhineland, Mo. 65069	Do.
New Hampshire	Carroll	Sandwich, town of	H 330017A 01 through H 330017A 30	Selectman, Town Hall, Center Sandwich, N.H. 03227	July 26, 1974 Nov. 26, 1976
Do.	Rockingham	Seabrook, town of	H 330143A 01 through H 330143A 05	Selectman, Town Hall, Seabrook, N.H. 03874	Aug. 2, 1974 Nov. 26, 1976
Do.	Cook	Whitfield, town of	H 330040A 01 through H 330040A 11	Selectman, Town Hall, Whitfield, N.H. 03598	July 26, 1974 Nov. 26, 1976
Do.	Sullivan	Unity, town of	H 330165A 01 through H 330165A 12	Selectman, Town Hall, Unity, N.H. 03743	May 31, 1974 Nov. 26, 1976
Do.	Merrimack	Sutton, town of	H 330122A 01 through H 330122A 15	Selectman, Town Hall, Sutton, N.H. 03221	June 28, 1974 Nov. 26, 1976
New Jersey	Morris	Morristown, town of	H 340352B 01 through H 340352B 04	Mayor, 110 South St., Morristown, N.J. 07960	June 18, 1976 Feb. 1, 1974 Nov. 26, 1976
Do.	Warren	Phillipsburg, town of	H 340493A 01 through H 340493A 02	Mayor, 675 Corliss Ave., Phillipsburg, N.J. 08865	Apr. 14, 1974 Nov. 26, 1976
New Mexico	Curry	Clovis, city of	H 350010A 01 through H 350010A 11	Mayor, City Hall, 321 Connelly, Clovis, N. Mex. 38101	June 28, 1974 Nov. 26, 1976
New York	Madison	Chittenango, village of	H 360395A 01 through H 360395A 02	Mayor, 222 Genesee St., Chittenango, N.Y. 13037	Feb. 15, 1974 Nov. 26, 1976
Do.	Monroe	Mendon, town of	H 360423A 01 through H 360423A 09	Supervisor, 9 North Main St., Honeoye Falls, N.Y. 14472	Apr. 12, 1974 Nov. 26, 1976
Ohio	Hardin	Unincorporated areas	H 390250A 01 through H 390250A 32	County Commissioner, Courthouse, Kenton, Ohio 43326	Jan. 3, 1975 Nov. 26, 1976
Oklahoma	Oklahoma	Choctaw, city of	H 400357A 01 through H 400357A 10	Mayor, c/o Bill Rowton, City Manager, P.O. Box 567, Choctaw, Okla. 73020	Jan. 21, 1977
Do.	Osage	Pawhuska, city of	H 400152A 01 through H 400152A 02	City Attorney, Attorney at Law, Commerce Bldg., Pawhuska, Okla. 74056	Mar. 15, 1974 Nov. 26, 1976
Oregon	Morrow	Lexington, town of	H 410178A 01	Mayor, City Hall, Lexington, Ore. 97839	Sept. 6, 1974 Nov. 26, 1976
Do.	Marion	Turner, city of	H 410171A 01	Mayor, City Hall, Turner, Ore. 97392	Jan. 10, 1974 Nov. 26, 1976
Pennsylvania	Lancaster	East Cocalico, township of	H 420547A 01 through H 420547A 11	Chairman, R.F.D. 2, Stevens, Pa. 17578	Feb. 1, 1974 Nov. 26, 1976
Do.	Wyoming	Eaton, township of	H 420909A 01 through H 420909A 15	Chairman, R.F.D. 5, Tunkhannock, Pa. 18657	Jan. 9, 1974 Nov. 26, 1976
Do.	Lackawanna	Ransom, township of	H 420537A 01 through H 420537A 11	Chairman, Ransom, Pa. 18653	May 10, 1974 Nov. 26, 1976
Do.	Bucks	Tinicum, township of	H 420305A 01 through H 420305A 11	Chairman, Board of Supervisors, Erwinna, Pa. 18920	Mar. 9, 1973 Nov. 26, 1976
Do.	Schuylkill	Tremont, borough of	H 420791A 01 through H 420791A 03	Mayor, Borough Building, Tremont, Pa. 17981	Feb. 22, 1974 Nov. 26, 1976
Do.	Northumberland	Watsontown, borough of	H 420746A 01	Mayor, P.O. Box 273, Watsontown, Pa. 17777	Mar. 8, 1974 Nov. 26, 1976

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South Dakota	Custer	Hermosa, town of	H 460230A 01	Town President, Town Hall, Hermosa, S. Dak. 57744	Jan. 21, 1977
Vermont	Orange	Bradford, village of	H 500234A 01	Clerk, Village Hall, Bradford, Vt. 05033	Oct. 25, 1974
Do	Essex	Brighton, town of	H 500205A 01 through H 500205A 21	Selectman, Town Hall, Brighton, Vt. No ZIP code	Nov. 26, 1976
Do	Lamoille	Cambridge, village of	H 500228A 01 through H 500228A 02	Clerk, Village Hall, Cambridge, Vt. 05444	Sept. 20, 1974
Do	Essex	Concord, town of	H 500207A 01 through H 500207A 21	Selectman, Town Hall, Concord, Vt. 05824	Nov. 26, 1976
Do	Lamoille	Johnson, village of	H 500232A 01	President, Village Office, Johnson, Vt. 05656	Sept. 30, 1974
Do	Essex	Lemington, town of	H 500212A 01 through H 500212A 12	Town Clerk, Lemington Planning Board, R.F.D. No. 2, Colebrook, Vt. 03576	Nov. 26, 1976
Do	Bennington	Sunderland, town of	H 500221A 01 through H 500221A 12	Selectman, R.F.D. No. 2, Sunderland, Vt. 05250	Nov. 26, 1976
Do	Franklin	Swanton, village of	H 500230A 01	Selectman, Village Hall, Swanton, Vt. 05488	Feb. 1, 1974
Do	Orleans	Troy, town of	H 500289A 01 through H 500289A 15	Chairman, Town Hall, Troy, Vt. 05808	Nov. 26, 1976
Wisconsin	Calumet	Unincorporated areas	H 550305A 01 through H 550305A 26	County Clerk, 206 Court St., Chilton, Wis. 53014	July 26, 1974
Do	Milwaukee	Hales Corner, village of	H 550324A 01	Village President, 5635 South New Berlin Rd., Hales Corner, Wis. 53130	Nov. 26, 1976
Wyoming	Platte	Chugwater, town of	H 560011A 01 through H 560011A 02	Mayor, Town Hall, Chugwater, Wyo. 82210	Dec. 13, 1974
Alabama	Winston	Double Springs, town of	H 010350A 01 through H 010350A 02	Mayor, P.O. Box 276, Double Springs, Ala. 35553	Nov. 26, 1976
Do	Greene	Unincorporated areas	H 010501A 01 through H 010501A 54	Branch Probate Judge, Box 656, Eufaula, Ala. 35462	Jan. 28, 1977
Do	Shelby	Montevallo, city of	H 010349A 01 through H 010349A 02	Mayor, 53 South Main St., Montevallo, Ala. 35115	Do.
Do	Baldwin	Robertsdale, city of	H 010222A 01 through H 010222A 02	Mayor, P.O. Box C C, Robertsdale, Ala. 36567	Do.
California	Los Angeles	Rancho Palos Verdes, city of	H 060164A 01 through H 060164A 07	Mayor, 31244 Palos Verdes Drive West, Rancho Palos Verdes, Calif. 90274	Do.
Colorado	Otero	La Junta, city of	H 080133A 01 through H 080133A 02	Mayor, City Hall, 6th and Colorado Aves., La Junta, Colo. 81059	Apr. 12, 1974
Do	Morgan	Wiggins, city of	H 080204A 01 through H 080204A 02	Mayor, Town Hall, Wiggins, Colo. 80654	Dec. 3, 1976
Connecticut	Middlesex	Deep River, town of	H 090062A 01 through H 090062A 07	Mayor, Town Hall, Wiggins, Colo. 80654	Jan. 28, 1977
Do	Hartford	Marlborough, town of	H 090148A 01 through H 090148A 10	Clerk, Town Hall, Main St., Deep River, Conn. 06417	Dec. 28, 1973
Do	Tolland	Somers, town of	H 090112A 01	Clerk, Route 66 and Main St., Rural Route 5, Marlborough, Conn. 06424	Dec. 3, 1976
Florida	Gilchrist	Unincorporated areas	H 120094A 01 through H 120094A 27	Chairman, Town Hall, Blue Ridge Dr., Somers, Conn. 06701	Aug. 2, 1974
Georgia	Polk	do	H 130256A 01 through H 130256A 23	Chairman, P.O. Box 37, Trenton, Fla. 32060	Dec. 3, 1976
Idaho	Bearlake	Paris, city of	H 160183A 01	Board of Commissioners, P.O. Box 268, Cedartown, Ga. 30125	Do.
Illinois	Lake	Fox Lake, village of	H 170362A 01 through H 170362A 03	P.E. Consulting Civil Engineer, 472 Jewell Ct., Montpelier, Idaho 83254	Sept. 19, 1975
Do	do	Hawthorn Woods, village of	H 170366A 01 through H 170366A 02	Trustee, 50 East Ernest Ave., Fox Lake, Ill. 60020	Dec. 3, 1976
Do	Scott	Unincorporated areas	H 170405A 01 through H 170405A 21	Planning Commission, P.O. Box 372, Hawthorn Woods, Ill. 60047	June 21, 1974
Massachusetts	Hampshire	Amherst, town of	H 250156A 01 through H 250156A 12	Chairman, County Courthouse, Winchester, Ill. 62694	Dec. 3, 1976
Maine	Lincoln	Dresden, town of	H 230084A 01 through H 230084A 15	Project Planner, Town Hall, Amherst, Mass. 01002	July 19, 1974
Do	Sagadahoc	Georgetown, town of	H 230209A 01 through H 230209A 14	Selectman, Town Hall, Dresden, Maine 04342	Dec. 3, 1976
Do	York	Kennebunkport, town of	H 230170A 01 through H 230170A 09	Selectman, Town Hall, Georgetown, Maine 04548	Sept. 20, 1974
Do	Penobscot	Newport, town of	H 230298A 01 through H 230298A 12	Building Inspector, P.O. Box 566, Kennebunkport, Maine 04046	Dec. 3, 1976
Do	Sagadahoc	Phippsburg, town of	H 230120A 01 through H 230120A 18	Selectman, Town Hall, Newport, Maine 04053	Jan. 28, 1977
Do	Kennebec	Sidney, town of	H 230247A 01 through H 230247A 17	Chairman of Phippsburg Planning Board, Star Route 4, Bath, Maine 04330	Oct. 25, 1974
Maryland	Wicomico	Fruitland, city of	H 240139A 01 through H 240139A 04	Chairman of Planning Board, Route 1, Oakland, Maine 04063	Dec. 3, 1976
Do	Caroline	Hillsboro, town of	H 240111A 01 through H 240111A 02	President, P.O. Box 111, Fruitland, Md. 21826	Jan. 28, 1977
Massachusetts	Essex	Georgetown, town of	H 250081A 01	President, P.O. Box 128, Hillsboro, Md. 21641	Do.
Do	Berkshire	Lennox, town of	H 250029A 01 through H 250029A 10	Conservation Committee, 81 Elm St., Georgetown, Mass. 01833	July 26, 1974
Do	Nantucket	Nantucket, town of	H 250230A 01 through H 250230A 26	Chairman, Planning Board, Office of the Planning Board, Lennox, Mass. 01240	Dec. 3, 1976
Do	Franklin	New Salem, town of	H 250123A 01 through H 250123A 22	Selectman, Broad St., Nantucket, Mass. 02554	Sept. 13, 1974
Do	Middlesex	Watertown, town of	H 250223A 01 through H 250223A 02	Chairman, Board of Selectman, Town Hall, New Salem, Mass. 01355	Dec. 3, 1976
Do	Barnstable	Wellfleet, town of	H 250014A 01 through H 250014A 02	Conservation Commission, 465 Arsenal St., Multiservice Center, Watertown, Mass. 02172	June 28, 1974
Nebraska	Kearney	Axtell, village of	H 310344A 01	Selectman, Town Hall, Wellfleet, Mass. 02607	Dec. 3, 1976
New Hampshire	Rockingham	New Castle, town of	H 330135A 01	Mayor, Axtell, Nebr. 68924	Apr. 23, 1974
Do	Belknap	New Hampton, town of	H 330007A 01 through H 330007A 17	Attorney, Town Hall, New Castle, N.H. 03854	May 31, 1976
Do	Coos	Stark, town of	H 330028A 01 through H 330028A 19	Selectman, Town Hall, New Hampton, N.H. 03256	Dec. 3, 1976
North Carolina	Columbus	Fair Bluff, town of	H 370067A 01 through H 370067A 06	Secretary, Planning Board, R.F.D. 1, Groveton, N.H. 03582	Nov. 29, 1974
Oklahoma	Harper	Buffalo, town of	H 400351A 01 through H 400351A 02	Mayor, Town Hall, P.O. Box 137, Fair Bluff, N.C. 28439	Dec. 17, 1973
Do	Grady	Minco, city of	H 400406A 01 through H 400406A 11	President, c/o Forrest Coggin, Town Superintendent, P.O. Box 429, Buffalo, Okla. 73834	Dec. 3, 1976
Oregon	Lane	Dunes City, city of	H 410262A 01 through H 410262A 04	Mayor, 202 Main St., P.O. Box 512, Minco, Okla. 73059	Jan. 28, 1977

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazards
Pennsylvania	Cumberland	Cooke, township of	H 422404A 01 through H 422404A 09	Chairman, R.F.D. 2, Gardners, Pa. 17324	Do.
Do.	Luzerne	Duryea, borough of	H 420603A 01 through H 420603A 06	Mayor, 315 Main St., Duryea, Pa. 18642	Dec. 28, 1973 Dec. 3, 1976
Do.	Tioga	Morris, township of	H 421155A 01 through H 421155A 20	Supervisor R.F.D. 1, Morris, Pa. 16938	Jan. 28, 1977
Do.	Luzerne	Nescopeck, township of	H 420619A 01 through H 420619A 08	Chairman, R.F.D. 1, Nescopeck, Pa. 18635	Aug. 31, 1973 Dec. 3, 1976
Do.	Adams	Oxford, township of	H 420003A 01 through H 420003A 05	Chairman, Township Supervisors, R.F.D. 1, New Oxford, Pa. 17350	Dec. 28, 1973 Dec. 3, 1976
Do.	Schuylkill	Pine Grove, borough of	H 420781A 01	Mayor, 308 1st St., Pine Grove, Pa. 17963	Oct. 5, 1973 Dec. 3, 1976
Do.	Dauphin	Reed, township of	H 420393A 01 through H 420393A 05	Supervisor, R.F.D. 2, Halifax, Pa. 17032	Jan. 9, 1974 Dec. 3, 1976
Do.	Jefferson	Worthville, borough of	H 420516B 01	Secretary, P.O. Box 54, Worthville, Pa. 15784	June 4, 1976 Aug. 9, 1974 Dec. 3, 1976
South Dakota	Pennington	New Underwood, town of	H 460092A 01	President, Town Hall, New Underwood, S. Dak. 57761	Jan. 28, 1977
Tennessee	Franklin	Huntland, town of	H 470055A 01 through H 470055A 03	Mayor, P.O. Drawer A, Huntland, Tenn. 37345	Do.
Texas	Harris	Spring Valley, city of	H 480313A 01	Mayor, 1025 Campbell Rd., Houston, Tex. 77055	June 28, 1974 Dec. 3, 1976
Vermont	Caledonia	Burke, town of	H 500025A 01 through H 500025A 12	Town Clerk, Town Hall, West Burke, Vt. 05871	June 7, 1974 Dec. 3, 1976
Do.	Orange	Chelsea, town of	H 500070A 01 through H 500070A 14	Chairman, Board of Selectmen, Town Hall, Chelsea, Vt. 05038	June 28, 1974 Dec. 3, 1976
Do.	Bennington	Stamford, town of	H 500020A 01 through H 500020A 12	Town Clerk, Town Hall, R.F.D. 1, North Adams, Mass. 01247	May 31, 1974 Dec. 3, 1976
Wisconsin	Grant	Blue River, village of	H 550147A 01	Village President, Blue River, Wis. 53518	Jan. 28, 1977

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

Issued: December 2, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc. 76-35925 Filed 12-7-76; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[7 CFR Part 16]

LIMITATION ON IMPORTS OF MEAT

Proposed Rulemaking With Respect to Meat Processed in Foreign-Trade Zones and Territories of the United States

Public Law 88-482, approved August 22, 1964, 19 U.S.C. 1202 note (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles prescribed by section 2(a) of the Act. These estimates are to be made before the first day of each calendar quarter of each year.

The Secretary of Agriculture is authorized under section 2(e) of the Act to issue such regulations as he determines to be necessary to prevent circumvention of the purposes of the Act.

In October 1976 quantitative limitations for the calendar year were imposed under the Act by Presidential Proclamation 4469 (41 FR 44995). The Secretary of Agriculture issued a regulation pursuant to section 2(e) of the Act to prevent circumvention of the purposes of the Act and the import quota imposed thereunder (41 FR 47054). This regulation denied entry into the customs territory of the United States during the remainder of the calendar year 1976 of articles produced or manufactured in Foreign-Trade Zones of the United States or in Guam, American Samoa, the Virgin Islands or any other possession or territory of the United States from foreign meat which would be subject to import limitations imposed on meat by Presidential Proclamation 4469.

This regulation was issued on the basis of information available to the Secretary of Agriculture that boned frozen meat shipped from foreign countries was being processed in the Foreign-Trade Zone at Mayaguez, Puerto Rico and in Guam to change its form so that at the time of its entry into the customs territory of the United States it was no longer considered the type of meat described in TSUS item 106.10, despite the fact that it has only been shredded, chopped, or otherwise superficially processed. The entry into the customs territory of the United States of meat so processed in these

areas, while it could not be entered into the customs territory if processed in this manner in foreign countries, was made possible by the fact that under the Federal Meat Inspection Act (21 U.S.C. 601) Federal inspection is provided in such areas but it is not available in foreign countries. As a result, meat processed in these areas under the supervision of Federal meat inspectors, need not, in order to be permitted entry, comply with the requirements as to size of pieces and packaging provided in the Federal Meat Inspection Regulations (9 CFR 327.3) as would meat processed in foreign countries.

The regulation issued to prevent circumvention of the Act during calendar year 1976 was made applicable to meat processed from foreign meat in all areas outside the customs territory of the United States in which inspection is provided under the Federal Meat Inspection Act; that is, Foreign Trade Zones, Guam, American Samoa, the Virgin Islands, or any other possession or territory of the United States.

Notice is hereby given that I have determined that the entry into the customs territory of the United States of articles processed from foreign meat in Foreign-Trade Zones and in Guam, American Samoa, the Virgin Islands or any other possession or territory of the United States constitutes a circumvention of the purposes of the Act and that I am considering the issuance of a regulation pursuant to section 2(e) of the Act which I have determined to be necessary to prevent circumvention of the purposes of the Act. This regulation would provide that articles so processed from foreign meat in Foreign-Trade Zones and in Guam, American Samoa, the Virgin Islands or any other possession or territory of the United States would, upon entry into the customs territory of the United States, be considered subject to the provisions of the Act for the making of estimates, the imposition and enforcement of quotas, and all other purposes.

In accordance with the foregoing, notice is hereby given that it is proposed that § 16.22 of Part 16—Limitation on Imports of Meat, Subtitle A of Title 7 of the Code of Federal Regulations, be added to read as follows:

§ 16.22 Meat processed in Foreign Trade Zones and territories of the United States.

Articles produced or manufactured in Foreign Trade Zones of the United States or in Guam, American Samoa, the Virgin Islands or any other possession or territory of the United States from foreign meat, which if it were entered into the customs territory of the United

States in the form in which it was brought into such areas would be classifiable as TSUS item 106.10, shall be treated for the making of estimates, the imposition and enforcement of quotas, and all other purposes of the Meat Import Law (Pub. L. 88-482) as if they were classifiable under TSUS item 106.10 when entered, or withdrawn from warehouse, into the customs territory of the United States.

All persons who desire to submit written data, views or arguments for consideration in connection with this proposal should file the same in duplicate, not later than December 27, 1976, with the Administrator, Foreign Agricultural Service, USDA, Room 5073, South Agriculture Building, 14th and Independence, Washington, D.C. 20250. All material received will be available for public inspection in Room 8621, South Agriculture Building, 14th and Independence, Washington, D.C., during the official hours of business 8:30 a.m. to 5 p.m., Monday through Friday. All material received on or before December 27, 1976, will be considered.

(Sec. 2, Pub. L. 88-482 (19 U.S.C. 1202 note).)

Issued at Washington, D.C. this 3rd day of December, 1976.

RICHARD E. BELL,

Assistant Secretary of Agriculture.

[FR Doc. 76-35998 Filed 12-7-76; 8:45 am]

Agricultural Marketing Service

[7 CFR Part 928]

PAPAYAS GROWN IN HAWAII

Proposed Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This notice invites written comment relative to the proposed expenses of \$310,000 and rate of assessment of \$0.005 per pound of papayas to support the activities of the Papaya Administrative Committee for the 1977 fiscal period under marketing agreement and Order No. 928.

Consideration is being given to the following proposals submitted by the Papaya Administrative Committee, established under the marketing agreement, and Order No. 928, (7 CFR Part 928), regulating the handling of papayas grown in Hawaii, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That expenses which are reasonable and likely to be incurred by the Papaya Administrative Committee, during the period January 1, 1977, through

December 31, 1977, will amount to \$310,000.

(b) That there be fixed, at five mills (\$0.005) per pound of papayas, the rate of assessment payable by each handler in accordance with § 928.41 of the aforesaid marketing agreement and order during the fiscal year beginning January 1, 1977.

(c) That unexpended assessment funds in excess of expenses incurred during the fiscal period ended December 31, 1976, shall be carried over as a reserve in accordance with the applicable provisions of § 928.42 of the marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than December 28, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: December 3, 1976.

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

[FR Doc. 76-36023 Filed 12-7-76; 8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

[15 CFR Part 931]

COASTAL ENERGY IMPACT PROGRAM

Extension of Comment Period

On October 22, 1976, the National Oceanic and Atmospheric Administration (NOAA) published proposed regulations in the FEDERAL REGISTER (41 FR 46724) defining the procedures by which coastal states and local governments could qualify for coastal energy impact assistance provided by section 308 of the Coastal Zone Management Act of 1972, as amended. NOAA requested that comments on the proposed regulations be submitted on or before November 22, 1976, and subsequently extended the comment period until December 3, 1976.

Following publication, a number of reviewers requested that the comment period be further extended due to the difficulty in reviewing the complex and significant procedures developed in the regulations. NOAA has concluded that the requests for extension should be approved. Accordingly, written comments may be submitted to the Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, NW, Washington,

D.C., 20235, on or before December 14, 1976.

Dated: December 3, 1976.

T. P. GLETTTER,
Assistant Administrator
for Administration.

[FR Doc. 76-36056 Filed 12-7-76; 8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

[32 CFR Part 40]

STANDARDS OF CONDUCT

Proposed Rulemaking

Pursuant to the authority contained in E.O. 11222, May 8, 1965 and Pub. L. 87-651.

Part 40 prescribes standards of conduct relating to possible conflict between private interests and official duties required of all Department of Defense personnel, regardless of assignment.

The primary revision provides for a more concise and effective regulation.

Public comment on the proposed revision may be submitted on or before January 7, 1977 to Office of the General Counsel, Room 3E980, Pentagon, Washington, D.C. 20301.

The proposed amendment to Part 40 reads as follows:

- Sec.
- 40.1 Purpose and objectives.
- 40.2 Applicability.
- 40.3 Definitions.
- 40.4 Appropriate conduct of official activities.
- 40.5 Information to personnel.
- 40.6 Standards of conduct counsellors.
- 40.7 Reporting suspected violations.
- 40.8 Resolving violations.
- 40.9 Statements of affiliations and financial interests.
- 40.10 Nondisqualifying financial interest.
- 40.11 Required statement of employment.
- 40.12 Requirements for submission of statements of affiliations and financial interests.
- 40.13 Effective date.

AUTHORITY: The provisions of §§ 40.1-40.13 are issued under E.O. 11222 and Pub. L. 87-651.

§ 40.1 Purpose and objectives.

(a) Government employment, as a public trust, requires that DoD personnel put loyalty to ethical and legal principles and to country above personal gain and any other interests. This Part prescribes standards of conduct required of all Department of Defense (DoD) personnel, regardless of assignment.

(b) Penalties for violations of this Part include the full range of statutory and regulatory sanctions for civilian and military personnel.

(c) This Part implements (1) Executive Order 11222 of May 8, 1965, and (2) The Civil Service Commission Regulation, "Employee Responsibilities and Conduct," Title 5, Code of Federal Regulations, Part 735. It includes standards of conduct based on the conflict of interests laws, and it is in consonance with the Code of Ethics for Government Serv-

ice contained in House Concurrent Resolution 175, 85th Congress. Preemployment and postemployment reporting requirements concerning defense related employment are covered in DoD Directive 7700.15, "Reporting Procedures on Defense Related Employment," October 30, 1970.¹

§ 40.2 Applicability.

This Part applies to all DoD personnel in the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, and the Defense Agencies including nonappropriated fund activities (hereinafter referred to as "DoD Components").

§ 40.3 Definitions.

(a) *DoD Personnel* means all civilian officers and employees, including special Government employees, of all DoD Components and all active duty officers (commissioned and warrant) and enlisted members of the Army, Navy, Air Force, and Marine Corps.

(b) *Gratuity* means any gift, favor, entertainment, hospitality, transportation, loan, any other tangible item, and any intangible benefits, for example discounts, passes, and promotional vendor training, given or extended to or on behalf of DoD personnel or their families for which fair market value is not paid by the recipient or the U.S. Government.

(c) *Officer or employee* means all civilian officers and employees, and all military officers on active duty, except those who are "special Government employees."

(d) *Special Government employee* means an officer or employee who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis. The term also includes a reserve officer while on active duty solely for training for any length of time, one who is serving on active duty involuntarily for any length of time, and one who is serving voluntarily on extended active duty for 130 days or less. It does not include enlisted personnel.

(e) *Standards of Conduct Counsellors* are discussed in § 40.6.

§ 40.4 Appropriate conduct of official activities.

(a) *General.* (1) DoD personnel shall become familiar with the scope of legal authority for, and the legal limitations concerning, the activities for which they have responsibilities.

(2) The attention of DoD personnel is directed to the statutory prohibitions which apply to DoD personnel conduct.

(3) DoD personnel shall not make or recommend any expenditure of funds or take or recommend any action known or believed to be in violation of U.S. laws,

¹ Filed as part of original. Copies available from Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120, Attn: Code 300.

Executive Orders, or applicable Directives, Instructions, or regulations.

(4) In cases of doubt as to the propriety of a proposed action or decision in terms of regulation or law, DoD personnel shall consult the Standards of Conduct Counsellor and, as appropriate, legal counsel to ensure the proper and lawful conduct of DoD programs and activities.

(b) *Conduct prejudicial to the Government.* DoD personnel shall avoid any action, whether or not specifically prohibited by this Part, which might result in or reasonably be expected to create the appearance of:

- (1) Using public office for private gain;
- (2) Giving preferential treatment to any person or entity;
- (3) Impeding Government efficiency or economy;
- (4) Losing complete independence or impartiality;
- (5) Making a Government decision outside official channels; or
- (6) Affecting adversely the confidence of the public in the integrity of the Government.

(c) *Conflicts of interests.*—(1) *Affiliations and financial interests.* DoD personnel shall not engage in any personal, business, or professional activity, or receive or retain any direct or indirect financial interest, which places them in a position of conflict between their private interests and the public interests of the United States related to the duties or responsibilities of their DoD positions. For the purpose of this prohibition, the private interests of a spouse, minor child, or dependent member of one's household shall be deemed to be private interests of the DoD personnel.

(2) *Using inside information.* DoD personnel shall not use, directly or indirectly, inside information to further a private gain for themselves or others if that information is not generally available to the public and was obtained by reason of their DoD positions.

(3) *Using DoD position.* DoD personnel are prohibited from using their DoD positions to induce, coerce, or in any manner influence any person, including subordinates, to provide any benefit, financial or otherwise, to themselves or others.

(4) *Disqualification or divestiture requirements.* Unless otherwise expressly authorized by action taken under 18 USC 207 or 208, all DoD personnel who have affiliations with or interests in Defense contractors must disqualify themselves from any official activities in relation to those entities. The formal disqualification must be sent to the individual's superior and immediate subordinates. If the individual cannot adequately perform his official duties after such a disqualification, he must divest himself of such involvement or be removed from the position.

(d) *Membership in associations.* DoD personnel who are members or officers of non-governmental associations or organizations must avoid activities on behalf of the association or organization that are incompatible with their official Government positions. (DoD Directive

5500.2, "Policies Governing Participation of Department of Defense Components and Personnel in Activities of Private Associations," August 4, 1972 (37 FR 16674) and DoD Instruction 5410.20, "Public Affairs Relations with Business and Non Governmental Organizations Representing Business," January 16, 1974.)

(e) *Dealing with present and former military and civilian personnel.* DoD personnel shall not knowingly deal on behalf of the Government with military or civilian personnel, or former military or civilian personnel, of the Government, whose participation in the transaction would be in violation of a statute, regulation, or policy set forth in this Part.

(f) *Commercial soliciting by DoD Personnel.* In order to eliminate the appearance of coercion, intimidation, or pressure from rank, grade, or position, full-time civilian personnel and active duty military personnel are prohibited from making commercial solicitations or sales to DoD personnel junior in rank or grade, at any time, on or off duty, in or out of uniform. This limitation includes, but is not limited to, the solicitation and sale of insurance, stocks, mutual funds, real estate, and any other commodities, goods, or services. This prohibition is not applicable to the one-time sale by an individual of his own personal property or privately owned dwelling or to the off-duty employment of DoD personnel as employees of retail store outlets or similar establishments where the sales of goods and services do not involve solicited sales situations.

(g) *Assignment of reserves for training.* DoD personnel who are responsible for assigning Reserves for training shall not assign them to duties in which they will obtain information that could be used by them or their private sector employers to give them an unfair advantage over their civilian competitors.

(h) *Prohibited selling by retired officers.* There are legal limitations on sales by retired regular military officers to any component of the DoD, Coast Guard, National Oceanic and Atmospheric Administration, or Public Health Service.

(i) *Equal opportunity.* DoD personnel shall scrupulously adhere to the DoD program of equal opportunity regardless of race, color, religion, sex, age, or national origin. (DoD Directive 1109.15, "The Department of Defense Equal Opportunity Program," June 3, 1976.)

(j) *Gratuities.*—(1) *Policy basis.* Acceptance of gratuities by DoD personnel or their families, no matter how innocently tendered and received, from those who have or seek business with the Department of Defense and from those whose business interests are affected by Department functions may be a source of embarrassment to the Department, may affect the objective judgment of the DoD personnel involved, and may impair public confidence in the integrity of the Government.

(2) *General prohibition.* Except as provided in paragraph (j) of this section, DoD personnel shall not solicit, accept, or agree to accept any gratuity, for

themselves, members of their families, or others, either directly or indirectly from, or on behalf of, any source which:

(i) Is engaged in or seeks business or financial relations of any sort with any DoD Component;

(ii) Conducts operations or activities that are either regulated by any DoD Component or significantly affected by DoD decisions; or

(iii) Has interests that may be substantially affected by the performance or nonperformance of the official duty of DoD personnel.

(3) *Limited exceptions.* The general prohibition in paragraph (j) (2), of this section, do not apply to the following:

(i) Continued participation in employee welfare or benefit plans of a former employer when permitted by law and approved by the Standards of Conduct Counsellor.

(ii) Advertising or promotional items of clearly less than \$5 in retail value.

(iii) Trophies, entertainment, prizes, or awards for public service or achievement or given in games or contests which are clearly open to the public generally or which are officially approved for DoD personnel participation.

(iv) Things available to the public such as university scholarships covered by DoD Directive 1322.6, "Fellowships, Scholarships, and Grants for Members of the Armed Forces," April 27, 1963 (32 Part 139) and free exhibitions by Defense contractors at public trade fairs.

(v) Discounts or concessions extended component-wide and available to all personnel in the component.

(vi) Participation in civic and community activities by DoD personnel when any relationship with defense contractors is remote, for example, participation in a little league or Combined Federal Campaign luncheon which is subsidized by a concern doing business with a DoD Component.

(vii) Social activities engaged in by officials of the Department and officers in command, or their representatives, with local civic leaders as part of community relations programs of the Department, in accordance with DoD Directive 5410.18, "Community Relations," July 3, 1974.

(viii) Participation of DoD personnel in widely attended gatherings of mutual interest to Government and industry, sponsored or hosted by industrial, technical, and professional associations, not by individual contractors, provided that they have been approved in accordance with DoD Instruction 5410.20, "Public Affairs Relations with Business and Non-governmental Organizations Representing Business," January 14, 1974.

(ix) Situations in which (a) participation by DoD personnel at public ceremonial activities of mutual interest to industry, local communities, and the Department serves the interests of the Government and (b) the invitation is approved by the Head of the employing DoD Component or his designee.

(x) Contractor-provided transportation, meals, or overnight accommodations in connection with official business when arrangements for Government or

commercial transportation, meals, or accommodations are clearly impracticable. In any such case, the individual shall report the circumstances to his supervisor as soon as possible.

(xi) Situations in which, in the sound judgment of the individual concerned or his supervisor, the Government's interest will be served by DoD personnel participating in activities otherwise prohibited. In any such case, a report of the circumstances shall be made in advance, or, when an advance report is not possible, within 48 hours by the individual or his supervisor to the appropriate Standards of Conduct Counsellor, who, for this purpose, shall be directly responsible to the head of the military department or the Secretary of Defense.

(4) The acceptance of accommodations, subsistence, or services furnished in kind in connection with official travel from other than sources indicated in paragraph (j) (2) of this section, is authorized only when the individual attending is to be a speaker, panelist, project officer or other bona fide participant in the activity attended and when such attendance and acceptance is authorized by the order-issuing authority as in the overall Government interest.

(5) DoD personnel may not accept personal reimbursement from a private source for expenses incident to official travel, unless authorized by the Standards of Conduct Counsellor (pursuant to 5 U.S.C. 4111 or other statutory authority). Rather, any reimbursement must be made to the Government by check payable to the Treasurer of the United States. Personnel will be reimbursed by the Government in accordance with regulations relating to reimbursement. In no case shall DoD personnel accept, either in kind or for cash reimbursement, benefits which are extravagant or excessive in nature.

(6) When accommodations, subsistence, or services in kind are furnished to DoD personnel by private sources, consistent with paragraph (j) of this section, appropriate deductions shall be reported and made in the travel, per diem, and other allowances otherwise payable.

(7) Procedures with respect to gifts from foreign governments are set forth in DoD Directive 1005.3, "Decorations and Gifts from Foreign Governments," September 16, 1967.¹

(8) Procedures with respect to ROTC Staff Members are set forth in DoD Directive 1215.8, "Policies Relating to Senior Reserve Officers Training Corps (ROTC) Programs," May 1, 1974.¹

(9) After the effective date of this Part, DoD personnel who receive gratuities or have gratuities received for them in circumstances not in conformance with the standards of this Part shall promptly take one of the following steps concerning them:

(i) Return them to the originating parties to the extent feasible.

(ii) Provide them to the officer designated for collection and disposition for the component or unit.

(iii) Report to the appropriate Standards of Conduct Counsellor the circum-

stances of the receipt and handling of the gratuity up to the present time.

(k) *Prohibition of contributions or presents to superiors.* DoD personnel shall not solicit a contribution from other officers or employees for a gift to an official superior, make a donation or a gift to an official superior, or accept a gift from an officer or employee receiving less pay than themselves. However, a voluntary gift or donation of nominal value made on a special occasion such as marriage, illness, transfer, or retirement is not prohibited.

(1) *Use of government facilities, property, and manpower.* DoD personnel shall not directly or indirectly use, or allow the use of, government property or facilities of any kind, including property leased to the government, for other than officially approved activities. Government facilities, property, and manpower, such as stationery, stenographic and typing assistance, mimeograph, and chauffeur services, shall be used only for official government business. DoD personnel have a positive duty to protect and conserve government property, including equipment and supplies entrusted to them. This paragraph does not preclude the use of government facilities for approved activities in furtherance of DoD community relations provided they do not interfere with military missions.

(m) *Use of civilian and military titles or positions in connection with commercial enterprises.* (1) All civilian personnel, and military personnel on active duty, are prohibited from using their civilian and military titles or positions in connection with any commercial enterprises or in endorsing any commercial product. This does not preclude such author identification for material published in accordance with DoD procedures.

(2) All retired military personnel and all members of reserve components, not on active duty, are permitted to use their military titles in connection with commercial enterprises provided that they indicate their inactive reserve or retired status. However, if such use of military titles in any way casts discredit on the military services or the DoD or gives the appearance of sponsorship, sanction, endorsement, or approval by the military services or the DoD, it is prohibited. In addition, the military departments may restrict retired personnel and members of reserve components, not on active duty, from using their military titles in overseas areas.

(n) *Outside employment of DoD personnel.* (1) DoD personnel shall not engage in outside employment or other outside activity, with or without compensation which:

(i) Interferes with, or is not compatible with, the performance of their Government duties;

(ii) May reasonably be expected to bring discredit on the Government or the DoD agency concerned; or

(iii) Is otherwise inconsistent with the requirements of this Part, including the requirements to avoid actions and situations which reasonably can be expected

to create the appearance of conflicts of interests.

(2) No enlisted member of the armed forces on active duty may be ordered or authorized to leave his post to engage in a personal, business, or professional activity if it would interfere with the customary or regular employment of local civilians in their art, trade, or profession.

(3) Off-duty employment of military personnel by an organization involved in a strike is permissible if the member was on the payroll of such organization prior to the commencement of the strike and if the employment is otherwise in conformance with the provisions of this Part. No military member may accept employment by an organization at a location where that organization is involved in a strike after commencement and during the course of such a strike. Members who are engaged in off-duty civilian employment which does not meet the above policy are required to terminate such employment.

(4) An active duty officer of the regular Navy or Marine Corps may not be employed by any person furnishing Naval supplies or war materials to the United States and continue to receive his service pay.

(5) DoD personnel are encouraged to engage in teaching, public speaking, and writing. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his Government employment, except when that information has been published or is generally available to the public, or when the agency head gives written authorization for the use of non-public information on the basis that the use is in the public interest and when it will be made generally available to the public.

(6) An employee who is a civilian Presidential appointee shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of his agency or which draws substantially on official material which has not become part of the body of public information.

(o) *Gambling, betting, and lotteries.* DoD personnel shall not participate, while on Government-owned, leased, or controlled property, or otherwise while on official duty for the Government, in any gambling activity, including for example, a lottery or pool, any game for money or property, and the sale or purchase of a number slip or ticket. The only exceptions are for official activities which have specific agency approval.

(p) *Indebtedness.* DoD personnel shall pay their just financial obligations, particularly those imposed by law such as federal, state, and local taxes, so that their indebtedness does not adversely affect the Government as their employer. DoD Components are not required to determine the validity or amount of disputed debts.

§ 40.5 Information to personnel.

All DoD personnel, including those appointed by the President, shall, in fact, be given a copy of this Part or implementing DoD Component regulation and an oral standard of conduct briefing preceding employment or assumption of duties and will be reminded at least semi-annually of their duty to comply with the required standards of conduct. Each recipient of such a briefing shall attest in writing to his attendance at such a briefing, the fact that he has read this Part, and his comprehension of the requirements imposed by its standards.

§ 40.6 Standards of conduct counselors.

(a) The Secretary of each Military Department and the Director of each Defense Agency shall designate a Standards of Conduct Counsellor and one or more Deputy Counsellors. Those designated shall be responsible for providing advice and assistance to their departments or agencies and to personnel of those departments and agencies on all questions arising from the operation and implementation of this Part. They shall also be responsible for the proper coordination and disposition of all standards of conduct problems.

(b) The General Counsel of the DoD, or his designee, shall provide legal guidance to the Standards of Conduct Counsellors throughout the Department of Defense.

(c) The General Counsel shall represent the DoD to the Civil Service Commission. The General Counsel shall assist the Deputy Assistant Secretary of Defense (Administration), Office of the Assistant Secretary of Defense (Comptroller), or his designee, who shall perform the role of Standards of Conduct Counselor for the Office of the Secretary of Defense.

§ 40.7 Reporting suspected violations.

DoD personnel who have information which causes them to believe that there has been a violation of a statute or standard of conduct required by this Part shall promptly report such information to their immediate superiors or, if those persons' conduct is at issue, to the next higher superiors. If the person to whom the report is made believes there has been a violation, he shall report the matter to the appropriate Standards of Conduct Counsellor for action.

§ 40.8 Resolving violations.

The resolution of standards of conduct problems shall be accomplished promptly by one or more measures, such as divestment of conflicting interests, disqualification for particular assignments, changes in assigned duties, termination, or other appropriate action, as provided by statute or administrative procedures. Disciplinary actions shall be in accordance with established personnel procedures.

§ 40.9 Statements of affiliations and financial interests.

The following DoD personnel are required to submit annual and updating Statements of Affiliations and Financial Interests, Form 1555,* unless they are expressly exempted. (See § 40.12 for details on applicability and requirements.)

(a) All civilian officers and employees paid at the level of grades GS-16 to 18 or the Executive Schedule.

(b) All officers of flag or general rank.

(c) Commanders and Deputy Commanders of major installations, activities, and operations as determined by the respective Secretaries of the Military Departments and the Directors of the Defense Agencies.

(d) Board members of the Armed Service Board of Contract Appeals.

(e) DoD personnel classified as GS-13 or above, or at a comparable pay level under other authority, and members of the military in the rank of Lieutenant Colonel, Commander, or above when the responsibilities of such personnel require the exercise of judgment in making a Government decision or in taking Government action in regard to activities in which the final decision or action may have a significant economic impact on the interests of any non-Federal entity.

(f) Special Government employees.

(g) Other DoD personnel who are requested, with Civil Service Commission approval, to file such Statements.

§ 40.10 Nondisqualifying financial interest.

(a) A full-time officer or employee need not disqualify himself under § 40.12 (m) if his financial holdings are in shares of a widely-held, diversified mutual fund or regulated investment company.

(b) The indirect interests in business entities of holders of shares in a widely-held, diversified mutual fund or regulated investment company are hereby exempted from the provisions of 18 U.S.C. 208a. This determination is in accordance with the provisions of 18 U.S.C. 208b(2) as being too remote or inconsequential to affect the integrity of Government officers' or employees' services.

§ 40.11 Required statement of employment.

(a) Each regular retired officer of the armed forces shall file with the military department in which he holds a retired status a Statement of Employment (DD Form 1357). Each regular officer retiring hereafter shall file this Statement within thirty days after retirement. Whenever the information in the Statement is no longer accurate, each such officer shall file a new DD Form 1357.

(b) The military departments shall appropriately review the Statements of Employment to assure compliance with applicable statutes and regulations.

* Filed as part of original. Copies available from Office of General Counsel, RM 3E977, Pentagon, Washington, D.C. 20301.

§ 40.12 Requirements for submission of statements of affiliations and financial interests.

(a) DoD personnel required to submit statements. DoD personnel required to file Statements of Affiliations and Financial Interests (DD Form 1555)* are those indicated in § 40.9.

(b) Review of positions. Each DoD component shall include in the description of each position indicated in § 40.9, a statement that the incumbent of the position must file a statement of affiliations and financial interests as required by this Part. All positions shall be reviewed at least annually to determine those which require statements. Any individual may request a review of the decision requiring him to file a statement through the established grievance or complaint procedures of the component.

(c) Exclusion of positions. The Secretary of the Military Department or Director of the Defense Agency concerned, or their designees, may determine that the submission of a Statement is not necessary for certain positions because of the remoteness of any impairment of the integrity of the Government and the degree of supervision and review of the incumbents' work.

(d) Manner of submission of statements. (1) The Secretary of Defense is required to submit his Statement to the Chairman of the Civil Service Commission in accordance with the provisions of Section 401 of Executive Order 11222.

(2) All Defense civilian Presidential appointees shall submit their Statements to the Department of Defense General Counsel.

(3) Office of the Secretary of Defense (OSD) personnel and Directors of the Defense agencies shall submit their Statements through their superiors for review and forwarding to the OSD Standards of Conduct Counsellor.

(4) Military Department and Defense Agency personnel shall submit their Statements through their supervisors for review and forwarding to officials of the Military Departments or Defense Agencies designated in the regulations of those departments and agencies.

(5) Commanders of Unified Commands shall submit their Statements directly to the OSD Standards of Conduct Counsellor. Other personnel of Unified Commands shall submit their Statements through their supervisors to the Deputy Command Counsellor in the Office of the Legal Advisor to the Unified Command.

(6) All statements shall be reviewed and approved by the appropriate Standards of Conduct Counsellor prior to the commencement of service and annually thereafter as prescribed in g. of this section. Designees to positions requiring the approval of the Secretary of Defense or the Secretary of a Military Department shall execute the Statement in advance of nomination so that it may be thoroughly reviewed and evaluated prior to appointment.

(7) In order that DoD Components may maintain cognizance of Statements

of their personnel who are assigned to other DoD Components or Government agencies which receive and review such Statements, the other Defense Component or Government agency shall, within 60 days, forward to the parent DoD Component's Standards of Conduct Counsellor a notification of the date of the Statement, whether it is an initial or annual Statement, and the disposition of any conflict or apparent conflict of interests indicated.

(e) *Excusable delay.* When required by reason of duty assignment, a superior may grant an extension of time with the concurrence of the Standards of Conduct Counsellor or his designee. Any extension in excess of 30 days requires the concurrence of the Head of the Military Department or Defense Agency concerned or his designee. Any late Statement shall include appropriate notation of any extension of time granted hereunder.

(f) *Special Government Employees* (as defined in § 40.3(d)). (1) Each special Government employee shall, prior to appointment, file a Statement of Affiliations and Financial Interests.

(2) The following are exempted categories of special Government employees who are not required to file a Statement unless specifically requested to do so:

(i) Physicians, dentists, and allied medical specialists engaged only in providing service to patients.

(ii) Veterinarians providing only veterinary services.

(iii) Lecturers participating in educational activities.

(iv) Chaplains performing religious services.

(v) Individuals in the motion picture and television fields who are utilized as narrators or actors in DoD productions.

(vi) Members of selection panels for NROTC candidates.

(vii) A special Government employee who is not a "consultant" or "expert" as those terms are defined in the Federal Personnel Manual, Chapter 304.

(3) The Secretary or a Deputy Secretary of Defense or the Secretary of a Military Department may grant an exemption to an appointee from the requirement of filing a Statement upon a determination that such information is not relevant in light of the duties the appointee is to perform.

(g) *Annual statements.* DD Form 1555 Statements shall be filed by October 31st of each year for all affiliations and financial interests as of September 30th of that year. Even though no changes occur, a complete Statement is required.

(h) *Interests of employee's relatives.* The interest of a spouse or minor child, or of any member of an employee's immediate household who is dependent for more than 50 percent of his support upon the DoD employee, is to be reported in the same manner as an interest of the employee.

(i) *Information not known by employees.* For required information not known to the employee but known to another person, the employee shall request its

submission on his behalf. The submission may be made with a request for confidentiality that will be honored even if it includes a limitation on disclosure of particular details to the employee himself.

(j) *Information not required to be submitted.* An employee is not required to submit on a Statement any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business for profit. For the purpose of this paragraph educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed to be businesses for profit and are to be included in an employee's Statement.

(k) *Confidentiality of employee's statements.* DoD Components shall hold each Statement in confidence. A Component may not disclose information from a Statement except as the agency head or the Civil Service Commission may determine for good cause. "Good cause" includes a determination that the record or any part of the record must be released under the Freedom of Information Act. Persons designated to review the Statements are responsible for maintaining the Statements in confidence and shall not allow access to, or allow information to be disclosed from, the Statements except to carry out the purpose of this Part.

(l) *Effect of employees' statements on other requirements.* The Statements required of employees are in addition to, and not in substitution for, in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a Statement by an employee does not permit him to participate in a matter in which his participation is prohibited by law, order, or regulation.

(m) *Disqualification or divestiture requirements.* Unless otherwise expressly authorized by action taken under 18 U.S.C. 207 or 208, all DoD personnel who have affiliations with or interests in Defense contractors must disqualify themselves from any official activities in relation to those entities. The formal disqualification must be sent to the individual's superior and immediate subordinates. If the individual cannot adequately perform his official duties after such a disqualification, he must divest himself of such involvement or be removed from the position.

§ 40.13 Effective date.

This Part shall become effective on the date it is adopted by the Secretary of Defense.

Dated: December 6, 1976.

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

[FR Doc. 76-36121 Filed 12-7-76; 8:45 am]

POSTAL SERVICE

[39 CFR Part 111]

LOOSE AND UNDELIVERABLE MAIL

Proposed Changes in Handling Procedures

Under the provisions of 39 CFR 111.3 the Postal Service proposes to amend various sections of Parts 146 and 159 of the Postal Service Manual to implement certain recommendations of a special management study of loose and undeliverable mail. The study recommended as follows:

(1) That less time and effort be spent in attempting to salvage printed matter that has been soiled, crumpled, or mutilated during handling. Such items would henceforth be treated as waste and disposed of as provided in 159.412b.

(2) That additional postage not be charged for forwarding or return of loose matter which was prepaid at the time of mailing.

(3) That loose matter from bulk mail center operations be held and processed at the location where found rather than further mixed by transporting it to another location.

(4) That undeliverable parcels, which cannot be returned because of a defective return address, be opened at the earliest opportunity to attempt to identify the mailer or addressee.

(5) That undeliverable articles be held for 30 days before being sent to dead parcel branches instead of the present 60 days.

(6) That the request of a firm for delivery of loose merchandise which bears its exclusive trade name be denied unless there is acceptable evidence that the requesting firm was the mailer or addressee. What constitutes "acceptable" evidence would be detailed in the regulations.

(7) That dead parcel service areas be reorganized to coincide with bulk mail service areas, with normally one dead parcel branch established near a bulk mail center.

The Postal Service also proposes to amend Section 159 of the Postal Service Manual to improve clarity and continuity and to formalize certain long standing policies and procedures, as follows:

(1) That mail matter, which has been disposed of as waste, remains Postal Service property until physically removed from postal premises by authorized means.

(2) That each post office with a dead parcel branch must physically separate the processing of dead parcels from the processing of loose mail matter found within its own operation.

(3) That 16 millimeter commercial or educational motion picture film should be held for its entire retention period at dead parcel branches.

(4) That the regulation, pertaining to disposition of undeliverable postal money orders, be transferred to a more appropriate section of the Postal Service Manual.

Accordingly, the following sections of the Postal Service Manual would be amended:

1. Sections 146.121 and .124c would be amended to reflect section references that would be changed as a result of changes proposed herein to section 159 of the Postal Service Manual.

2. New section 159.411 would be added to clarify existing instructions to provide for examination of unidentified third- and fourth-class mail before the retention period to determine the identity of the sender or addressee. Section 159.41 would be redesignated 159.412.

3. New section 159.412o would be added, specifying that mail matter disposed of as waste remains the property of the Postal Service until physically removed by authorized persons.

4. Section 159.441 would be amended to require bulk mail centers to process their own loose matter rather than send it to a designated post office.

5. Section 159.442 would be amended to transfer money order disposition instructions to new 159.772b(8); to adopt the position that mail, for which service has not been rendered, should not be charged additional postage for forwarding or return to the next delivery point; and to provide examples of the types of non-mail matter which are subject to return postage charges.

6. Section 159.443 would be amended to include damaged and mutilated printed matter as material with no obvious value.

7. Section 159.445 would be redesignated 159.444 and amended to provide that a firm's right to delivery does not arise merely from the fact that loose or undeliverable merchandise bears the firm's exclusively controlled trade name. Evidence must exist that indicates the firm was the mailer or addressee.

8. New section 159.445 would be added to prescribe the requirements for evidence of mailing of trade name merchandise to permit delivery of loose matter.

9. Section 159.721 would be amended to change a section reference, and .721b would be amended to reduce the retention period for loose matter and for third- and fourth-class dead mail at the bulk mail centers and the last office of address from 60 to 30 days; and to rescind the special 15 day retention period for undeliverable 16mm motion picture film.

10. Sections 159.722c(6) and 159.742a would be amended to correct printing and other minor errors.

11. Section 159.724b and c would be amended to re-align dead parcel service areas with bulk mail service areas; to clarify that loose and undeliverable mail must be treated separately from dead mail at offices with dead parcel branches.

12. Section 159.813f would be amended to add the provision that 16 mm commercial or educational motion picture film must be retained at dead parcel branches for six months.

Interested persons who wish to do so may submit written data, views, or arguments concerning these proposed re-

vised regulations to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. All comments received on or before January 7, 1977, will be considered by the Postal Service prior to taking final action on the proposed amendments.

In the meantime, the Postal Service is making these proposed regulations effective immediately on an interim basis, except for the dead parcel service area realignments, which will become effective on January 29, 1977, unless further revised prior to that time as a result of this rulemaking proceeding.

Accordingly, although exempt from the requirements of the Administrative Procedure Act (5 USC 553(b), (c)) regarding proposed rulemaking, 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions of the Postal Service Manual:

(39 USC 401(2), 404(a)(1).)

ROGER D. CRAIG,
Deputy General Counsel.

PART 146—PREPAYMENT AND POSTAGE DUE

1. In 146.121 and 146.124c the number "159.41m" is deleted and the number "159.412m" is inserted in lieu thereof.

PART 159—UNDELIVERABLE MAIL

2. In 159.4 revise the section heading of .41; delete the first sentence immediately following .41; add new .411 and new section heading and first sentence of .412; add new .412o; and revise .44, to read as follows: 159.4 Disposal of Undeliverable Mail and Undeliverable Articles .41 Examination and disposition of undeliverable mail.

.411 Examination

Third- and fourth-class undeliverable mail, which cannot be returned because of an incorrect, incomplete, illegible, or missing return address, must be promptly opened and examined to identify the sender or addressee. This includes matter mailed under 162.122. All other mail bearing postage at the first-class, air-mail, or priority rates, may be opened only in dead letter or dead parcel branches (see 159.724). Examination of mail under this section is limited to employees designated in writing by the postmaster or bulk mail center manager. At post offices, these must be employees with claims and inquiry responsibility and must be assigned to the claims and inquiry unit at offices with such units.

.412 Disposition

Mail undeliverable after examination under 159.411 is disposed of as follows:

o. Mail matter, which is disposed of as waste, remains the property of the Postal Service until it has been physically removed from postal premises by contractors or others specifically authorized to effect such removal.

.44 Articles found loose in the mail.

.441 Treat mail under this section (159.44) at the bulk mail center or post

office where found. Make every reasonable effort to match loose articles with the mail from which lost.

.442 Examine articles of value which cannot be matched with an addressed envelope or wrapper to try to identify the mailer or addressee. If identified, return or forward under a penalty envelope or label, with explanation. Charge postage as follows:

a. Except as indicated in 159.442b, c, or d, matter which has become loose or undeliverable due to damage during handling in the postal service, and which is subsequently identified and returned to the mailer or addressee, shall be assumed to have been mailed with postage prepaid and shall be returned or forwarded to the next delivery point without any additional postage charges. Any subsequent forwarding or return, will be subject to postage charges at the applicable rate.

b. If the article contains \$10 or more in money or negotiable or intangible property susceptible of being converted into cash, register the item and show the item and show the minimum registry fee as postage-due.

c. If it is evident that postage has not been prepaid, loose or undeliverable matter should be rated for collection of postage on delivery at the applicable rate.

d. Items such as wallets, bank deposits, or other non-mail matter, found in collection boxes or other points within the jurisdiction of the Postal Service, should be returned at the applicable single-piece third- or fourth-class rates in Parts 134 or 135.

.443 Dispose of unidentified articles that have no value as waste. Treat those of value as dead mail. Forms, brochures, pamphlets, merchandise coupons, and similar matter which have become soiled, crumpled, or mutilated, must be disposed of as waste, in accordance with 159.412b.

.444 Any request of a firm for delivery of loose merchandise which bears its exclusively controlled trade name must be rejected unless there is acceptable evidence that the firm making the request was the mailer or addressee. The fact that an item bears an exclusively controlled trade name does not, by itself, establish that firm's right as the mailer or addressee. (The items might have been mailed by individuals after purchase.)

.445 If all the following conditions exist, postmasters and bulk mail center managers should return merchandise on request to the nearest retail store, mail order store, or distribution center of the firm involved. Questions regarding return should be addressed to the Office of Mail Classification, U.S. Postal Service, Washington, D.C. 20260.

a. The article must appear new.
b. Each article, or bundle of articles, must have an invoice, picking ticket, or other detachable identification on it. The identification must clearly show the following information:

(1) The name of the firm.
(2) A catalog, stock number, or other identification that the article was taken from the firm's stock.

(3) An order or invoice number, or other identification, that the article was mailed in connection with a customer's order.

3. In 159.7, delete the number "158.41" in the first sentence of .721 and insert "159.412" in lieu thereof; revise .721b and g, .722c(6), .724b and c, the first sentence of .73f, .742a and add new .772b(8) to read as follows:

159.7 Dead Mail

.721 Disposition

b. *Third- and Fourth-Class Mail.* Hold third- and fourth-class parcels of obvious value for 30 days after they become dead. Then send them to your dead parcel branch weekly.

g. *Articles Found Loose in the Mail.* Articles found loose in the mail, which cannot be delivered or returned after the initial handling prescribed in 159.444 and 159.445, are treated as dead mail. Hold for 30 days and then send to the proper dead parcel branch weekly. Treat as follows:

.722 Makeup and Dispatch.

(6) Where preprinted central markup labels are not available, use Label 22, *Label For Return of Undeliverable Mail*, as a facing slip for letter bundles, or folded for use as a sack or pouch label for mail sent to dead letter or parcel branches.

.724 Dead Letter and Dead Parcel Post Branches

b. *Dead Letter Branches.*

(1) *Locations:*

Atlanta, GA 30304
Boston, MA 02109
Chicago, IL 60607
Cincinnati, OH 45234
Dallas, TX 75221
Memphis, TN 38101
Minneapolis, MN 55401
New York, NY 10001
Philadelphia, PA 19104
St. Louis, MO 63155
San Francisco, CA 94101
San Juan, PR 00902
Washington, D.C. 20013
Wichita, KS 67202

(2) *Dead Letter Service Areas.* States and Territories served by each dead letter branch:

State or Territory	Dead letter branch
Alabama	Memphis, TN 38101.
Alaska	San Francisco, CA 94101.
Arizona	San Francisco, CA 94101.
Arkansas	St. Louis, MO 63155.
California	San Francisco, CA 94101.
Colorado	San Francisco, CA 94101.
Connecticut	Boston, MA 02109.
Delaware	Philadelphia, PA 19104.
District of Columbia	Washington, DC 20013.
Florida	Atlanta, GA 30304.
Georgia	Atlanta, GA 30304.
Guam	San Francisco, CA 94101.
Hawaii	San Francisco, CA 94101.
Idaho	San Francisco, CA 94101.
Illinois	Chicago, IL 60607.
Indiana	Cincinnati, OH 45234.
Iowa	St. Louis, MO 63155.
Kansas	Wichita, KS 67202.
Kentucky	Cincinnati, OH 45234.
Louisiana	Dallas, TX 75221.
Maine	Boston, MA 02109.
Maryland (Eastern Shore)	Washington, DC 20013.
Maryland (except Eastern Shore)	Washington, DC 20013.
Massachusetts	Boston, MA 02109.
Michigan (Lower Peninsula)	Chicago, IL 60607.
Michigan (Northern Peninsula)	Minneapolis, MN 55401.
Minnesota	Minneapolis, MN 55401.
Mississippi	Memphis, TN 38101.
Missouri	St. Louis, MO 63155.
Montana	San Francisco, CA 94101.
Nebraska	Wichita, KS 67202.
Nevada	San Francisco, CA 94101.
New Hampshire	Boston, MA 02109.
New Jersey	Philadelphia, PA 19104.
New Mexico	San Francisco, CA 94101.
New York	New York, NY 10001.
North Carolina	Atlanta, GA 30304.
North Dakota	Minneapolis, MN 55401.
Ohio	Cincinnati, OH 45234.
Oklahoma	Wichita, KS 67202.
Oregon	San Francisco, CA 94101.
Pennsylvania	Philadelphia, PA 19104.
Puerto Rico	San Juan, PR 00902.
Rhode Island	Boston, MA 02109.
Samoa	San Francisco, CA 94101.
South Carolina	Atlanta, GA 30304.

State or Territory	Dead letter branch
South Dakota	Minneapolis, MN 55401.
Tennessee	Memphis, TN 38101.
Texas (except zips 79830-79999)	Dallas, TX 75221.
Texas (zips 79830-79999)	San Francisco, CA 94101.
Utah	San Francisco, CA 94101.
Vermont	Boston, MA 02109.
Virginia (except Accomack and Northampton Counties)	Washington, DC 20013.
Virginia (Accomack and Northampton Counties)	Washington, DC 20013.
Virgin Islands	San Juan, PR 00902.
Washington	San Francisco, CA 94101.
West Virginia	Washington, DC 20013.
Wisconsin	Minneapolis, MN 55401.
Wyoming	San Francisco, CA 94101.

c. *Dead Parcel Branches.*—(1) *Policy.* Dead parcel branches are established at selected post offices to serve post offices and bulk mail centers in a designated area. There will normally be one dead parcel branch in each BMC (bulk mail center) service area, but a dead parcel branch may serve more than one BMC service area as warranted by volume. The bulk mail center and all post offices in a BMC service area send dead parcels to their assigned dead parcel branch. If a post office is re-assigned to another bulk mail service area, its dead parcel branch assignment will also be changed.

(d) *Dead Parcel Service Areas:*

SERVICE AREAS	
Bulk mail centers	Dead parcel branch
Atlanta	Atlanta, GA 30304.
Chicago	Chicago, IL 60607.
Cincinnati	Cincinnati, OH 45234.
Dallas	Fort Worth, TX 76101.
Denver	Denver, CO 80202.
Des Moines	St. Paul, MN 55101.
Detroit	Detroit, MI 48233.
Greensboro	Greensboro, NC 27420.
Jacksonville	Jacksonville, FL 32201.
Kansas City	St. Louis, MO 63155.
Los Angeles	Los Angeles, CA 90052.
Memphis	Memphis, TN 38101.
New York	New York, NY 10001.
Philadelphia	Philadelphia, PA 19104.
Pittsburgh	Pittsburgh, PA 15219.
St. Louis	St. Louis, MO 63155.
St. Paul	St. Paul, MN 55101.
San Francisco	San Francisco, CA 94101.
Seattle	Seattle, WA 98109.
Springfield	Boston, MA 02109.
Washington	Washington, DC 20013.

(3) *Separate Activities.* Each post office with a dead parcel branch must provide a separate activity for processing undeliverable and loose matter found within its own operation. A physical separation must be provided between the work areas devoted to loose and undeliverable processing and to dead mail activities. Mail subject to a retention period may cross this separation into the dead parcel area only after the applicable retention period has expired. Dead matter from other facilities must be taken directly into the dead parcel unit and immediately prepared for auction or other appropriate disposal. Activities for each of these operations must be reported separately. Form 3571, Quarterly Report of Dead Parcel Post Branch, must not include any volume or work hour statistics for mail matter which has not been held for the prescribed retention period.

74 Treatment of Dead Mail in Dead Letter Branches

742 Letters Which Can Be Returned to Sender or Forwarded to Addressee

a. Destroy any letter which contains advertising or other matter obviously of no value to the sender.

77 Disposition of Letters Containing Valuable Enclosures Other Than Money

772 Letters That Cannot Be Returned

b. (8) Mail unidentified postal money orders to the Money Order Division, St. Louis Postal Data Center, St. Louis, MO 63182, with a memorandum explaining the circumstances.

4. In 159.8, revise. 813f to read as follows:

159.8 Treatment in Dead Parcel Post Branches

81 Initial Handling

813 Other Parcels

f. Destroy any exposed or developed photographic material found in dead mail. Sixteen millimeter commercial or

educational motion picture film must be retained for six months before destruction.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published after adoption of this proposal.

[FR Doc.76-36054 Filed 12-7-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1300]

[Docket No. 36458]

FREIGHT TARIFFS; RAILROADS, WATER CARRIERS AND PIPELINE COMPANIES

Modification of Tariff Index Requirements

In this proceeding we propose to consider whether or not we should amend the regulations in § 1300.11(d) of Title 49 of the Code of Federal Regulations (Rule 11(d) in Supplement No. 8 of Tariff Circular No. 20) for the purpose of changing the reissue requirement of tariff indexes from 2 to 4 years and changing the number of supplements thereto that may be in effect at one time from 5 to 10.

It appearing, That § 1300.11 of Title 49 of the Code of Federal Regulations (Rule 11 in supplement 8 of Tariff Circular No. 20) requires each rail carrier of property to publish as a tariff a complete index of all tariffs to which it is a party either as an initial or a delivering carrier;

It further appearing, That paragraph (d) of § 1300.11 requires the reissuance of the index biennially and limits the index to not more than 5 effective supplements at one time;

It further appearing, That, by petition, Western Railroad Traffic Association by its member carriers on behalf of all United States rail carriers seek modification of paragraph (d) to lengthen the index reissue requirement to 4 years and to increase the index supplemental limitation to 10;

It further appearing, That as justification for the changes sought the petitioners state that, among other things, the changes will result in substantial savings for the railroads; tariff users making use of the indexes will not be the least affected or unduly inconvenienced; only a very small number of shippers use the indexes; many indexes duplicate information; and, where shippers have computerized their rates, the indexes are of no value in keeping the computer programs current;

And it further appearing, That the petitioners have presented sufficient justification to warrant the institution of a rulemaking proceeding to consider the sought modifications;

And good cause appearing therefor:

It is ordered, That a rulemaking proceeding be, and it is hereby, instituted under the provisions of the Interstate Commerce Act and section 553 of the Administrative Procedure Act for the purpose of considering the amendment of § 1300.11(d) of Title 49 of the Code of Federal Regulations (Rule 11(d) in Supplement No. 8 of Tariff Circular No.

20) by changing the reissue requirement for tariff indexes from 2 to 4 years and by changing the maximum number of supplements to a tariff index that may be in effect at one time from 5 to 10.

It is further ordered. That any person intending to participate in this proceeding by submitting initial or reply statements, or otherwise, shall notify this Commission by filing with the Office of Proceedings, Interstate Commerce, not later than January 3, 1977, the original and one copy of a statement of the person's intention to participate. Inasmuch as the Commission desires wherever possible (a) to conserve time, (b) to avoid unnecessary expense to the public, and (c) the service of pleadings by parties in proceedings of this type only upon those who intend to take an active part in these proceedings, the statement of intention to participate shall include a detailed specification of the extent of such person's interest, including (1) whether such interest extends merely to receiving Commission releases in this proceeding, (2) whether the person genuinely wishes to participate by receiving or filing initial and/or reply statements, (3) if the person so desires to participate as described in "(2)", whether the person will consolidate or is capable of consolidating his or her interests with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served, such consolidation of interests being strongly urged by the Commission, and (4) any other pertinent information which will aid in limiting the service list to be issued in this proceeding; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding and upon whom copies of all statements must be filed; and at the time of service of this service list the Commission will fix the time for filing and serving statements under the modified procedure;

It is further ordered. That the Commission's Bureau of Enforcement be, and it is hereby, directed to participate as a party in this proceeding.

It is further ordered. That while this proceeding does not currently appear to

be a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, statements filed by parties participating in this proceeding shall indicate the presence or absence of any effect of the recommendations made therein to this Commission on the quality of the human environment. *Cf. Implementation—National Environmental Policy Act, 1969, 340 ICC 431 (1972).*

And it is further ordered. That statutory notice of the institution of this proceeding be given to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, for public inspection, and by delivering a copy to the Director, Office of the Federal Register as notice to all interested persons.

Written material or suggestions submitted will be available for public inspection at the office of the Interstate Commerce Commission, 12th Street and Constitution Avenue, NW, Washington, D.C., during regular business hours.

By the Commission, Division 2, Commissioners Hardin, O'Neal, and Christian. (Commissioner O'Neal dissented with separate expression.)¹

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36080 Filed 12-7-76; 8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAXES

Tuition Remission Programs; Extension of Time for Comments and Postponement of Public Hearing On Proposed Regulations

Proposed regulations under section 117 of the Internal Revenue Code of 1954, relating to tuition remission programs, appear in the FEDERAL REGISTER

¹ Statement filed as part of the original.

for Tuesday, November 2, 1976 (41 FR 48132). This notice of proposed rulemaking provides that, prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by December 17, 1976.

Notice of a public hearing on the provisions of such proposed regulations, to be held on December 17, 1976, beginning at 10 a.m. in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, was published in the FEDERAL REGISTER for Friday, November 19, 1976 (41 FR 51039). The notice of public hearing provides that under § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601), persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking, and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by December 7, 1976.

The public hearing on the proposed regulations under section 117 of the Code that was scheduled for December 17, 1976, is hereby postponed. The public hearing on such proposed regulations will be held on January 7, 1977, beginning at 10 a.m. in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. The time for submitting written comments pertaining to the proposed regulations is hereby extended to December 28, 1976. The time by which persons who have submitted written comments on the proposed regulations and wish to present oral comments at the public hearing on such regulations should submit an outline of the comments to be presented and the time they wish to devote to each subject is hereby extended to December 28, 1976.

ROBERT A. BLEY,
Acting Director,

Legislation and Regulations Division.

[FR Doc.76-36278 Filed 12-7-76; 10:13 am]

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SALK INSTITUTE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00475. Applicant: The Salk Institute, 10010 North Torrey Pines Road, La Jolla, California 92037. Article: Electron Microscope, Model EM 10A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to enlarge the scope of research efforts in that branch of biology which deals specifically with research on the mammalian nervous system. The research projects will include the following:

(1) Localization of specific synaptic neurochemical transmitters—elucidation, identification, mapping, and quantitative estimation of dynamic changes within nerve terminals which contain the transmitter substance norepinephrine.

(2) Enumeration and quantitative morphometry of synaptic junctional profiles—Research built around the discovery that brain tissue fixed by perfusion with glutaraldehyde and exposed only to ethanolic phosphotungstic acid after dehydration produced selective electron staining of synaptic junctional profiles.

(3) Localization of adenylate cyclase and related cell constituents—Locate the enzymes which synthesize or degrade cyclic AMP or which allow changes in cyclic AMP to be manifest on the cytoplasm of the cell.

The article will also be used in the education of post-doctoral and predoctoral scientists and a few graduate students in advanced neurobiology.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (August 20, 1975).

Reasons: The foreign article provides distortion free micrographs over a magnification range 100 to 200,000X without a pole-piece change and a guarantee resolution of 3.5 Angstroms point-to-point (Å pt.). The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated November 4, 1976 that the full magnification range capa-

bilities (100X to 200,000X) without a pole-piece change, and the additional resolution of the article are pertinent to the applicant's intended purposes. HEW further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,

Director,

Special Import Programs Division.

[FR Doc.76-36047 Filed 12-7-76; 8:45 am]

UNIVERSITY OF ROCHESTER ET AL.

Consolidated Decision On Applications for Duty-Free Entry of Image Converter Streak Camera Tubes

The following is a consolidated decision on applications for duty-free entry of Image Converter Streak Camera Tubes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00493. Applicant: University of Rochester, 110 Hopeman Building, Rochester, New York 14627. Article: Photochron I Image Converter Streak Camera tube with S-1 spectral response photocathode. Manufacturer: Instrument Technology Ltd., United Kingdom. Intended use of article: The article is intended to be used in building a fast streak camera needed for the study of the feasibility of heating targets with a pulsed high power laser to produce thermonuclear reactions. Application received by Commissioner of Customs: July 27, 1976. Advice Submitted by the National Bureau of Standards on: November 9, 1976. Article ordered: December 15, 1976.

Docket Number: 76-00495. Applicant: University of Rochester, Hopeman 110, Rochester, New York 14627. Article: Photochron I Image Converter Streak Camera tube with S-1 spectral response photocathode. Manufacturer: Instru-

ment Technology Ltd., United Kingdom. Intended use of article: The article is intended to be used in building a fast streak camera needed for the study of the feasibility of heating targets with a pulsed high power laser to produce thermonuclear reactions. Application received by Commissioner of Customs: July 27, 1976. Advice submitted by the National Bureau of Standards on: November 9, 1976. Article ordered: April 20, 1976.

Docket Number: 76-00496. Applicant: University of Rochester, Hopeman 110, Rochester, New York 14627. Article: Photochron I Image Converter Streak Camera tube with S-1 spectral response photocathode. Manufacturer: Instrument Technology Ltd., United Kingdom. Intended use of article: The article is intended to be used in building a fast streak camera needed for the study of the feasibility of heating targets with a pulsed high power laser to produce thermonuclear reactions. Application received by Commissioner of Customs: July 27, 1976. Advice submitted by the National Bureau of Standards on: November 9, 1976. Article ordered: March 12, 1976.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the foreign articles were ordered.

Reasons: Each foreign article provides a time resolution of 5 to 10 picoseconds. The National Bureau of Standards (NBS) advises in its respectively cited memoranda that the resolution of each article described above is pertinent to the purposes for which each article is intended to be used. NBS also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,

Director,

Special Import Programs Division.

[FR Doc.76-36049 Filed 12-7-76; 8:45 am]

COMMISSION OF FINE ARTS MEETING

DECEMBER 6, 1976.

The Commission of Fine Arts will meet in open session to discuss various projects affecting the appearance of Washington, D.C. on Tuesday, December 21, 1976, at 10 a.m., in the Commission offices at 708 Jackson Place, NW, Washington, D.C. 20006.

Inquiries regarding the agenda or requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.76-36188 Filed 12-7-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION ADVISORY PANEL FOR REVIEW OF THE LASER ISOTOPE SEPARATION PROGRAM Extension

DECEMBER 3, 1976.

On June 18, 1976, ERDA published in the FEDERAL REGISTER (FR Doc. 76-17822) a Determination to Establish an Advisory Panel for Review of the Laser Isotope Separation Program. On July 2, 1976, ERDA extended the duration of the Panel by a FEDERAL REGISTER Notice (FR Doc. 76-19472) to December 31, 1976. Said notices are hereby amended to extend the duration of the Panel to March 1, 1977. I hereby certify that this extension is in the public interest in order for the Panel to prepare and deliver a final report.

The Panel will continue to operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), ERDA policy and procedures, OMB Circular No. A-63 (Revised), and other directives and instructions issued in implementation of that Act.

This determination follows consultation with the Office of Management and Budget pursuant to the relevant sections of the Federal Advisory Committee Act and OMB Circular No. A-63 (Revised).

R. G. ROMATOWSKI,
Advisory Committee
Management Officer.

[FR Doc.76-36063 Filed 12-7-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 654-2]

AIR QUALITY CRITERIA FOR ATMOSPHERIC LEAD

Effects Document; Availability of External
Review Draft

An external review draft of Air Quality Criteria for Atmospheric Lead will be available after November 18, 1976 from the Criteria and Special Studies Office, Health Effects Research Laboratory, EPA, Research Triangle Park, North Carolina 27711. Telephone No. (919) 549-8411 ext. 2266 or 2267. Criticisms and

comments should be mailed to the same address, attention: James R. Smith, no later than January 18, 1977.

Dated: November 18, 1976.

WILSON K. TALLEY,
Assistant Administrator for
Research and Development.

[FR Doc.76-36702 Filed 12-7-76;8:45 am]

[FRL 654-1]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Reference Method Designation

Notice is hereby given that the EPA, in accordance with 40 CFR Part 53 (40 FR 7044, February 18, 1975), has designated another reference method for the measurement of ambient concentrations of photochemical oxidants corrected for interferences due to nitrogen oxides and sulfur dioxide. The new reference method is an automated method (analyzer) which utilizes the measurement principle (chemiluminescent reaction with ethylene) and calibration procedure (1 percent neutral buffered potassium iodide standardized with arsenious oxide) specified in Appendix D of 40 CFR Part 50, as amended on February 18, 1975 (40 FR 7042). The method is:

RFOA-1176-017, "Monitor Labs Model 8410E Ozone Analyzer, operated on a range of 0-.05 ppm and a time constant setting of 5 seconds, with or without any of the following options:

TF—TFE Sample Particulate Filter
VT—TFE Zero/Span Valves and Timer
V—TFE Zero/Span Valves
ER—Ethylene Regulator Assembly
DO—Status Outputs

A notice of receipt of application for this method appeared in the FEDERAL REGISTER, Volume 41, July 29, 1976, page 31614. The method is available from Monitor Labs, Incorporated, 4202 Sorrento Valley Boulevard, San Diego, California 92121.

A test analyzer representative of this method has been tested by its manufacturer, in accordance with the test procedures specified in 40 CFR Part 53. After reviewing the results of these tests and other information submitted by the applicant, EPA has determined, in accordance with Part 53, that this method should be designated as a reference method. The information submitted by the applicant will be kept on file at the address shown below and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As a reference method, this method is acceptable for use by States and other control agencies for purposes of section 51.17(a) of 40 CFR Part 51 ("Requirements for Preparation, Adoption, and Submittal of Implementation Plans") as amended on February 18, 1975 (40 FR 7042). For such use, the method must be used in strict accordance with the operation or instruction manual provided with the method and subject to any limitations (e.g., operating range) specified

in the applicable designation (see description of the method above). Vendor modifications of a designated method used for purposes of § 51.17(a) are permitted only with prior approval of EPA, as provided in Part 53. Provisions concerning modification of such methods by users were promulgated on March 17, 1976 (FEDERAL REGISTER, Vol. 41, page 11255).

In general, each designation applies to any analyzer which is identical to the analyzer described in the designation. In many cases, similar analyzers manufactured prior to the designation may be upgraded (e.g., by minor modification or by substitution of new operation or instruction manual) so as to be identical to the designated method and thus achieve designated status at modest cost. The manufacturer should be consulted to determine the feasibility of such upgrading.

Part 53 requires that sellers of designated methods comply with certain conditions. These conditions are given in 40 CFR Part 53.9 and are summarized below:

(1) A copy of the approved operation or instruction manual must accompany the analyzer when it is delivered to the ultimate purchaser.

(2) The analyzer must not generate any unreasonable hazard to operators or to the environment.

(3) The analyzer must function within the limits of the performance specifications given in Table B-1 of Part 53 for at least 1 year after delivery when maintained and operated in accordance with the operation manual.

(4) Any analyzer offered for sale as a reference or equivalent method must bear a label or sticker indicating that it has been designated as a reference or equivalent method in accordance with Part 53.

(5) If such an analyzer has one or more selectable ranges, the label or sticker must be placed in close proximity to the range selector and indicate which range or ranges have been designated as reference or equivalent methods.

(6) An applicant who offers analyzers for sale as reference or equivalent methods is required to maintain a list of ultimate purchasers of such analyzers and to notify them within 30 days if a reference or equivalent method designation applicable to the analyzer has been cancelled or if adjustment of the analyzers is necessary under 40 CFR 53.11(b) to avoid a cancellation.

(7) An applicant who modifies an analyzer previously designated as a reference or equivalent method is not permitted to sell the analyzer (as modified) as a reference or equivalent method (although he may choose to sell it without such representations) nor to attach a label or sticker to the analyzer (as modified) under the provisions described above, until he has received notice under 40 CFR 53.14(c) that the original designation or a new designation applies to the method as modified or until he has applied for and received notice of a new reference or equivalent method determination for the analyzer as modified.

Aside from occasional breakdowns or malfunctions, consistent or repeated non-compliance with any of these conditions should be reported to: Director, Environmental Monitoring and Support Laboratory, Department E (MD-76), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of this reference method will provide assistance to the States in establishing and operating their air quality surveillance systems under 40 CFR 51.17(a). Additional information concerning this action may be obtained by writing to the address given above.

WILSON K. TALLEY,
Assistant Administrator for
Research and Development.

DECEMBER 3, 1976.

[FR Doc. 76-36101 Filed 12-7-76; 8:45 am]

[FRL 654-4; OPP-50270]

CHEMAGRO AGRICULTURAL DIVISION

Issuance of an Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), an experimental use permit has been issued to the following applicant. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 3125-EUP-127. Chemagro Agricultural Division, Mobay Chemical Corporation, Kansas City, Missouri 64120. This experimental use permit allows the use of the remaining supply of 10.5 pounds of the insecticide 2-(1-methylethoxy) phenol methylcarbamate in food handling establishments to determine the amount of transfer of pesticide residues in food commodities. The program is authorized only in the States of Illinois, Minnesota, Missouri, and Nebraska. The experimental use permit is effective from October 28, 1976, to October 28, 1977. A food additive regulation for residues of the active ingredient in food commodities has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW, Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. This file will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: December 2, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 76-36104 Filed 12-7-76; 8:45 am]

[FRL 653-8]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of Environmental Protection Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of September 1, 1976 and September 30, 1976.

Appendix I contains a listing of the draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classification of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements, reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed and not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agencies' regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions and EPA comments referenced herein may be obtained by writing the Public Information Reference Unit, (PM 213), Environmental Protection Agency, Room 2922, Waterside Mall, SW, Washington, D.C. 20460, telephone 202/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: November 30, 1976.

JOSEPH M. MCCABE,
Acting Director,
Office of Federal Activities.

APPENDIX I.—Draft environmental impact statements for which comments were issued between Sept. 1, 1976, and Sept. 30, 1976

Identifying No.	Title	General nature of comments	Source for copies of comments
Corps of Engineers:			
D-COE-C32007-NY	Newton Creek, Navigation Project, New York	EU-2	C
D-COE-32018-NC	Maintenance of Wilmington Harbor, Brunswick and New Hanover Counties, N.C.	ER-2	E
D-COE-E34008-NC	Randleman Lake, Deep River, construction and operation, Guilford and Randolph Counties, N.C.	ER-2	E
D-COE-E36040-NC	Black River flood control project, Harnett County, N.C.	ER-2	E
D-COE-F07004-OH	Killen Electric Generating Station, Units 1 and 2, Adams County, Ohio	ER-2	F
D-COE-F32044-MI	Huron Bay Harbor, mitigation of shore damage, Federal navigation structures, Michigan	LO-1	F
D-COE-G07009-AR	White Bluff Steam Electric Generating Station, Jefferson County, Ark.	LO-2	G
D-COE-H34012-KS	Kanopolis Lake, operation and maintenance, Ellsworth, McPherson and Saline Counties, Kans.	ER-3	H
D-COE-K32012-HI	Lahaina small boat harbor, Lahaina, Maui County, Hawaii	ER-2	J
D-COE-L36042-OR	Improvements to navigation, Bonneville lock and dam, Oregon	ER-3	K
Department of Agriculture:			
D-AFS-B61009-00	Evans Notch unit plan, White Mountain National Forest, New Hampshire and Maine	LO-1	B
D-AFS-G63015-NM	Geothermal Leasing, Santa Fe National Forest, James Caldera, Rio Arriba and Sandoval Counties, N. Mex.	LO-2	G
D-AFS-G66017-AR	Management of South Fork Unit, Ouachita National Forest, Ark.	LO-1	G
D-AFS-J61012-00	Fleming Gorge Proposed Management Plan, Ashley National Forest, Utah and Wyoming	LO-2	I
D-AFS-J65048-00	Beartooth Plateau Unit for Shoshone, Custer, and Gallatin National Forest, Mont. and Wyo.	LO-2	I
D-AFS-J65050-MT	Ninemile Mill Planning Unit, Lolo National Forest, Mont. (DES-ADM-76-20)	LO-1	I
D-AFS-G10832-OR	Grande Ronde Planning Unit, Wallowa-Whitman and Umatilla National Forests, Union County, Oreg. (USDA-FS-R6-15)	LO-2	K
D-AFS-L64003-AK	Burnett Nonprofit Fish Hatchery, Sitka Area, Tongass National Forest, Alaska (FS-R10-DES-ADM-76-001)	LO-1	K

NOTICES

Identifying No.	Title	General nature of comments	Source for copies of comments
D-AFS-L65021-WA	Wenatchee National Forest, Off road vehicle study, Washington (USDA-FS-R6-DES-ADM-76-13).	LO-2	K
D-AFS-L65022-OR	Timber Management Plan, Revision, Mount Hood National Forest, Oreg. (FS-R6-DES-ADM-76-14).	LO-2	K
D-REA-J07003-SD	Clay County Station, Basin Electric Power Cooperative, Clay County, S. Dak.	LO-2	I
D-SCS-G30050-LA	Central Madison Watershed, Madison Parish, La.	LO-1	G
Department of Commerce:			
D-NOA-L64001-OR	State of Oregon Coastal Zone Management Program	3	K
Department of Defense:			
D-UAF-F11003-00	Proposed relocation of Air Force communication service from Richards-Gebour AFB to Scott AFB and other mission realignments to Scott AFB, Jackson and Cass Counties, Mo.	LO-2	F
Department of Interior:			
D-BLM-A62012-AK	Lower Cook Inlet, proposed 1976 oil and gas lease sale No. 61, Outer Continental Shelf (OCS), Alaska.	ER-2	A
D-IBR-K29003-00	Orme Dam and Reservoir, Central Arizona Project, Salt, Gila, and Verde Rivers, Maricopa County, Ariz. and N. Mex.	ER-2	J
D-NPS-K61011-AZ	Grand Canyon National Park, proposed wilderness classification, Arizona.	LO-1	J
Department of Transportation:			
D-CGD-G50001-LA	West Bank Expressway, Jefferson Parish, La.	LO-2	G
D-CGD-K81005-CA	Coast Guard Family housing, Eureka, Humboldt County, Calif.	ER-2	J
RD-DOT-A52004-00	Proposed rulemaking concerning motor vehicle occupant crash protection.	ER-2	A
D-FAA-A52005-00	Certification of Gates Learjet models 24 and 25, airplanes for operation at a maximum pressure altitude of 51,000 ft.	LO-1	A
D-FAA-C51004-NY	Stewart Airport, runway extension, Newburgh, Orange County, N.Y.	ER-2	C
D-FAA-D51006-PA	Erie Airport, runway extension, Erie County, Pa.	LO-2	D
D-FAA-G51004-TX	Richardson Municipal Airport, Dallas and Collins Counties, Tex.	3	G
D-FAA-L51006-AK	Anchorage International Airport, north south runway, Anchorage, Alaska.	LO-1	K
D-FHW-E40084-NC	U.S. 81, west of Hallsboro to Bolton, Columbia County, N.C.	LO-2	E
D-FHW-E40085-NC	Freeman Mill Rd., Meadowview to Randleman Rd., Guilford County, N.C.	LO-2	E
D-FAA-L51005-WA	Ocean Shores Airport, Masterplan, Ocean Shores King County, Wash.	LO-1	K
DS-FHW-A42175-NM	NM-44, San Ysidro North, Sandoval County, N. Mex.	LO-1	G
D-FHW-B40018-NH	NH-9, Sullivan, Nelson, and Stoddard, Cheshire County, N.H. (FHW-NH-EIS-76-63-D).	LO-1	B
D-FHW-E40083-TN	TN-111, Appalachian Development highway, White and Putnam Counties, Tenn. (TN-EIS-76-61-D).	LO-2	E
D-FHW-F40068-IL	Carbondale Railroad and Highway Demonstration Project, Jackson County, Ill.	LO-2	F
D-FHW-F40060-IN	I-69 to U.S. 27, Southeast Bypass of Fort Wayne, Allen County, Ind. (FHW-IND-76-67-D).	LO-2	F
D-FHW-H40060-NB	Improvements to U.S. 30 and NB-15, Schuyler, Colfax County, Nehr.	LO-2	H
D-FHW-K40044-HI	Hawaii Belt Road, Honolulu to Papa, North and South, Kona, Hawaii (FHW-HI-EIS-76-62-D).	LO-2	J
D-FHW-L40035-OR	Allen Blvd. Interchange, Beaverton-Tigard highway, OR-217, Washington County, Oreg. (FHW-OR-EIS-76-62-D).	LO-2	K
D-FHW-L40038-ID	State St. Corridor Improvements, 23d St. to Broadway Ave. Ada County, Idaho.	ER-2	K
D-FHW-L40042-ID	American Falls Dam, I-15W-4, Power County, Idaho (FHW-IDA-EIS-76-65-D).	LO-2	K
Federal Power Commission:			
DS-FPC-A05431-WI	Chippewa Project, No. 108, Sawyer County, Wis.	ER-3	F
General Services Administration:			
D-GSA-F81005-WI	U.S. Court House, Dane County, Wis.	LO-1	F
Department of Housing and Urban Development:			
D-HUD-C85010-PR	Panto Oro II residential development, Ponce, P.R.	3	C
D-HUD-D85009-MD	White Marsh, joint venture, Baltimore County, Md.	3	D
D-HUD-F85012-MN	Trans Union planned unit development, Diamond Path addition, Dakota County, Minn. (76-06).	ER-2	F
D-HUD-G34001-TX	Florence Hill water and sewer project, Dallas, Tarrant County, Tex.	LO-1	G
D-HUD-G85015-TX	Los Rios subdivision, Plano, Collin County, Tex.	LO-1	G
D-HUD-J85008-CO	Mission Viejo, planned community zone development, Colorado.	3	I
D-HUD-K85003-CA	Proposed Aliso Hills development, Orange County, Calif.	ER-2	J
D-HUD-K85015-CA	1977 community development program and housing assistance plan, CDBG, San Francisco, Calif.	LO-2	J
Interstate Commerce Commission:			
D-ICC-A53041-OO	Transportation of radioactive materials, special trains service.	3	A
D-ICC-F53002-WI	Chicago & Northwestern Transportation Co., Abandonment, Sawyer, Asland, and Bayfield Counties, Wis.	LO-2	F
National Aeronautics and Space Administration:			
D-NAS-K13002-CA	Ames Research Center, Moffett Field, Santa Clara County, Calif.	LO-2	J
Nuclear Regulatory Commission:			
DS-AEC-A00094-SC	Barnwell nuclear fuel plant (BNFP), Allied General Nuclear Services, docket No. 50-332, Barnwell County, S.C. (NUREG-0082).	(9)	A

Identifying No.	Title	General nature of comments	Source for copies of comments
D-NRC-C06005-NY	Indian Point unit No. 2, extension of operation with once-through cooling, docket No. 50-247, Westchester County, N.Y. (NUREG-0080).	(9)	C
D-NRC-G06002-OK	Black Fox nuclear generating station, units 1 and 2, Public Service Co. of Oklahoma, dockets Nos. STN 50-556 and STN 50-557, Rogers County, Okla.	LO-1	G
U.S. Postal Service: D-UPS-F81004-IL	Proposed relocation of South Cicero suburban postal facility, Chicago, Cook County, Illinois.	LO-2	F

¹ In view of the pending decision on EPA's proposed uranium fuel cycle standard and its influence on requirements for control of longer lived radionuclides at the Barnwell nuclear fuel plant, EPA was currently not able to ascribe an overall impact classification to this project. In light of EPA's review, however, EPA has rated the draft supplement as category 2, insufficient information.

² EPA's review of the draft EIS indicated the proposed amendment to be unwarranted and in conflict with EPA's decisionmaking authority.

APPENDIX II

DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objection. EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations. EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory. EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—Final environmental impact statements for which comments were issued between Sept. 1, 1976, and Sept. 30, 1976

Identifying No.	Title	General nature of comments	Source for copies of comments
Corps of Engineers: F-COE-A39013-MD	Permit application, diked disposal, Hart and Miller Islands, Baltimore County, Md.	EPA continues to have environmental reservations concerning the project. However, EPA's review of the final EIS concluded the site selection to be adequate in view of the proposed alternatives. EPA believes continued investigations will reveal more desirable techniques to be used to meet the future needs for dredge spoil disposal in the area.	D
F-COE-A39022-PA	Delaware River, Allegheny Ave. to Delair R.R. bridge, Philadelphia, Pa., to Trenton, N.J.	EPA's review indicated the final EIS was unresponsive to comments made by EPA on the draft EIS. Specifically, EPA requested additional information concerning spoil disposal siting. Because the final EIS failed to clarify locations, EPA continues to have reservations on the project as proposed.	D
F-COE-B39002-MA	Provincetown Harbor permit application, Cee-Jay Corp., Provincetown, Plymouth County, Mass.	EPA continues to have environmental reservations on the project as proposed because of the uncertainty relative to sewage disposal from vessel holding tanks and structures covered by this permit as well as the realization that any future construction will pose an additional and possibly more severe wastewater disposal problem.	B
F-COE-C00004-VI	Proposal to construct an offshore crude oil terminal and submarine pipeline, Hess Oil Virgin Island Corp. (HOVIC), Virgin Islands.	EPA's concerns were adequately addressed in the final EIS. However, EPA requested that prior to operation of the facility HOVIC submit the oil spill contingency plan to EPA for review.	C

NOTICES

Identifying No.	Title	General nature of comments	Source for copies of comments
FS-COE-C36020-NY.	Flood control project, Saw Mill River, Yonkers, N.Y.	EPA's concerns were adequately addressed in the final EIS.	C
F-COE-E30001-FL.	Beach erosion control and hurricane surge protection project, Dade County, Fla.	EPA's concerns were adequately addressed in the final EIS. However, EPA recommended that the specifications include all possible methods of reducing the drift of materials which could damage the coral reefs.	E
F-COE-F30004-MI.	Holland Harbor, mitigation of shore damage, Ottawa County, Mich.	EPA's concerns were adequately addressed in the final EIS. However, EPA requested the opportunity to review any future sources of beach nourishment material beyond those described in the EIS. Also EPA recommended that, in the event erosion on the north beach is detected, beach nourishment activities be stopped until remedial action is developed.	F
F-COE-F32026-MI.	Maintenance dredging, St. Clair River, Federal navigation channels, Mich.	EPA's concerns were adequately addressed in the final EIS.	F
F-COE-F32030-OH.	Operation and maintenance, Vermilion Harbor, Erie County, Ohio.	do.	F
F-COE-F36026-IN.	Logjam removal project, Wabash River, Adams County, Ind.	do.	F
F-COE-G32006-00.	Mississippi River levees and channel improvements, Arkansas, Illinois, Kentucky, Missouri, Louisiana, Mississippi, and Tennessee.	EPA expressed severe environmental reservations with the actions proposed in this EIS because of their long term cumulative impacts on the physical, biological, and chemical integrity of the Mississippi River system. The comments express concerns over the dredge spoil placement, disposal criteria and mitigation and over the loss of riverine habitat and recommend that a multiuse management plan be developed for the river which would balance flood control and navigation needs with environmental needs.	G
F-COE-H07008-NB.	Omaha Public Power District, permit, Nebraska City power station unit 1, Otoe County, Neb.	EPA's concerns were adequately addressed in the final EIS.	H
F-COE-H34009-IA.	Operation and maintenance, Red Rock Dam and Lake, Des Moines River, Iowa.	EPA continues to have environmental reservations with the operation and maintenance program for the project. Based on preliminary sampling data, several species of fish which are commercially harvested may be contaminated with the pesticide dieldrin beyond the limits for human consumption set by the U.S. Food and Drug Administration. In addition, sampling data indicated the fecal coliform counts often exceed the State standard for whole body contact recreation. EPA requested the Corps conduct additional monitoring studies on these public health problems and recommended appropriate administrative action be taken to protect public health.	H
F-COE-K35004-HI.	Harbor maintenance dredging, Hawaii.	EPA's concerns were adequately addressed in the final EIS. In addition, EPA recommended the Corps monitor and evaluate the long-term effects of dredging and establish a program for maintaining the capability for continuous assessment of dredge material disposal impacts.	J
Department of Agriculture:			
F-AFS-F61005-MI.	Timber management plan, Ottawa National Forest, Gogebic County, Mich.	EPA's review of the final EIS indicated the Forest Service was unresponsive to comments made by EPA on the draft EIS. Specifically, the types of contract provisions for erosion control and the adequacy of the present monitoring programs were not given adequate discussion in the FEIS.	F
F-AFS-J66026-UT.	Lone Peak wilderness study, Uinta and Wasatch National Forests, Utah.	EPA's concerns were adequately addressed in the final EIS. However, EPA requested that the specifics for water quality monitoring, construction and operation of back country use restrictions be worked out with the 2 designated 208 agencies in this area.	I
F-AFS-J65027-MT.	West Kootenai Multiple use plan, Kootenai National Forest, Lincoln County, Mont.	EPA's concerns were adequately addressed in the final EIS with exception of comments concerning off-road vehicle noise. EPA has requested the Forest Service set aside appropriate areas that prohibit the use of motorized vehicles.	I
F-AFS-K61005-CA.	Land use plan, Shasta and Clair Engle-Lewis units, Whiskeytown, Shasta, and Trinity National Recreation Area, Shasta and Trinity Counties, Calif.	EPA's concerns were adequately addressed in the final EIS. However, EPA suggested the Forest Service evaluate the relative air and water quality effects of each alternative prior to a final decision.	J
F-SCS-F26032-IN.	Hall-Flat Creek watershed, Dubois County, Ind.	EPA's concerns were adequately addressed in the final EIS. However, EPA requested consideration be given to periodic pesticide analysis of aquatic organisms and the installation and maintenance of fenced-in grass buffers.	F
F-SCS-F26035-IN.	Bailey-Cox-Newton watershed, Starke County, Ind.	EPA's concerns were adequately addressed in the final EIS.	F
F-SCS-K34002-AZ.	Buckhorn-Mesa watershed, Maricopa and Pinal Counties, Ariz.	do.	J

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Commerce:			
F-EDA-J28000-UT..	Price River water improvement, Carbon County, Utah.	EPA's concerns were adequately addressed in the final EIS. However, EPA expressed concern about the impact the proposed water system would have on encouraging the conversion of valuable agricultural land to urban uses.	I
Department of Defense:			
F-USN-J02000-WY..	Development of Naval Petroleum Reserve No. 3, Teapot Dome, Wyo.	EPA's comments were adequately addressed in the final EIS. However, EPA encouraged the Navy to provide an impermeable seal below the evaporation pond even though this will not be a requirement of the NPDES permit issued by the Wyoming Department of Environmental Quality.	I
Department of Interior:			
F-BLM-A67013-CA..	Preference Right Phosphate Lease, Los Padres National Forest, Ventura County, Calif.	EPA raised issues regarding air quality, water quality, water supply, and radiological aspects of the proposed phosphate mining lease application and recommended that the final EIS be regarded as a revised draft EIS in view of these several unresolved issues and the 5-yr interval between draft and final EIS publication. EPA's rating of this project awaits final action by BLM on EPA's recommendations.	A
F-IBR-G07003-NM..	Four Concerns Powerplant and Navajo Mine, Modifications, New Mexico.	EPA's concerns were adequately addressed in the final EIS.	G
F-NPS-F61004-00...	Upper St. Croix National Scenic Riverway, Minn. and Wis.	do	F
Department of Transportation:			
F-CGD-A50125-NJ..	NY-18 Extension, Bridge Across Raritan River, Middlesex County, N.M.	EPA has environmental reservations concerning the proposed project's effects on air quality, water quality, noise, flooding, and historical sites. EPA suggested the Coast Guard meet with EPA to resolve these issues prior to making a decision on the project.	C
F-DOT-A41477-IL..	FAP 405, Supplemental Freeway E-5, I-474 and I-74 To IL-25, Peoria County, Ill.	EPA's concerns were adequately addressed in the final EIS.	F
NF-FAA-E51017-TN.	Scott County Municipal Airport, Oneida, Tenn.	EPA's concerns were adequately addressed in the final EIS. EPA, however, recommended that several noise requirements be addressed in the assessment.	E
F-FHW-A41885-IL..	Sterling Ave., FAU 8399, Peoria County, Ill.	EPA's review of the final EIS indicated the FHW did not adequately respond to EPA's comments on the draft EIS. Specifically, projected land use, limitation of noise impact on existing congested streets, downstream flooding effects, truck usage and speed limit restrictions and other noise mitigative efforts have not been satisfactorily addressed.	F
F-FHW-K40004-AZ..	Hohokam Expressway, Junction I-10, Washington St., Salt River Bridge, Maricopa County, Ariz.	EPA expressed severe reservations concerning this project. EPA recommended that federal approval of the project be delayed until there is a joint Federal resolution of the attendant air quality problems.	J
F-FHW-K40037-NV.	I-80, Elko and Nevada Counties Nev.	EPA's concerns were adequately addressed in the final EIS.	J
Department of Housing and Urban Development:			
F-HUD-C85008-NY.	Development of Industrial Park, St. Johnsville, Montgomery County, N.Y.	do	C
F-HUD-F85000-OH.	Crawford Heights Project, Marthus Ferry, Belmont County, Ohio (CDBG).	EPA's concerns were adequately addressed in the final EIS. In addition, EPA suggested that the Belmont County sewer authority's wastewater facilities (WTP) must not be subjected to increased loading from the proposed development prior to the WTP facilities upgrading that would cause further water quality degradation.	F
F-HUD-F85010-OH.	Construction of sewers, 617 acres of industrial, and economic development, Cuyahoga County, Ohio.	EPA's review of the final EIS indicated HUD was unresponsive to EPA's comments on the draft EIS. EPA continues to have concerns regarding residential and secondary development in the area, drainage effects, potential air traffic increases, possible airport expansion and associated noise impacts.	F
F-HUD-J83004-CO..	Stony Creek, planned unit development, Jefferson County, Colo.	EPA's concerns were adequately addressed in the final EIS. However, HUD has not responded to EPA's request for information on regional cumulative impacts on water and air pollution.	F

Identifying No.	Title	General nature of comments	Source for copies of comments
F-HUD-K60006-CA	West End II Redevelopment, property acquisition, demolition, business, residential relocation and project improvements, Stockton, San Joaquin County, Calif.	EPA considers the EIS to be inadequate and recommended that a supplement be prepared and subjected to review before funds are released for the West End II project. EPA emphasized the absence of relevant air quality data.	J
Interstate Commerce Commission: F-ICC-C52002-NY	Mascony Transport & Ferry Service Inc., initial operations, New London, Conn., to Greenport, N.Y.	EPA expressed environmental reservations concerning the proposed project's impacts on air quality. However, EPA believes that the impacts can be mitigated through operational modifications.	C
Nuclear Regulatory Commission: FS-NRC-A06159-NY	Selection of the preferred closed-cycle cooling, Indian Point nuclear plant, unit 2, docket No. 50-247, New York (NUREG-0042).	EPA's concerns were adequately addressed in the final EIS.	C
U.S. Postal Service: F-UPS-C81001-NY	Proposed air mail facility at Kennedy International Airport, N.Y.	EPA's concerns were adequately addressed in the final EIS. However, EPA requested an opportunity to review more information regarding carpooling as it becomes available.	C
General Services Administration: F-GSA-D11002-MD	Disposal of a portion of Fort Loabird, Baltimore County, Md.	EPA's previous concerns were adequately addressed in the supplement to the final EIS.	D
F-GSA-D81005-DC	Relocation of Government Printing Office, Washington, D.C.	EPA's concerns were adequately addressed in the final EIS. However, EPA believes further analysis is necessary in order to update the air quality study presented.	D

APPENDIX IV.—Final environmental impact statements which were reviewed and not commented on between Sept. 1, 1976, and Sept. 30, 1976

Identifying No.	Title	Source of review
Corps of Engineers:		
F-COE-A34129-PR	San Juan Harbor, survey-review report, navigation, Puerto Rico	C
F-COE-A35139-TX	Lavon Lake, Trinity River basin, Tex.	G
F-COE-A36196-VA	Water filtration plant, flood protection project, Richmond, Va.	D
F-COE-A36784-WV	Oceana local flood protection, upper Guyandotte River basin, Wyoming County, W. Va.	D
F-COE-D39001-MD	Stewart Investment Co., Piney Point, permit, pier extension, St. Marys County, Md.	D
F-COE-E35021-NC	Maintenance of navigation projects on sounds of North Carolina, Croatan and Pamlico Sounds.	E
F-COE-G07008-OK	Oklahoma Gas & Electric Co., generating station, permit, units 4 and 5, Muskogee County, Okla.	G
F-COE-G34019-NM	Operation and maintenance, Conchas Lake, Canadian River, San Miguel County, N. Mex.	G
F-COE-H07000-MO	Latan steam electric generating station, Platte County, Mo.	H
F-COE-H30012-MO	St. Johns Bayou and New Madrid floodway, Scott, New Madrid, and Mississippi Counties, Mo.	H
F-COE-L30006-WA	Shelton Creek flood control and storm drainage project, Shelton Wash.	K
FS-COE-L30030-OR	Applegate Reservoir, Ronge River basin, Jackson County, Ore.	K
F-COE-L30036-WA	Swinomish Channel maintenance dredging, Skagit County, Wash.	K
Department of Agriculture:		
F-AFS-A65112-00	Outline of Forest Service plans for implementing the Forest and Rangeland Renewable Resources Planning Act of 1974.	A
F-AFS-E65007-MS	Porter Creek unit plan, Homochitto National Forest, Franklin and Amite Counties, Miss. (USDA-FS-RS-FES-ADM-76-11).	E
F-AFS-E65009-NC	Curtis Creek unit, Pisgah National Forest, McDowell County, N.C.	E
F-AFS-E65011-MS	Timber management plan, Homochitto National Forest, Miss. (USDA-FS-RS-FES-ADM-76-12).	E
F-AFS-E65012-MS	Blenville National Forest, timber management plan, Jasper, Newton, Scott, and Smith Counties, Miss. (USDA-FS-RS-FES-ADM-76-13).	E
F-AFS-G65000-AR	Ozone unit plan, Ozark and St. Francis National Forest, Johnson County, Ark.	G
F-AFS-G65012-LA	Management of Caney unit, Kisatchie National Forest, Claiborne and Webster Counties, La.	G
F-AFS-G65013-AR	Management Cossatot-Little Missouri unit plan, Ouachita National Forest, Ark.	G
F-AFS-J65030-MT	O'Brien-Seventeen Mile-Cross Mountain multiple use plan, Kootenai National Forest, Lincoln County, Mont.	I
F-AFS-J65032-MT	Lower West Fork planning unit, Bitterroot National Forest, Ravalli County, Mont.	I
F-AFS-K65012-NV	Mount Charleston planning unit, land use plan Toiyabe National Forest, Clark County, Nev.	J
F-AFS-L61035-ID	Pioneer Mountains planning unit, Challis and Sawtooth National Forests, Custer, Blaine, and Butte Counties, Idaho (USDA-FS-R4-FES-ADM-75-23).	K
F-AFS-L81036-ID	Lakeview planning unit, Kaniskun National Forest, Bonner County, Idaho (FS-R1-04-FES-ADM-R1-75-10).	K

Identifying No.	Title	Source of review
F-AFS-L61039-ID	Land Use Plan, Emerald Creek, St. Joe National Forest, Idaho (USDA-FS-R1-04-FES-ADM-R1-75-10)	K
F-AFS-L61057-AK	Land Use Plan, South Lindenberg Peninsula Management Unit, Tongass National Forest, Kupreanof Island, Alaska (FS-R10-DES (ADM) 76-02)	K
F-AFS-L61062-ID	Twelvemile Planning Unit, Salmon National Forest, Lemhi County, Idaho (USDA-FS-DES-ADM-R4-76-10)	K
F-AFS-L61069-ID	Blacktail Planning Unit, Karlo National Forest, Bonner and Kootenai Counties, Idaho	K
F-AFS-L65017-AK	Passage Canal Salvage Timber Sale, Chugach National Forest, Alaska (FS-R10-FES-ADM-76-03)	K
F-DOA-ES2001-00	Trial boll weevil eradication program, Virginia, North and South Carolina (USDA-APHIS (ADM) 75-1)	E
F-REA-G07006-TX	Lignite Unit No. 1 and Associated Mine and Lines, Atascosa, Texas	G
F-REA-H09000-KS	50 MW combustion turbine, Gas Turbine No. 2, Garden City powerplant, Finney County, Kans.	H
F-REA-L08017-AK	Teland to Reed, 230 kV Transmission Line, Anchorage, Alaska	K
Department of Interior: F-BIA-A01023-WA	Sherwood Uranium Project, Spokane Indian Reservation, Stevens County, Wash. (76-45)	K
F-BLM-G07007-00	345 kV Transmission Lines, Greenlee County, Ariz., to El Paso, Tex.	G
F-DOI-D61002-WV	New River Gorge, National Wild and Scenic River, West Virginia	D
Department of Transportation: F-FHW-A42100-WA	WA-19, forest highway Route 19, Tonasket-San Poil Highway, Ferry County, Wash.	K
NE-FHW-E40023-FL	FL-826, Dade County, Fla.	E
F-FHW-E40046-GA	U.S. 1, New Savannah Rd., Richmond County, Ga. (FHWA-GA-EIS-75-06-F-7)	E
F-FHW-G40019-TX	I-20 and I-820, Tarrant and Parker Counties, Tex.	G
F-FHW-H40027-NB	NB-28, Scottsbluff South, Scottsbluff County, Nebr.	H
F-FHW-L40022-WA	WA-167, junction WA-412 to WA-18, Sumner to Auburn, Pierce and King Counties, Wash.	K
F-FHW-L40029-ID	Caldwell-Nampa Blvd., U.S. 20, Canyon County, Idaho	K
Energy Research and Development Administration: F-ERD-A00118-CA	Positron-Electron storage ring project, Stanford Linear Accelerator Center, Stanford, San Mateo County, Calif. (ERD-1546)	A
Federal Power Commission: F-FPC-B03000-MA	Construction and operation, LNG import terminal, Everett, Middlesex County, Mass.	B
F-FPC-G03001-LA	Calcasieu LNG project, Calcasieu Parish, La.	G
General Services Administration: F-GSA-L81005-ID	Federal Building, Pocatello, Bannock County, Idaho	K
Department of Housing and Urban Development: F-HUD-E28014-AL	Pleiku County water systems, Alabama	E
Department of Health, Education, and Welfare: F-FHW-ES1012-NC	National Environmental Health Research Center, Research Triangle Park, N.C.	E

APPENDIX V.—Regulations, legislation and other Federal agency actions for which comments were issued between Sept. 1, 1976, and Sept. 30, 1976

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Commerce: R-EDA-A80106-00	13 CFR pt. 316, Business Credit and Assistance, Local Public Development and Investment Program.	EPA commended EDA on the provisions of sec. 316.13 and initiated negotiations to develop appropriate joint review of the applications submitted to EDA.	A
Department of Defense: R-USA-A65124-00	32 CFR pt. 642, Real Property, Facilities Engineering, Natural Resources, Land, Forest and Wildlife Management (AR 420-74).	EPA expressed reservations on several aspects of the proposed rule. The rule did not include any consideration of the special needs and values of environmentally sensitive land areas such as: floodplains, wetlands, steep slopes, and aquifer recharge zones. The generic term "pesticide," as defined in another Army proposed regulation apparently excludes herbicides. EPA suggested that these oversights be corrected. Other EPA comments concerned explicit adherence by the Army to all the provisions of FIFRA; the interrelationship of land use and water quality in 208 planning cooperation; and the need for closer correlation and cross referencing of this proposed rule with the existing Army regulation (32 CFR 650) on environmental protection.	A
R-USA-AS2007-00	32 CFR pt. 657, Environmental Quality, Facilities Engineering, Pest Control Services.	EPA identified the need for several clarifications in these regulations.	A
Department of Interior: A-BLM-A02103-00	Outer Continental Shelf (OCS) offshore California, call for nominations of and comments on area for oil and gas leasing.	EPA encouraged DOI to take advantage of the leadtime available before lease sales in this area to develop (1) probabilities and trajectories of oil spills, (2) specific mitigatory actions in the event of a spill, and (3) site-specific quantification of the resources (wildlife, fisheries, etc.) likely to be affected by oil spills and general OCS development. EPA also urged the early development of operating orders for the area.	A
A-BLM-A02105-AK	Beaufort Sea Outer Continental Shelf (OCS), proposed oil and gas sale No. 50, northern gulf of Alaska, proposed area extension (see A02093).	EPA reiterated its position, expressed in previous correspondence, that the Beaufort Sea lease sale be deferred until last because of the high risk of an oil spill and the serious environmental damage that would result from such a spill.	A

APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

- A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall, SW, Washington, D.C. 20460.
- B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.
- C. Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.
- D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.
- E. Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street NE, Atlanta, Georgia 30308.
- F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.
- G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270.
- H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.
- I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1880 Lincoln Street, Denver, Colorado 80203.
- J. Director of Public Affairs, Region 9, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.
- K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.76-35961 Filed 12-7-76;8:45 am]

[FRL 654-3; OPP-50266]

NEW YORK STATE AGRICULTURAL EXPERIMENT STATION

Issuance of An Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), an experimental use permit has been issued to the following applicant. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 37787-EUP-1. New York State Agricultural Experiment Station, Highland, New York 12528. This experimental use permit allows the use of 5.8 pounds of the fungicide oxytetracycline hydrochloride on peach and nectarine trees to control disease of these trees. Approximately 2,650 trees are involved; treatment will consist of infusion of peach and nectarine trees with an aqueous solution of the fungicide after harvest and prior to leaf drop. The program is authorized only in the States of Connecticut and New York. The experimental use permit is effective from October 22, 1976, to October 17, 1977. Temporary tolerances for residues of the active ingredient in or on peaches and nectarines have been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division

(WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. This file will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: December 2, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.76-36703 Filed 12-7-76;8:45 am]

[FRL 654-7]

POLYCHLORINATED BIPHENYLS (PCBS)

Panel Discussion

The Environmental Protection Agency has invited various States, industry, labor, professional, and environmental groups to participate in a panel on polychlorinated biphenyls (PCBs). The participants will discuss the issues and impacts of section 6(e) of the Toxic Substances Control Act (TSCA).

The panel will meet on December 20, 1976, at 10 a.m., in Room 2117, Waterside Mall, Environmental Protection Agency, 401 M Street, SW., Washington, D.C.

The public is invited to attend. For further information concerning this panel meeting, please contact Perry W. Brunner, (202-426-9000), U.S. Environmental Protection Agency, Office of Toxic Substances (WH-557), 401 M Street, SW., Washington, D.C. 20460.

Dated: December 3, 1976.

KENNETH L. JOHNSON,
Acting Assistant Administrator
for Toxic Substances.

[FR Doc.76-36099 Filed 12-7-76;8:45 am]

[FRL 648-6]

POLYCHLORINATED BIPHENYLS (PCBs)

Formation of PCB Work Group; Notice of Public Meetings; Solicitation of Comments

Pursuant to section 6(e)(1) of the Toxic Substances Control Act (TSCA), Pub. L. 94-469, which becomes effective January 1, 1977, the Administrator must take certain actions concerning polychlorinated biphenyls (PCBs) within six months after TSCA becomes effective. Specifically, section 6(e)(1) states that the Administrator shall do the following:

- prescribe methods for the disposal of polychlorinated biphenyls, and
- require polychlorinated biphenyls to be marked with clear and adequate warnings and instructions with respect to their processing, distribution in commerce, use, or disposal or with respect to any combination of such activities.

Requirements prescribed by rules under this paragraph shall be consistent with the requirements of paragraphs (2) and (3) of section 6(e).

The Agency has established a work group for PCBs to write proposed rules and regulations to implement the section quoted above. The Agency plans to publish no later than March 31, 1977, the proposed regulation under section 6(e)(1) for disposal and marking for PCBs. It is planned to start the informal hearing process on May 2, 1977. The hearing will be conducted as required by section 6(c)(2)(C) and section 6(c)(3) of TSCA.

The Agency also invites general comments on implementation of section 6(e), and will hold a public meeting on January 11, 1977, at 10 a.m., in Room 2117, Waterside Mall, Environmental Protection Agency, 401 M Street, SW, Washington, D.C., 20460, for expression of views on implementation of section 6(e). If you wish to make a presentation, please contact George F. Wirth at the address given below.

All persons who wish to submit written data, views or comments concerning section 6(e)(1) for the development of proposed regulations are requested to present them to the Agency no later than January 11, 1977. All comments received will be made available to the public. Copies will be available for inspection and copying during normal working hours at the U.S. Environmental Protection Agency's Public Information Reference Unit in Room 2922 at the address given below.

All communications or correspondence (in triplicate) should be addressed to: U.S. Environmental Protection Agency, Office of Toxic Substances (WH-557), 401 M Street, SW, Washington, D.C. 20460, Attention: Mr. George F. Wirth.

Dated: November 30, 1976.

JOHN QUARLES,
Acting Administrator.

[FR Doc.76-36100 Filed 12-7-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

ASSIGNMENT AND LICENSING OF "CONVENTIONAL" SYSTEMS OF COMMUNICATION AT 900 MHz

Clarification of New Policies and Practices

I. PRELIMINARY MATTERS

NOVEMBER 24, 1976.

Clarification has been asked regarding practice and procedure under new Subpart S of Part 89 in licensing "conventional" systems of communication in the 806-821 MHz and 851-866 MHz bands. More specifically, details are sought on the methods to be employed in selecting frequencies and as to how assigned channels are to be "loaded." Further, uncertainty exists as to the time limitations applicable in bringing "shared" (multiple licensed) systems up to prescribed levels of channel occupancy; and other questions posed deal, generally, with the overall administrative policies to be followed in the licensing of "conventional" systems. These points will be clarified to the degree that it is possible to do so at this time.

II. DEFINITIONS

A "conventional" system is defined as a "method of operation" in which one or more radio frequency channels are assigned to mobile and base stations, but are not employed as a "trunked group." Section 89.602. While the definition (as interested parties have pointed out) does indicate that "trunking" is not involved in "conventional" modes of operation, the provisions of the rule were meant to be permissive in nature, not restrictive. Thus, there is no bar to the use of frequencies assigned in the "conventional" bands in "trunked" mode. However, "loading" and other requirements pertaining to "conventional" systems continue to apply.

"Urban-Conventional" Versus "Suburban-Conventional" Facilities. Some inquiries have been made concerning the differences between the "urban-conventional" and "suburban-conventional" station classifications. See Section 89.602. Simply stated, "urban-conventional" stations include those whose transmitter sites are located within 15 miles of the geographic centers of 50 designated urbanized areas (Section 89.751(h)), and "suburban-conventional" stations include those situated at distances of greater than 15 miles from the centers of the referenced urbanized areas.

One reason for this distinction was that it was thought there would be greater demand for 900-MHz facilities in the larger, more densely populated regions of the country, e.g., in the Chicago, Los Angeles, and New York City areas. And because of this, different "loading" zones (15 miles for "urban-conventional" and 25 miles for "suburban-conventional" stations) and different technical standards were prescribed, with 500 watts (27dBw) and 500 feet above average terrain (AAT) for "suburban-conventional" and 1 kilowatt (30 dBw) and 1000 feet above average terrain (AAT) for "urban-conventional" base stations. Section 89.651(a) and (b). This, in part, accounts for the decision to classify the two operations separately.

III. SPECTRUM AVAILABILITY

The present assignment plan for "conventional" systems at 900 MHz calls for the use of 100 (5 MHz) of the 600 two-frequency channels (30 MHz) allocated to the private land mobile services at 806-821 MHz and 851-866 MHz. The remaining 500 channel pairs (25 MHz) are designated for use in "trunked" systems (200 pairs, 10 MHz), with 300 pairs (15 MHz) held "in reserve" for future needs as they develop. The current policy and plan is to use the available "conventional" channels to meet the immediate requirements of eligibles in the private land mobile services; but, as the technology for "trunked" systems of communication develops, and equipment becomes available for use in them, that method of operation and spectrum utilization will be encouraged, since they are believed to be more efficient than those employed normally in "conventional" mode.

IV. ELIGIBILITY

"Conventional" systems may be licensed to a single user, as an individual, or for the "joint" use of individuals under "multiple licensing" policies. Section 89.604(a). See Multiple Licensing-Safety and Special Radio Services, Docket No. 18921, 24 FCC 2d 510 (1970); and Frequency Band 806-960 MHz, Docket No. 18262, 55 FCC 2d 771 (1975).

Further, "conventional" systems may be licensed under a cost-sharing arrangement, pursuant to the provisions of Section 89.604(b), or they may be licensed to third parties (the Specialized Mobile Radio System licensee, SMRS) who propose to offer service on a "commercial basis" to persons eligible under Parts 89, 91, and 93 of the Commission's Rules. Section 89.604(c) and Land Mobile Radio Service, Second Report and Order, Docket No. 18262, 46 FCC 2d 752 (1974); Land Mobile Service, Memorandum Opinion and Order, Docket No. 18262, 51 FCC 2d 945 (1975); Frequency Band 806-960 MHz, Docket No. 18262, cited supra, this fn., and *National Association of Regulatory Utility Commissioners, et al v. Federal Communications Commission*, 525 F.2d 630 (1976), cert. denied, sub nom., *National Association of Radiotelephone Systems v. Federal Communications Commission*, Case No. 75-1216, May 24, 1976, U.S. _____.

V. GENERAL RESTRICTIONS ON USE

Still other inquiries have been directed to the ways "conventional" stations may be used. In this regard, there is some apparent confusion as to whether the restrictions apply differently to "trunked" in contrast to "conventional" systems. In clarification, the policy will be to treat both methods of operation the same insofar as permissible usage is concerned. Thus, both may be employed only for purposes expressly allowed under Parts 89, 91, and 93 of the Rules. Both may be operated only by persons eligible under these rule parts. Messages and signals transmitted must conform to the restrictions and limitations detailed in the service in which the user is eligible; and, generally, the systems authorized in either "conventional" or "trunked" mode can be used for voice communications, only. See §§ 89.655(a) and (b).

It is true that there is an exception to the general rule. Section 89.655(c) provides:

Notwithstanding any contrary provisions in this subpart, a system licensed for use by a person or entity eligible under either Part 89, 91, or 93 of this chapter may be employed for any purpose or operated in any manner, including the use of F2, F4, and F9 emissions, which is consistent with the regulations governing the service in which the user is eligible; *Provided, That the loading standard which applies to the system is met and the channel or channels are assigned to that person or entity for its exclusive use.* (Emphasis added.)

Here, the intent is to remove the limitation as to "voice communications" (Section 89.655(b)), and to permit in-

dividual licensees who meet the "loading" criteria for the "service group" into which they fall to employ their facilities for purposes other than just "voice communications." For example, if an eligible in the Police Radio Service (See § 89.301 et seq.) meets the "loading" requirement for an "exclusive" assignment of a channel pair (in "conventional" mode), i.e., has a minimum of 35 mobiles or 70 portable units (See § 89.802), then a channel pair may be assigned to that eligible on an "exclusive" basis in his area of operation. Section 89.803(a). In such case, the licensee would employ the channel for "voice communications" and he could also use it in other permissible ways consistent with the regulations governing the Police Radio Service.

However, where the channel assigned is not licensed on an "exclusive" basis, but is shared by more than one user, only "voice communications" are permissible. Accordingly, jointly-licensed community repeaters, shared Specialized Mobile Radio Systems, and single systems not meeting the test of § 89.803(a) can be used only for "voice." The basic reason behind this policy is that where a licensee has the "exclusive" use of a channel pair in a given "loading" zone, then there is inherently greater latitude in the way such a system can be employed and still be compatible with those making use of the assigned frequencies. But where several licensees or users must, in effect, share an assignment with other licensees in a given area, their use must be brought into greater harmony with one another, and a single mode ("voice") helps to achieve this.

"Private Dispatch" Mode of Radio Usage. Additionally, questions have been asked as to precisely what is meant by the term, "private dispatch mode of operation," employed at § 89.655(a)(4) of the Rules. In general, in dispatch operations, the communication flow is between a licensee's base station and his associated mobile units. The mobiles may be vehicular or hand carried. At times, mobile-to-mobile transmissions are involved; and in some instances, one-way "tone only" or "tone and voice" paging is employed. In most all cases, the communications are between the licensee, his employees and his agents, and in every case, they must pertain to the "business" or "activities" of the licensee which formed the basis for licensing in the first instance.

VI. APPLYING FOR "CONVENTIONAL" RADIO FACILITIES

Just as in requesting radio facilities in other bands allocated for use in the private land mobile radio services, application for "conventional" systems is made on FCC Form 400 (FCC Form 425 in the Chicago Region). However, additional information must be furnished in accordance with the requirements of Form 400-S.

FCC Form 400-S. FCC Form 400-S has inquiries directed specifically to "conventional" systems. To illustrate, at Item

2(a)(1), FCC Form 400-S, the applicant is asked to indicate whether his proposal is for a "conventional" system and to state the number of vehicular and portable units he expects to place in operation at the "time of the grant" and within "eight (8) months" from the date "of the grant." This information, together with other data the applicant is expected to submit, is necessary (and is used) in determining "loading" (See § 89.802); and it is also needed in deciding whether the applicant will be required to share a particular frequency assignment (channel pair) with other eligible users (either applicants or persons previously licensed). See §§ 89.803(a) and (c).

At Item 3 of the Form, the applicant is asked to indicate for whom the facilities are being requested. If for himself, Item 3(a) would be "checked." Item 3(a) applies to proposed "shared" base/mobile or mobile relay systems (community repeaters, where a particular transmitting facility, site, and frequency assignment are "jointly" used by a group of licensed eligibles), as well as to separate facilities situated at different sites in an "urban-conventional" or "suburban-conventional" "loading" zone, where the channel assignment in a given "loading" zone is shared, but where the base station facilities are not "jointly" used, as in multiple licensing; and, further, to separate (individually licensed) systems in which neither the equipment nor the channel assignment are "time shared" with other base station licensees (in the same "loading" zone). (See § 89.803(a) for requirements for "exclusive" channel assignments.)

In other situations, the applicant indicates either that the proposed facility is to be "cost-shared" (§ 89.604(b)) by persons eligible under Part 89, 91, or 93 (or by "mixed" service groups) (Item 3(b)); or is to be licensed as a Specialized Mobile Radio System (SMRS) (§ 89.604(c)) (Item 3(c), FCC Form 400-S). It should be understood that where the latter licensing option is used, the SMRS entity is eligible only for base station facilities. Any associated control points, or control stations, and associated mobile stations (to be used in conjunction with the SMRS base station facility) must be applied for, and will be licensed, separately "only to the user of those particular facilities." Item 3(d), FCC Form 400-S and Section 89.807 of the Rules.

It should also be noted that Items 3(c) and (d) of the Form apply only to persons proposing SMRS service, i.e., third parties (persons not involved directly in the day-to-day "use" of the system) who will, as a licensee of a base station, offer to make that facility available to eligible persons (under Parts 89, 91, or 93) on a commercial basis. See § 89.604(c) of the Rules. They do not apply to proposals for "shared" community repeater base/mobile systems authorized under multiple licensing practices.

Item 4, FCC Form 400-S, requires applicants who are "manufacturers of radio frequency ("RF") equipment" to indicate that this is the case. This information is important in carrying out the provisions of Section 89.657 which limits such per-

sons, as a class, to not more than "one trunked system of communication" nationwide. It should also be read in conjunction with § 89.805 which limits licensing of "conventional" systems to "five" where there is overlap of the 40 dBu contours of authorized stations. Thus, no person, as a licensee, may have more than five channel pairs assigned for use in "conventional" mode involving 40 dBu overlap. When that condition obtains, that licensee must seek to meet his further needs through the use of "trunked" facilities. Accordingly, in a given area, a manufacturer, as an SMRS licensee, might be limited to "five" channel pairs in "conventional" mode and one 20-channel "trunked" system (where those systems were used to provide service to others).

The restriction mentioned would not apply to situations in which a manufacturer sought licensing of "trunked" facilities for its own use (to meet its own communication requirements). Nor does the "five" channel limit apply to "conventional" facilities authorized under multiple licensing practices. And it does not apply where an SMRS (§ 89.604(c)) licensee is involved in providing service to a "single entity or person." In such cases, the third-party licensee (the SMRS) stands in the shoes of that person and the channel limits apply accordingly. Section 89.805(b).

Finally, at Item 10(c) of the Form, applicant for "conventional" systems must "certify" that a minimum of 70 percent of the mobile units requested will be placed in operation not later than eight (8) months from the date of the grant of the license. See § 89.802(c) of the Rules.

Supplemental Information To Be Furnished by Applicants. Section 89.702 requires applicants for "conventional" systems to furnish certain supplemental information. Thus, where the proposal is filed pursuant to § 89.604(b) (cost-shared basis), then the applicant, among other material, must furnish a copy of the agreement under which service is to be provided and a list of "participants," together with information as to their eligibility. Section 89.702(a)(1). And where SMRS, commercial base station service, is planned, then the applicant must furnish a copy of the agreement under which service is to be offered, together with statements as to the purposes for which the system is to be employed and a "certification" that, if authorized, the facility will be made available only to persons "eligible to use the facility for the purposes for which it is to be licensed." Section 89.702(a)(2).

Supplemental Reports. Section 89.702, just discussed, should be read in conjunction with § 89.703, dealing with "supplemental reports" which licensees of cost-shared system (§§ 89.703(a), (b) and (e)) and SMRS systems (commercial base station service) (§§ 89.703(c) and (d)) must file. It should be noted that the provisions of § 89.702, mentioned above, do not apply to individually licensed stations, including those authorized under multiple licensing practices. In these cases, though, the provisions §§ 89.702(a)

(4), (b) and (d) do apply as do the reporting requirements of § 89.703(g).

VII. PROCESSING OF APPLICATIONS FOR "CONVENTIONAL" SYSTEMS OF COMMUNICATION

In General.—Generally, applications for "conventional" radio stations will be processed in the order in which they are received. Normally, this will be determined by the time and date the original proposal is filed with the Commission, Section 89.704(a)(2). But this does not necessarily mean that the channel pair or pairs assigned ultimately will follow in sequential order. See § 89.751. There have been inquiries on this point.

To explain, assume that an application is filed by "A" and that "A's" proposal is followed, in turn, by that of "B's." "A's" application will be examined (staff studied) and then "B's." In certain circumstances, "A" would be assigned Channel No. 1, 806.0125/851.0125 MHz, and "B" Channel No. 2, 806.0375/851.0375 MHz. But if neither "A" nor "B" meet the channel occupancy standards for an exclusive assignment (§ 89.803(a)), then "A" and "B" (assuming their proposed sites are situated in the same "urban" or "suburban" "loading" zones—§ 89.751(c) and (d)) may be caused to "time share" the same co-channel pair (here, say, Channel No. 1). However, "A" and "B" may not plan to use compatible methods of operation (See § 89.803(c)); and, in such case, they could not very well "share" the same pair and would normally be licensed to operate on different channels. Thus, what will occur in a given factual situation will necessarily depend on a number of factors which, at the time "A" and "B" file their applications, are unknowns. Consequently, a flexible approach to licensing has been provided for in the rules, as will be discussed, and such an approach will be followed in licensing "conventional" systems.

Further, where a particular transmitting facility (under multiple licensing procedures) is to be shared, steps will be taken to make this possible. Thus, where an applicant indicates that he proposes to "share" a particular facility at a particular site with other licensees, using a common frequency assignment, then his application will be studied in this light; and, where policy and practice permit, his proposal will be processed on this basis.

Additionally, it is recognized that the requirements of small users (particularly those who share the use of community repeaters) are not all alike. To the contrary, they usually vary greatly from one to another; and it is important that eligibles of this class be grouped together with others who have, for example, the same coverage requirements and plan to employ compatible equipment and operating techniques. The licensing policies are constructed accordingly.

Loading Criteria for "Conventional" Radio Facilities. "Loading" criteria for "conventional" systems are specified at Section 89.802 of the Rules. Again, questions have been raised as to how they

are to be applied in specific cases; and, further, there have been various inquiries as to the meaning of certain terms used in the rules.

In general, criteria for "loading," "urban-conventional" and "suburban-conventional" systems are the same. Section 89.802. Further, these standards have been developed to take into account that such systems are very often "shared." As a starting point on this, "conventional" operations have been divided into the following classifications for "loading": "Single licensee/user," "2 to 5 licensees/users," and "Over 5 licensees/users." Section 89.802(b). But it is asked, what is meant by "single" licensee in terms of "loading" a "conventional" facility? For example, say in the Chicago area, if "A" applied for a "conventional" station to be located at his place of business and if it is to be operated by "A," there, would "A" fall within the "single licensee" classification? The answer is a qualified, yes. Yes, "A" is a "single licensee." But, no, "A" would not necessarily be grouped under the "single licensee" classification for "loading" purposes, that is, not unless "A" met the requirements of § 89.803(a) for an "exclusive" assignment.

It is possible that "A" would be grouped for "loading" purposes with, say, two other licensees (for example, in the Business Service grouping). Then the "loading" for the channel would be 70 vehicular units; and 70 percent of that figure would be 49 vehicular units. Accordingly, as a starting point, separate systems of this kind (wherever they may be located in a given "loading" zone) would be expected to support a total of 49 vehicular mobiles licensed and used by the three licensees ("A" and two others) in that area. The same standard would apply to 2, or 4, up to 5 users. See § 89.802(b). Eventually, "loading" would go to the 70 unit level. At least this is the level at which licensees, in this class, having their own base station facilities, will be expected to share co-channel assignments in a given "loading" zone. See § 89.802(c) and contrast with § 89.803(a).

The further inquiry is made as to whether there is a difference for "loading" purposes, if the system is a single system, individually licensed as in the example, and if it is authorized under multiple licensing practices. The answer is, no. The difference between single (independent) system licensing and "joint" or multiple licensing is that in the first the licensees may share a co-channel assignment in a given "loading" zone, but they do not jointly use transmitting facilities. Each has his own base station, normally located at his place of business. In multiple licensing, the licensees share ("jointly" operate) common base station (mobile relay) facilities, but they do channel-share as in single-system licensing (that is, unless the single-system-licensee qualifies for an "exclusive" channel assignment which is not possible, by definition, under multiple ("joint") licensing concepts).

In those cases involving multiple licensing, it has been suggested that it will be important for applicants to have a choice in communication systems they are to share. This is so, for communication requirements of these small users vary greatly, and it is to their advantage to seek out facilities which best meet their individual needs. To afford applicants in this class this choice, separate assignments will be made for use in systems made available in a given market or "loading" zone by a particular equipment company or supplier, when warranted. Nonetheless, while some latitude in this regard is desirable, initially there will be a limit on the number of separate assignments that will be made for this purpose. This is necessary, it is believed, to give assurance that each system will be "loaded" in accordance with established standards. Section 89.802. Thus, as a starting point, depending on the factual situation presented, it will be the policy to assign up to five channel pairs for use by multiple licensed users leasing mobile relay or shared base station facilities from a common supplier in a given market or "loading" zone. Further assignments to individuals for use in multiple licensed systems of a common supplier will not be made normally until those previously authorized are "loaded" to a point at which there is reasonable assurance that each system (shared base or repeater) will be employed in accordance with the channel occupancy standards (set out at § 89.802 of the Rules) within the time frame permitted for this purpose. Sections 89.802(c) and (d). See also §§ 89.702(b) and 89.703(g).

In brief, then, the same "loading" criteria apply to separate (small user) systems and "jointly" licensed facilities operated in "conventional" mode. Accordingly, if two to five users are involved, in the "Business radio group," to illustrate, the 70/140 levels are applicable (§ 89.802(b)), and if the facility (or separately licensed stations) is (are) to support over five licensees, then the 50/100 criterion would apply. Section 89.802(b). In both cases, the "loading" standards look toward spectrum usage levels of occupancy, and for the time being this is to be measured in terms of vehicular and hand-carried mobile units, with an allowance made for the number of separate entities (persons, companies, governmental bodies, etc.) involved in the use of a "channel assignment" in any given "loading" zone.

Other Criteria to Apply in Assigning Channels for Use in "Conventional" Station Operations. As stated, clarification has been asked on the subjects of "loading" and radio service grouping, and on how channels in the "conventional" bands are to be selected. There has been much concern about "vertical stacking" concepts, the fear being that if frequencies are mechanically chosen and assigned, "sharing" and "joint" licensing at 900 MHz will not be feasible.

On this, § 89.751 (dealing with the selection and assignment of frequencies) indicates that channel pairs will be assigned in order, commencing with a par-

ticular pair, Channel No. 1 (as indicated, above), then proceeding to Channel No. 2, and so on in that kind of order. As said, this approach, taken literally, gives rise to concern because of the rigidity of the concept as some perceive it. Further, if channels are "loaded" in sequence, first filling Channel No. 1, then Channel No. 2 ("vertically stacked"), some see this as a practical block or bar to "joint" licensing, as indeed it might be if a rigid, mechanical, automated assignment policy were followed. But if this were the controlling policy at 900 MHz, then there would have been no need for the adoption of § 89.803 of the Rules.

The clear provisions of § 89.803 state that "in every case" each proposal will be examined "to determine the requirements of the applicant in terms of the number of mobile units to be served" and also in terms of "the nature of the activities the applicant is engaged in." Section 89.803(a). This does not postulate a mechanical approach or necessarily that frequencies will be sequentially assigned or "vertically stacked." Such might not be practical or feasible; and often, it will not be.

Further, § 89.803(c) specifically provides that in "loading" channels, consideration will be given to the "mode of operation" planned; and the "purposes for which the system is to be used;" and, in very broad terms, "other factors" are to be taken into account. "Other factors" specifically include the technical features of system design (See §§ 89.803(c)). (1) (2) and (4). Moreover, it is provided that "applicants in one service group . . . will not be required to share with applicants in other service groups." Section 89.803(c) (3). And, furthermore, it is stated that in granting licenses (in the authorization of particular systems of communications in "conventional" mode) the "Commission . . . may take into consideration any other factor which might enable the persons licensed to use a given channel or channels in more efficient and effective ways." Section 89.803(d). (Emphasis supplied.) From this, it follows, that there is no mandatory rigid, mechanical, inflexible approach for "conventional" operations in the new bands. Just the opposite.

Accordingly, consistent with these principles, the policy in licensing and "loading" channels for "conventional" use will be one designed chiefly to promote the most efficient and effective use of the available channels in the best interest of the public and of the licensees and users, themselves. Central to this policy will be the element of flexibility, so as not to authorize systems which will not work (for technical reasons) or cannot be shared (for practical reasons). Also, the full scope of licensing options are to be available, including single system licensing, multiple licensing, cost-shared system licensing, and the new SMRS, third-party licensing alternative and the policy will be to follow procedures, along the lines indicated, to make these options a reality, not just remote, theoretical possibilities.

VIII. FUTURE CLARIFICATION

As pointed out, clarification has been asked on a number of points concerning the licensing and assignment policies to be followed at 900 MHz in the authorization of "conventional" facilities. The discussion, above, has been confined to the principal points raised. Further clarification, it is believed, should await the development of 900-MHz systems on a broader basis than is the case at the present time. With experience, the need to adjust the plan will be clearer and, where justified, changes will be made. In the interim, should further questions arise, they will be handled on a case-by-case basis at least until such time as more formal procedures seem appropriate or desirable.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-36069 Filed 12-7-76;8:45 am]

FM AND TV TRANSLATOR APPLICATION

Availability for Processing

Adopted: November 29, 1976

Released: December 3, 1976

Notice is hereby given pursuant to §§ 1.572(c) and 1.573(d) of the Commission's rules, that on January 18, 1977, the TV and FM translator applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.519(b) of the Commission's Rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on January 17, 1977, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on January 17, 1977.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

FM TRANSLATOR APPLICATIONS

- BPTT-365 (new) Belle Fourche, South Dakota, Great Plains Leasing Corp. Req: Channel 296, 107.1 MHz, 1 watt. Primary: KKLS-FM, Rapid City, South Dakota.
- BPTT-366 (new) Spearfish, South Dakota, Great Plains Leasing Corp. Req: Channel 296, 107.1 MHz, 1 watt. Primary: KKLS-FM, Rapid City, South Dakota.
- BPTT-367 (new) Buffalo and Rural Area to the North, Wyoming, Great Plains Leasing Corp. Req: Channel 296, 107.1 MHz, 10 watts. Primary: KOLL-FM, Gillette, Wyoming.

UHF TV TRANSLATOR APPLICATIONS

- BPTT-3128 (new) Van Etten, New York, Board of Cooperative Educational Services of Schuylkill-Chemung-Tioga Counties. Req: Channel 56, 722-728 MHz, 10 watts. Primary: WSKG, Binghamton, New York.
- BPTT-3129 (new) Spencer, New York, Board of Cooperative Educational Services of Schuylkill-Chemung-Tioga Counties. Req: Channel 59, 740-746 MHz, 1 watt. Primary: WSKG, Binghamton, New York.

VHF TV TRANSLATOR APPLICATIONS

- BPTTV-5709 (new) Lame Deer, Busby, Sarpy Communities and Crow Agency, Montana, Northern Cheyenne Communications Commission. Req: Channel 11, 198-204 MHz, 1 watt. Primary: KYUS-TV, Miles City, Montana.
- BPTTV-5710 (new) Gila Center Federal Housing Area-Gila Hot Springs, New Mexico, Gila Center Recreation Association. Req: Channel 3, 60-66 MHz, 1 watt. Primary: KOAT, Albuquerque, New Mexico.

VHF TV TRANSLATOR APPLICATIONS

- BPTTV-5711 (new) Green River, Utah, Green River City TV. Req: Channel 7, 174-180 MHz, 10 watts. Primary: KUED, Salt Lake City, Utah.
- BPTTV-5713 (new) Philip, South Dakota, Philip Television Association. Req: Channel 2, 54-60 MHz, 1 watt. Primary: KEVN, Rapid City, South Dakota.
- BPTTV-5714 (new) St. John Plantation, Maine, The Plantation of St. John. Req: Channel 12, 204-210 MHz, 1 watt. Primary: WAGM, Presque Isle, Maine.
- BPTTV-5715 (new) Savoonga, Alaska, Village of Savoonga. Req: Channel 9, 186-192 MHz, 10 watts. Primary: KTVA, KENI, KIMO and KAKM, Anchorage, Alaska.
- BPTTV-5716 (new) Nulato, Alaska, Village of Nulato. Req: Channel 9, 186-192 MHz, 10 watts. Primary: KTVA, KENI, KIMO & KAKM, Anchorage, Alaska.

[FR Doc.76-36068 Filed 12-7-76;8:45 am]

[Docket No. 21026; File Nos. 4607-CM-P-72 and 6966-CM-P-72]

EASTERN MICROWAVE, INC., AND WHP, INC.

Applications for Construction Permits in Multipoint Distribution Service for a New Station at Harrisburg, Pennsylvania; Memorandum Opinion and Order

Adopted: November 23, 1976.

Released: December 1, 1976.

1. The Commission has before it the above-referenced applications of Eastern Microwave, Inc. (Eastern) (File No. 4607-CM-P-72), filed on January 21, 1972 and WHP, Inc. (WHP) (File No. 6966-CM-P-72), filed on March 29, 1972. Both applications proposed Channel 1 operation in the Multipoint Distribution Service (MDS) in the Harrisburg, Pennsylvania area, and thus are mutually exclusive and require comparative consideration. Both applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. Eastern, a wholly owned subsidiary of Newhouse Broadcasting Corporation, holds MDS construction permits in five cities, including Scranton, Pennsylvania, and is an applicant in Albany, Buffalo

and Rochester, New York. Newhouse has interests in broadcasting and cable systems in Syracuse, Elmira and Binghamton, New York.

3. Upon review of the captioned applications, we find that both applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. Accordingly, it is hereby ordered, That pursuant to § 309(e) of the Communications Act of 1934, as amended, and § 0.291 of the Commission's rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience, and necessity. In making such a determination, the following factors shall be considered:

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Harrisburg, Pa. area.

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security, and maintenance.

(d) The charges, regulations and conditions of the service to be rendered and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. It is further ordered, That Eastern Microwave, Inc., and WHP, Inc., and the Chief, Common Carrier Bureau, are made parties to this proceeding.

6. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

JOSEPH A. MARINO,
Deputy Chief for Chief,
Common Carrier Bureau.

[FR Doc.76-36065 Filed 12-7-76;8:45 am]

[Docket Nos. 20407-20410; File Nos. BF-19047 and 19079-19081; FCC 76-276]

GILBERT BROADCASTING CORP. ET AL.
Applications for Construction Permits; Memorandum Opinion and Order

In re Applications of Gilbert Broadcasting Corp., Community Group For North Jersey Radio, Inc., Sound Radio, Inc., Fidelity Voices, Inc., Newark, New Jersey.

¹ Consideration of these factors shall be made in light of the Commission's discussion in Peabody Telephone Answering Service, et. al., 55 FCC 2d 626 (1975).

Adopted: November 24, 1976.

Released: December 3, 1976 by the Review Board: Board Member Kessler concurring in the result with statement.¹

1. The above-captioned mutually exclusive applications for the license to Station WNJR, Newark, New Jersey, were designated for hearing by Order, 40 FR 18495, published April 28, 1975. The record in this proceeding was closed on December 12, 1975 and on June 25, 1976 the Administrative Law Judge released an Initial Decision (FCC 76D-31) recommending that the application of Sound Radio, Inc. (Sound) be granted. Now before the Review Board is a petition filed on July 16, 1976, by Gilbert Broadcasting Corporation (Gilbert) requesting that the hearing record be reopened and that issues be added to determine whether Community Group for North Jersey Radio, Inc. (Community), Sound, and Fidelity Voices, Inc. (Fidelity) have broadcast lottery information and fraudulent, misleading, or deceptive advertising over station WNJR while operating that station under interim Commission authority.^{1a, 2}

2. Specifically, Gilbert contends that on March 21, 1976, and possibly six months prior to that date, various ministers conducting "religious" programming on WNJR began encouraging lis-

teners to participate in the numbers lottery in the Newark, New Jersey area.³ In support, petitioner has attached transcripts of numerous programs in which the ministers claimed that scripture citations or words which are associated with three digit numbers in locally available "dream books" had been successful in enabling listeners to receive financial "blessings" (commonly understood to mean a win at the numbers lottery).⁴ These programs also encouraged listeners to attend church meetings in order to receive future "blessings." In addition petitioner has attached affidavits by persons who either attended the advertised church meetings or visited one of the ministers privately, and in each instance it is claimed that lottery tips were obtained by the affiant and by others present for "donations" ranging from \$3 to \$100. On the basis of this information, Gilbert alleges that Community, Sound, and Fidelity have violated federal criminal statutes,⁵ New Jersey criminal statutes,⁶ and Commission Rules⁷ prohibiting the broadcast of lottery information. Moreover, Gilbert argues that the Commission recently denied an application for license renewal on the basis of similar activities, and contends that appropriate issues are therefore clearly warranted in the instant case, citing United Broadcasting Co., Inc., 55 FCC 2d 416, 34 RR 2d 1465 (1975), appeal pending in the United States Court of Appeals for the District of Columbia Circuit, Case No. 76-1570.

¹ Statement filed as part of the original.
^{1a} Community, Sound, and Fidelity have been operating WNJR since October 31, 1975, as participating members of a joint venture entitled 1430 Associates, Inc. See WNJR Radio Co., 53 FCC 2d 439, 33 RR 2d 1429 (Rev. Bd. 1975), wherein the Board granted the application of 1430 Associates, Inc. Prior to that date, the station was operated by WNJR Radio Co. See Order, 32 FCC 2d 758, 23 RR 2d 424 (1971).

² Also before the Board are the following related pleadings: (1) errata to petition to enlarge issues and reopen record, filed July 21, 1976, by Gilbert; (2) opposition, filed August 13, 1976, by Community; (3) opposition, filed August 16, 1976, by Sound; (4) comments, filed August 16, 1976, by the Broadcast Bureau; (5) reply, filed September 2, 1976, by Gilbert; (6) motion to strike portions of (5), filed September 15, 1976, by Sound; (7) motion for leave to file supplemental opposition, filed September 15, 1976, by Sound; (8) supplemental opposition, filed September 15, 1976, by Sound; (9) opposition to (6) and comments on (8), filed September 21, 1976, by Gilbert; (10) comments on (6), filed September 24, 1976, by the Broadcast Bureau. In its motion to strike (6) above, Sound contends that new matters raised for the first time in Gilbert's reply pleading are not responsive to arguments made by Sound in opposition and should be stricken pursuant to Section 1.45 of the Commission's Rules. However, the Board finds that the majority of the material in Gilbert's reply is responsive to arguments made in Sound's opposition and that the new supporting data raises substantial public interest questions requiring full consideration by the Board. Consequently, Sound's motion to strike will be denied. We will also grant Sound's motion for leave to file supplemental pleading and will consider the matter therein to the extent that it is responsive to new supporting data contained in Gilbert's reply. See Columbia Broadcasting System, Inc., 46 FCC 2d 903, 30 RR 2d 133 (1974); Taft Broadcasting Co., 38 FCC 2d 770, 26 RR 2d 269 (1973).

³ For a detailed explanation of the method by which numbers lotteries are conducted, see United Television Co., Inc., 55 FCC 2d 431, 26 RR 2d 1315, at paras. 11-19 (1973).

⁴ These transcripts cover sixteen programs of one-half hour duration which were conducted by one or more of six different ministers between March 21, 1976 and June 20, 1976. The attached affidavit of Rose L. Penner states that the tape recordings were made under her direction, and the attached affidavit of counsel for Gilbert states that transcripts of these recordings were made by him or under his supervision.

⁵ A typical example of the alleged promotional activity is found in the March 21, 1976 transcript of a program conducted by Reverend James Wade. Therein, Reverend Wade stated "I want you to come this mornin' and get in my prayer line and I have a special blessing for tomorrow, Monday * * *. Look how I blessed you last week on the radio with the words 'woods' and 'ants' * * *. Go and look and you will see that 'woods' and 'ants' blessed you last week." Petitioner contends that in the "3-Wise Men Lucky Number Dream Book" the word "woods" is associated with the number 340 and the word "ants" with the number 239. Petitioner further alleges that on Monday, March 15, 1976, the winning number in the "Newark Handler" (one of the race tracks whose daily betting totals determine winning lottery numbers) was 340 and on March 16, 1976, the winning number was 239.

⁶ A representative example occurs in the transcript of a March 28, 1976 program also conducted by Reverend Wade. Reverend Wade states as follows: "I have a special, special, three-day blessing for Monday, Tuesday and Wednesday. Did you hear what I said? Don't let money stop you, honey * * *. Bring what you have. Did you hear what I said? Just like 'light' blessed you, like I told you, and honey I'm gonna bless you again

3. Turning to its request for a false and misleading advertising issue, Gilbert first contends that on June 20, 1976, a Reverend Roosevelt Franklin urged WNJR listeners to send for a "Money in a Hurry Prosperity Package". While Franklin stated that this item was available without charge, petitioner avers that Franklin belied that representation by commenting that " * * * many people send us a donation of ten dollars, some twenty dollars" and " * * * nothing from nothing leaves nothing, cheap from cheap leaves poor." In addition, Gilbert has attached the affidavit of Charles E.

this week. Don't let the Devil stop you. I want you in your seats at 7 p.m. tonight right here at Greater First Timothy Baptist Church."

⁷ Petitioner alleges that the applicants have violated Title 18 U.S.C. § 1304 which reads in pertinent part as follows:

Section 1304. Broadcast lottery information—Whoever broadcasts by means of any radio station for which a license is required by any law of the United States, or whoever, operating any such station, knowingly permits the broadcasting of, any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Petitioner also alleges that the applicants may have violated Title 18 U.S.C. sections 1341 and 1343 which impose criminal sanctions on those who, inter alia, "having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations or promises" execute or attempt to execute such scheme by utilizing the United States mails or interstate wire, radio or television communications.

⁸ Petitioner cites the New Jersey Code, Sections 2A: 121-1, 121-4 and 121-6, which prohibit the selling or disposing of lottery tickets and the transmission or receipt of any list of lottery numbers which are drawn.

⁹ Petitioner cites Section 73.1211 of the Commission's Rules which provides in pertinent part as follows:

Broadcast of lottery information. (a) No licensee of an AM, FM or television broadcast station . . . shall broadcast any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise or scheme, whether said list contains any part or all of such prizes.

(b) The determination whether a particular program comes within the provisions of paragraph (a) of this section depends on the facts of each case. However, the Commission will in any event consider that a program comes within the provision of paragraph (a) of this section if in connection with such program a prize consisting of money or other thing of value is awarded to any person whose selection is dependent in whole or in part upon lot or chance, if as a condition of winning or competing for such prize, such winner or winners are required to furnish any money or other thing of value or are required to have in their possession any product sold, manufactured, furnished or distributed by a sponsor of a program broadcast on the station in question.

Green who states that by sending a donation of ten dollars he received the advertised product which consisted of a gold powder with instructions to "Sprinkle on Paper Money and Fold Two Times and Mail Back to [Reverend Franklin]." Second, Gilbert refers the Board to the June 20 and June 21, 1976 transcripts of a program conducted by a Reverend Stallworth which urged listeners to attend a church service to obtain a "prayer cloth" "annointed" with a special oil. An affidavit by Tasso A. Webb states that he attended the advertised meeting, that prayer cloths were only given to those making monetary donations (which in some cases were as high as \$20) and that the artifact consisted of a bright red square of material the size of a postage stamp. According to Gilbert, these facts are equivalent to those found in *United Broadcasting Co., Inc.*, supra, wherein advertisements for "roots", "incense", and "spiritual baths" as devices for solving personal problems were found to be without "religious or factual basis" and the station licensee was accordingly held to have violated its responsibility for protecting listeners from false and misleading advertising. The Broadcast Bureau, in its comments, supports petitioner's request for lottery and misleading advertising issues on the basis of the foregoing evidence; however, it would modify the proposed wording of these issues in several respects in order, it urges, to better conform to Commission precedent.

4. In opposition, Sound first contends that the Board must dismiss Gilbert's petition as grossly untimely. In support, Sound argues that by its own admission Gilbert was aware of the alleged broadcasting violations on or before March 21, 1976, some four months before it filed its petition to enlarge, and some three months before the Administrative Law Judge released his Initial Decision on June 25, 1976. Sound avers that Gilbert deliberately waited until the Initial Decision was released before filing its petition in the hope that it would prevail below and would thereby avoid the expense of presenting these allegations to the Commission. In addition, assuming arguendo that Gilbert's allegations are correct, Sound alleges that they are based on evidence which was gained by collusion and entrapment in circumstances which indicate that Gilbert itself may be guilty of misprision. In this regard, it is alleged that in March of 1976, Herman Amis, who is a principal of Gilbert as well as an employee of WNJR, assumed the position of announcer for Sunday morning religious broadcasts as well as the responsibility for screening religious broadcasts in order to call improprieties to the attention of his superiors.¹⁰ Sound notes that the first of the allegedly violative programs was taped by Amis' co-principal in

Gilbert, Rose Penner, approximately one week after Amis assumed his screening responsibilities, that Amis has admitted that he was aware of the lottery related content of WNJR programming in March of 1976,¹¹ but that Amis made no realistic attempt to call any existing improprieties to the attention of management.¹² Accordingly, Sound argues that Gilbert's petition must be dismissed as a collusive attempt to entrap and malign a competing applicant.

5. Assuming that the Board is willing to consider Gilbert's allegations on their merits, Sound avers that a total lack of culpability on the part of its principals renders designation of the requested issues unwarranted. Thus, without admitting or denying that lottery information was broadcast over WNJR, Sound contends that neither its principals nor key station employees had actual knowledge of the alleged programming improprieties prior to the filing of Gilbert's petition.¹³ Moreover, according to Sound, this lack of knowledge was not attributable to a lack of management safeguards and policies against improper programming,¹⁴ but rather to Amis' col-

run by station engineers" and that he "does not handle them in any way". Sound counters this assertion with the affidavit of Lonnie J. Tucker, a WNJR employee, who claims that he personally informed Amis of his screening responsibilities at the time Amis assumed the position of announcer for the Sunday morning religious broadcasts.

¹¹ In support, Sound refers to Board to the attached affidavit of Amis.

¹² While Amis' affidavit states that he complained to the WNJR Program Director and the Assistant Program Director about "blessings" contained in the religious broadcasts during March of 1976, Sound notes that Amis also concedes that he did not explain that he was referring to material which related to the numbers lottery. Moreover, though Amis' affidavit states that he was present during an April 15, 1976 meeting in which a potential advertiser informed the WNJR general manager (Harvey Lynch) that his religious programming included offensive "blessings" which related to the numbers lottery, Sound has attached an affidavit by Lynch denying this charge. Sound has also submitted an affidavit by WNJR employee Lonnie Tucker, who avers that sometime after Amis assumed his position as Sunday morning announcer, he "made a rather cryptic remark to the effect that it was certainly something—these ministers taking people's money and giving out numbers, asking for money and sending out prayer cloths." However, Tucker contends that he assumed that Amis was joking.

¹³ In support, Sound has attached the affidavits of eleven of its principals including Daniel Robinson (Sound's representative to the Governing Board of 1430 Associates), Dr. Sistrunk (Sound's alternate representative), and Edward Dawkins (WNJR's staff engineer) as well as affidavits of Harvey Lynch (the WNJR general manager), William Doneghy (controller and assistant general manager of WNJR), Jeffrey Dixon (WNJR program director), and William Franklin (WNJR's community relations director).

¹⁴ In this regard, Sound has set forth a detailed explanation of its checks against the broadcasting of improper religious material which basically consist of a pre-screening of taped programs by the program announcer who is thereafter required to report any improprieties to the assistant

lusive failure to report known violations to station management, which failure "so distorted" station safeguards as to "render them inoperable." Furthermore, Sound argues that Amis' inaction in this regard was clearly motivated by considerations which fell outside the scope of his employment and that, consequently, his knowledge of the lottery broadcasts is not attributable to his employers under traditional concepts of the employer/employee agency relationship, citing *American Surety Co. v. Pauly* (No. 1), 170 U.S. 133, 156-57 (1898); *Matanuska Valley Bank v. Arnold*, 116 F. Supp. 32, 35-36 (1953). Sound contends that the instant case is therefore clearly distinguishable from the situation in *United Television Co., Inc.*, supra, wherein the applicant was held to be responsible for the negligent failure of its employees to delete lottery related broadcasts despite contentions by the applicant's principals that they had no actual knowledge of programming improprieties. Moreover, Sound argues that in the United case the applicant continued to broadcast offensive programming after receiving clear notice of its lottery related content, whereas in the instant case all allegedly improper material was immediately taken off the air once Gilbert's petition was filed.^{15, 16}

6. In reply to allegations of untimeliness, Gilbert submits that had it filed its petition to enlarge when it first obtained concrete evidence of lottery violations in March of 1976, its request for an issue would have been denied as involving a few isolated and therefore insignificant incidents. Only by accumulating evidence which indicated a pattern of violations could it properly support its charges, Gilbert argues, and

general manager. In addition, Sound has attached a copy of the "WNJR Religious Broadcast Policy" which prohibits, inter alia, the advertising of fortune-telling, occultism, astrology, numerology; requests to bring money to a church service or other affair; the sale of religious artifacts; invitations by ministers or others for listeners to attend consultations if such invitations "imply consideration, expectation or monetary gain, cure-alls for illness, material gain, happiness, etc."

¹⁵ Sound also attempts to distinguish United by arguing that the broadcaster in that case was a permanent licensee while the operators in the instant case are competing applicants who, under the terms of their interim operating agreement, must make all management decisions jointly. According to Sound, the instant situation creates a considerable amount of uncertainty, inefficiency, and lack of detailed control. Additionally, it is noted that the applicant in United had operated its station for an extended period of time prior to the lottery violations, while 1430 Associates had been operating WNJR for only four and one-half months prior to the date on which the first alleged violations occurred.

¹⁶ In a brief pleading, Community "endorses and adopts" Sound's opposition and submits affidavits from its representatives on the 1430 Associates Board of Trustees who deny any knowledge of the alleged violations. Fidelity, also a member of 1430 Associates, has not filed a responsive pleading.

¹⁰ Sound has attached program logs which allegedly establish that Amis was directly responsible for "running" eighteen of the twenty-six tapes mentioned in Gilbert's petition. While the attached affidavit of Amis states that the programs in question "are

therefore it acted reasonably and with due diligence. As to assertions by Sound that its principals lacked actual knowledge of the lottery material contained in religious programs, Gilbert submits the affidavit of Jenkins Holman, sponsor of a former WNJR gospel program, who states that in February 1976, he informed Daniel Robinson, Chairman of the Board of 1430 Associates and a Sound principal, that WNJR religious programs were offering lottery numbers to listeners. In addition, Gilbert attaches copies of eight internal WNJR memoranda dated from October 1975 to July 1976, which take note of improper material contained in religious programs including the offering of "blessings" in exchange for money, as well as advertisements for prayer cloths and other religious artifacts. Gilbert avers that each of the interim operators are chargeable with knowledge of these facts.

7. In response to Sound's assertion that station policies and safeguards were rendered inoperable by Herman Amis' failure to report programming violations to management, Gilbert avers that Amis was not assigned responsibility for screening religious broadcasts by management,¹⁷ and that, at any rate, his complaints to the WNJR general manager, program director, and assistant program director with regard to "blessings" were entirely adequate to alert them to violations since the word "blessings" is commonly understood to refer to numbers given for use in the Newark lottery. Moreover, Gilbert contends that Sound's attempt to shift responsibility for the programming violations to Amis is effectively rebutted by the fact that lottery information was regularly broadcast over WNJR as early as four months prior to the date on which Amis assumed his position as Sunday morning announcer.¹⁸ With respect to Sound's intimation that 1430 Associates merely continued previously existing religious programming upon assuming interim operating authority, Gilbert has attached WNJR program logs for the period extending from November 1974 to January 1976 which allegedly indicate that Reverends Wade and King were allowed sharp increases in program time and that Reverend White commenced programming after 1430 Associates assumed operating authority. Finally, Gilbert avers that, despite Sound's claim that all offensive programs have been removed from the air, on August 22, 1976, Reverends Wade, King and White each conducted programs over WNJR which importuned listeners to attend church

meetings in order to stand in "prayer lines", "get your blessings" or find solutions to personal and financial problems.¹⁹ Gilbert contends that persons attending the advertised meetings found that lottery activities identical to those described in Gilbert's petition to enlarge were still being conducted.²⁰ Moreover, on August 26, 1976 Reverend Wade allegedly informed Charles Green, a Gilbert principal, and Rose Penner, that these programs were recommended by order of Daniel Robinson, Chairman of the Board of 1430 Associates and a Sound principal.

8. Gilbert's petition, which was filed approximately four months after Gilbert obtained concrete evidence in support of its charges, is late filed, and the Board agrees with Sound that good cause for the delay has not been shown. Moreover, the potential for disruption and abuse of the Commission's processes is particularly serious where, as here, the matters raised may reflect on an applicant's character qualifications and the petitioner has delayed filing this material until after the release of an Initial Decision which resulted in action unfavorable to the petitioner's interest. See Home Service Broadcasting Corp., 24 FCC 2d 192, 19 RR 2d 347 (Rev. Bd. 1970); West Central Ohio Broadcasting, Inc., 4 FCC 2d 934, 8 RR 2d 623 (Rev. Bd. 1966). Nevertheless, Gilbert's motion does raise questions of probable decisional significance in this proceeding and, in our view, these matters are of such substantial public interest importance as to warrant their consideration despite the untimely filing. See Rule 1.229(c). Consequently, though we cannot condone Gilbert's conduct in this regard, the Board is constrained to consider its petition to enlarge on the merits.

9. Prior to addressing the issues at hand, we believe it would be helpful to clarify the terms of WNJR's interim operation during the period in which the alleged programming violations occurred. As noted previously, from October 31, 1975 to date, WNJR has been operated by 1430 Associates, a joint venture whose participating members include Sound, Community, and Fidelity. The terms of the joint venture agreement, dated September 20, 1974, provide that each of the participating members is represented on a Governing Board which is vested with ultimate management responsibility for the station, and that each member is entitled to fill an equal number of WNJR staff positions for purposes of conducting the day-to-day station operations. Consequently, control over the daily operation of WNJR appears to be held jointly and equally by Sound, Community, and Fidelity, and therefore responsibility for any existing programming violations is presumptively attributable to each of these applicants.

10. The transcripts before us, whose broadcast is not denied by Sound, clearly

raise a substantial question of whether material declared illegal by Section 1304 of Title 18, U.S. Code, was broadcast over the station while the station was under the control of Sound, Fidelity and Community, acting through 1430 Associates. The undisputed material indicates that the ministers conducting these programs repeatedly claimed that scripture citations and words associated with three digit numbers in dream books had been successful in enabling listeners to receive financial "blessings," that they also invited listeners to attend church and other meetings in order to receive future "blessings," and that persons attending the advertised meetings received three digit numbers in exchange for monetary donations. The broadcast of such material is a matter requiring a hearing to determine the parties' qualifications. United Television Co., Inc., 55 FCC 2d 416, 34 RR 1465 (1975).²¹

11. In deciding whether a hearing is warranted, we cannot accept the contention that the licensees' alleged lack of knowledge of the broadcast of lottery information is exculpatory. A licensee is responsible for the matter broadcast over its facilities. Furthermore, in this case serious questions have been raised by the affidavits of Herman Amis and Jenkins Holman, stating, respectively, that Harvey Lynch, the WNJR general manager, was specifically informed of the lottery violations during an April 15, 1976 meeting with potential advertisers, and that Daniel Robinson, a Sound principal and Chairman of the Board of 1430 Associates, was informed during February of 1976 that ministers were offering blessings involving "wholesale numbers." Though both Lynch and Robinson have denied these allegations in affidavits submitted with Sound's supplemental opposition, further inquiry at hearing is clearly necessary to resolve these conflicting statements. Furthermore, the Board is not persuaded, absent evidentiary inquiry, by claims of Lynch and Robinson that even if warned that "blessings" were being offered over-the-air, they did not understand this language to refer to lottery material; nor are we convinced by the argument that inter-office memoranda referring inter alia to "blessings in exchange for money" were insufficient to alert management to the presence of lottery related material. At the very least, these warnings, in conjunction with the suspicious language

²¹ We do not see from our study of the New Jersey statutes cited to us that giving information concerning a lottery, as distinct from operating a lottery, is a criminal offense in that State. There is no occasion therefore for a specific issue on violation of State law. The Board will also decline to add issues based on possible violations of 18 U.S.C. 1341 and 1343 as, in our view, Gilbert has not adequately demonstrated that violations of these statutes may have occurred. However, we do believe that the lottery related broadcasts may constitute false and misleading advertising and, in accord with the Bureau's suggestion, we will designate an issue permitting inquiry into this matter. See United Television Co., Inc., supra, 20 FCC 2d 278, 17 RR 2d 738 (Rev. Bd. 1969).

¹⁷ In support, Gilbert attaches an additional affidavit by Amis, which categorically denies that he was given screening responsibilities, and which states that such duties would have been at variance with the terms of his union employment contract. Gilbert also attaches a memorandum made at the time of Amis' job assignment which makes no mention of the screening responsibilities.

¹⁸ In support, Gilbert has attached affidavits by five WNJR listeners, some of whom claim to have heard lottery related broadcasts on that station as early as November or December of 1975.

¹⁹ Gilbert has attached transcripts of these programs with an affidavit by counsel for Gilbert which states that the transcripts were prepared under his direction.

²⁰ In support, Gilbert has attached affidavits by persons attending these meetings.

contained in the broadcasts themselves, should have alerted the interim operators to the possibility of programming violations and have instigated an effort to acquire further information.² Nor has it been adequately demonstrated that the licensee's performance of its duty was frustrated by Amis. In this regard, we note that affidavits submitted by WNJR listeners with Gilbert's reply pleading are sufficient to indicate that lottery related material may have been aired as early as four months prior to the date that Amis assumed his position as Sunday morning announcer. On the other hand, questions have also been raised with respect to whether Amis, a Gilbert principal, was in part responsible for the broadcasts in question by failing to adequately conduct his alleged screening responsibilities or by failing to adequately warn management of their nature. An appropriate issue will also be added on this basis.

12. Turning to Gilbert's request for a false and misleading advertising issue, we find that the allegations before us indicate that advertisements for a "Money in a Hurry Prosperity Package" and for a prayer cloth were aired over WNJR during June of 1976; the ministers offering these products claimed that they would solve personal and financial problems; and the items were distributed by mail or in church meetings in exchange for monetary contributions. In our view, these products and the claims made regarding them are closely analogous to the facts in *United Television Co., Inc.*, supra, wherein advertisements for "roots," "incense," and "spiritual baths" were found to constitute false and misleading advertising. See 55 FCC 2d at 423. Furthermore, inter-office WNJR memoranda indicate that station management was aware as early as November 1975 that similar or identical ads were being included in taped religious programs in violation of station policy. While Sound contends that the broadcast of the June 1976 programs is attributable to Amis' failure to screen and report violations to management, Amis' denial that he was assigned screening responsibility for religious programming raises serious questions requiring further inquiry. Consequently, an issue will be designated to determine whether Sound, Community, and Fidelity are responsible for the broadcast of false and misleading

² While WNJR management-level employees and Sound's principal, Daniel Robinson, admit that they occasionally listened to Sunday morning broadcasts, they contend that nothing in these programs alerted them to the possibility that the ministers were promoting participation in the numbers lottery. However, as in the *United* case, the language contained in these broadcasts as well as the frequency of the alleged violations appears to have been sufficient to alert concerned management to the improper programming. See *United Television Co., Inc.*, supra, 55 FCC 2d at 420, 422.

advertisements. See Licensee Responsibility with Respect to the Broadcast of False, Misleading or Deceptive Advertising, 40 FCC 125 (1961).

13. Accordingly, it is ordered, That the motion to strike, filed September 15, 1976, by Sound Radio, Inc., IS DENIED; and

14. It is further ordered, That motion for leave to file supplemental opposition, filed September 15, 1976, by Sound Radio, Inc., IS GRANTED; and

15. It is further ordered, That the petition to enlarge issues and reopen the record filed July 16, 1976, by Gilbert Broadcasting Corporation, IS GRANTED to the extent indicated herein, and IS DENIED in all other respects; and

16. It is further ordered, That the issues in this proceeding ARE ENLARGED to include the following:

(a) To determine whether Station WNJR has broadcast information concerning a lottery in violation of Section 1304 of Title 18 of the United States Code, and of Section 73.1211 of the Commission's Rules.

(b) To determine whether the broadcast by Station WNJR of announcements which advertised articles such as a "Money in a Hurry Prosperity Package" and "prayer cloths," or which offered to give three-digit numbers to be used for "financial blessings," constituted false, misleading, or deceptive advertisements.

(c) To determine whether Community Group for North Jersey Radio, Inc., Sound Radio, Inc., and Fidelity Voices, Inc. have taken reasonable measures to protect the WNJR listening public from false, misleading, or deceptive advertising.

(d) To determine, in light of the evidence adduced under issues (a) and (c), whether Community Group for North Jersey Radio, Inc., Sound Radio, Inc., and Fidelity Voices, Inc. possess the requisite qualifications to be licensees, or whether their comparative qualifications are affected.

(e) To determine whether Herman Amis was responsible in substantial degree for conduct described in issues (a) and (b) above.

(f) To determine, in light of the evidence adduced under issue (e) whether Gilbert Broadcasting Corporation is qualified to be a licensee, or whether its comparative qualifications are affected.

17. It is further ordered, That the burden of proceeding with the introduction of evidence under issues (a), (b), and (c) added herein SHALL BE upon Gilbert Broadcasting Corporation; that the burden of proceeding under issue (e) SHALL BE upon Sound Radio, Inc. and Community Group for North Jersey Radio, Inc.; that the burden of proof under issues (a), (b), (c) and (d) SHALL BE upon Community Group for North Jersey Radio, Inc., Sound Radio, Inc., and Fidelity Voices, Inc.; and that the burden of proof under issues (e) and (f) SHALL BE upon Gilbert Broadcasting Corporation.

18. It is further ordered, That the proceeding IS REMANDED to the Administrative Law Judge for further hearing and the issuance of a Supplemental Initial Decision as indicated herein.

FEDERAL COMMUNICATIONS
COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc. 76-36066 Filed 12-7-76; 8:45 am]

[Docket Nos. 21008 and 21009; File Nos.
6581-CM-P-72 and 8523-CM-P-72]

UNITED VIDEO, INC. AND MIDWEST CORP.

Applications for Construction Permits in the Multipoint Distribution Service for A New Station At Columbia, South Carolina; Memorandum Opinion and Order

Adopted: November 23, 1976.

Released: December 1, 1976.

1. The Commission has before it the above-referenced application of United Video, Inc. (United Video) (File No. 6581-CM-P-72), filed on March 24, 1972; and Midwest Corporation (Midwest) (File No. 8523-CM-P-72), filed on May 30, 1972. Both applications propose Channel 1 operation in the Columbia, South Carolina area, and thus are mutually exclusive and require comparative consideration. Both applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. United Video, owned by Lawrence Flinn, Jr., is permittee of an MDS station in Ocean City, Maryland, and is an MDS applicant in seven other cities, including Tulsa, Oklahoma. United Video also owns 100% of a satellite station in Trees, Louisiana, and 19% of United Wehco, Inc., owner of a satellite station in Taylorsville, Illinois. Midwest, owned by APS, Inc., has MDS applications in twenty cities, including Winston-Salem and Greensboro, North Carolina, and is permittee in Greenville, South Carolina.

3. Upon review of the captioned applications, we find that both applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. Accordingly, It is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, and Section 0.291 of the Commission's Rules, the above-captioned applications ARE DESIGNATED FOR HEARING, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience, and necessity. In making such a

determination, the following factors shall be considered:¹

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Columbia, South Carolina area.

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security, and maintenance.

(d) The charges, regulations and conditions of the service to be rendered and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. It is further ordered, That United Video, Inc. and Midwest Corporation, and the Chief, Common Carrier Bureau, are made parties to this proceeding.

6. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of Section 1.221 of the Commission's Rules.

JOSEPH A. MARINO,
Deputy Chief for Chief,
Common Carrier Bureau.

[FR Doc.76-36067 Filed 12-7-76; 8:45 am]

FEDERAL MARITIME COMMISSION

MATSON TERMINALS, INC. AND CITY OF RICHMOND, CALIF.

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 28, 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.

CITY OF RICHMOND, CALIFORNIA AND
MATSON TERMINALS, INC.

Notice of Agreement Filed by:

Mr. Willis R. Deming, Vice President and General Counsel, Matson Navigation Company, 100 Mission Street, San Francisco, California 94105.

Agreement No. T-3379, between the City of Richmond, California, (Port) and Matson Terminals, Inc., (Matson) provides for Matson to operate and manage the Port's container terminal, to be constructed and equipped by the Port at the south end of 10th Street, Richmond, California. The agreement provides for a term of 10 years (with an additional 10-year renewal option). Matson will collect all charges in accordance with the Port's container terminal tariff, and all expenses incurred in and revenues derived from the operation of the container terminal shall be shared by the Port and Matson as outlined in the agreement. The rates named by the Port in the tariff shall be published after consultation with Matson and shall be established from time-to-time at levels which are intended to cover the expenses and container handling charge designated in the agreement.

By Order of the Federal Maritime Commission.

Dated: December 3, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-36073 Filed 12-7-76; 8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP73-77, (PGA77-3), etc.]

ALABAMA-TENNESSEE NATURAL GAS CO. ET AL.

Order Accepting for Filing and Permitting to Become Effective Pipeline PGA Rate Increases

NOVEMBER 30, 1976.

In the matter of Alabama-Tennessee Natural Gas Company, Docket No. RP73-77, (PGA77-2); Algonquin Gas Transmission Company, Docket No. RP72-110, (PGA77-3); Arkansas Louisiana Gas Company, Docket Nos. RP74-61, and RP76-10 (PGA77-2); Cities Service Gas Company, Docket No. RP72-142, (PGA77-2); Colorado Interstate Gas Company, Docket No. RP72-122, (PGA77-1); Columbia Gas Transmission Corporation, Docket No. RP73-65, (PGA77-1); Consolidated Gas Supply Corporation, Docket No. RP72-157, (PGA77-2); Eastern Shore Natural Gas Company, Docket No. RP72-134; (PGA77-1a) (PGA77-2); East Tennessee Natural Gas Company, Docket No. RP71-15, (PGA77-1); El Paso Natural Gas Company, Docket No. RP72-155, (PGA77-1); Florida Gas Transmission Company, Docket No.

RP72-136, (PGA77-1); Granite State Gas Transmission, Inc., Docket No. RP73-17, (PGA77-1); Kansas-Nebraska Natural Gas Company, Docket No. RP72-32, (PGA77-1); Kentucky West Virginia Gas Company, Docket No. RP73-97, (PGA77-1); Michigan Wisconsin Pipe Line Company, Docket No. RP73-14, (PGA77-1); Mid Louisiana Gas Company, Docket No. RP73-43, (PGA77-1); Midwestern Gas Transmission Company, Docket No. RP71-16, (PGA77-2); Mississippi River Transmission Corporation, Docket No. RP72-149, (PGA77-1a); Montana-Dakota Utilities Company, Docket No. RP74-97, (PGA77-1); Mountain Fuel Resources, Inc., Docket Nos. RP74-14, and RP74-34, (PGA77-1a); Mountain Fuel Supply Company, Docket No. RP76-64, (PGA76-1b); National Fuel Gas Supply Corporation, Docket No. RP74-100, (PGA77-2); Natural Gas Pipeline Company of America, Docket No. RP71-125, (PGA77-1); Northern Natural Gas Company (People's Division), Docket No. RP73-48, (PGA77-2); Northwest Pipeline Corporation, Docket No. RP72-154, (PGA77-1); Pacific Interstate Transmission Company, Docket No. CP76-104, (PGA77-1); Panhandle Eastern Pipe Line Company, Docket No. RP73-36, (PGA77-1); South Texas Natural Gas Gathering Company, Docket Nos. RP76-53, and RP76-60 (PGA77-1); (PGA77-1a) (PGA77-1b); Southwest Gas Corporation, Docket No. RP72-121, (PGA77-1); Tennessee Gas Pipeline Company, Docket No. RP73-114, (PGA77-1); Tennessee Natural Gas Lines, Inc., Docket No. RP71-11, (PGA77-1); Texas Eastern Transmission Corporation, Docket No. RP74-41, (PGA77-3); Texas Gas Transmission Corporation, Docket No. RP72-156, (PGA77-1); Transcontinental Gas Pipe Line Company, Docket No. RP73-3, (PGA76-4a) (PGA77-1); Transwestern Pipeline Company, Docket No. RP74-52, (PGA77-1); Trunkline Gas Company, Docket No. RP73-35, (PGA77-1); Valley Gas Transmission Company, Docket No. RP73-94, (PGA77-1); Western Transmission Corporation, Docket No. RP72-31, (PGA77-1).

Each of the natural gas pipelines listed in the caption of this order have tendered to the Commission for filing proposed PGA rate increases tracking producer and related pipeline rate increases resulting from Opinion No. 770, as restated on October 21, 1976, and as modified on rehearing in Opinion No. 770-A. For the reasons set forth below, the Commission shall accept the proposed pipeline PGA rates for filing and shall permit the same to become effective as requested, pending further Commission review and final action thereon.

Opinion No. 770 was issued by the Commission on July 27, 1976, establishing new nationwide rates for natural gas sold by producers in interstate commerce, effective as of the date of issuance. Opin-

¹ The individual pipeline FPC tariff designations are set forth in the respective filings and are incorporated herein by reference. Appendix A filed as part of the original document.

¹ Consideration of these factors shall be made in light of the Commission's discussion in Peabody Telephone Answering Service, et al., 55 2d 626 (1975).

ion No. 770 permitted each pipeline to file a one time purchased gas adjustment (PGA) on or before September 27, 1976, to track increases in purchased gas costs attributable to increased producer rates filed on or before August 26, 1976, such adjustments to be effective October 27, 1976. Opinion 770 also provided for a surcharge to permit pipelines to recover purchased gas cost increases incurred under Opinion 770 from July 27, 1976, the effective date of Opinion 770, to October 27, 1976, the proposed effective date of the pipelines' PGA tracking increases.

By subsequent order issued September 22, 1976, the Commission modified ordering paragraph (D) of Opinion 770 to provide that the surcharge be permitted to be collected over a 12-month period, with a 9 percent carrying charge accruing for the duration of the surcharge. By order issued August 13, 1976, the Commission imposed a refund obligation on producers collecting the increased rates as required by the order issued on August 9, 1976, by the United States Court of Appeals for the District of Columbia Circuit in *American Public Gas Association v. F.P.C.*, Case No. 76-1694.

On October 21, 1976, the Commission restated the applicability of the new Opinion 770 rates to sales made from certain completions, perforations, or recompletions into a previously non-producing reservoir, and required producers to make new filings in accordance with the restatement. In light of the restatement of Opinion 770 and the new producer filings required to be made, the Commission on the same date, October 21, 1976, concurrently issued an order deferring action on all pending pipeline PGA filings made pursuant to Opinion 770 until December 1, 1976, and required pipelines to refile their PGA adjustments to reflect the revised producer filings made pursuant to the restatement of Opinion 770.

On November 5, 1976, the Commission issued its Opinion No. 770-A modifying in part Opinion 770. The Commission required producers to make new rate filings by November 12, 1976, in accordance with Opinion 770-A and the restatement of October 21, 1976. Ordering paragraph (C) of Opinion 770-A authorized any pipeline to file a special PGA rate increase to be effective December 1, 1976, to track the revised producer filings made on November 12, 1976. The present pipeline PGA rate adjustments have been filed in accordance with the terms of Opinion 770-A.

Public notice of the pipeline PGA filings has been issued, providing for comments, protests, or petitions to intervene to be filed by interested parties. In this connection the Commission finds that those parties who filed comments, protests, or petitions to intervene in response to the original filings of the respective pipelines to track producer increases pursuant to Opinion 770 need not refile in response to the notices issued in the above-captioned dockets. All interventions previously granted as to the prior Opinion 770 pipeline PGA filings shall be

deemed granted also with respect to the present filings of the respective pipelines.

The numerous pipeline PGA rate adjustments proposed herein contain a voluminous amount of data which must be reviewed and verified by the Commission in conjunction with the related producer filings made pursuant to Opinion 770-A before approval thereof can be granted. The subject PGA adjustments will therefore be accepted for filing and permitted to become effective on December 1, 1976, subject to further Commission order pending further Commission review and action. Further Commission orders dealing with the proposed rate adjustments will be issued separately in the individual pipeline dockets designated in this order when it has been determined that the filings are fact in compliance with Opinion No. 770-A.

Each of the pipelines subject to this order has requested that its PGA adjustment be made effective on December 1, 1976, and has on this basis calculated the surcharge amounts authorized by ordering paragraph (C) of Opinion 770-A. Certain other pipelines have combined their 770-A filings with their semi-annual PGA filings which are requested to become effective on January 1, 1977.² One pipeline, Northern Natural Gas Company, has requested a December 27, 1976, effective date. The filings will be the subject of a separate order. However, the PGA rate adjustments of these pipelines have been taken into account for purposes of determining the impact of the rate adjustments filed pursuant to Opinion 770-A, as set forth in Appendix A hereto.

The Commission notes that Kansas-Nebraska Natural Gas Company has combined Opinion 770-A adjustments with a proposed semi-annual PGA rate adjustment. Kansas-Nebraska has further filed alternate rates, one adjusting its current rates and one adjusting the settlement rates pending in Docket No. RP76-8. Inasmuch as the settlement rates have not yet been approved, the adjustment to current rates shall be accepted and made effective.

The Commission further notes that Michigan Wisconsin Pipe Line Company has filed for adjustment to its proposed increased rates in Docket No. RP76-100. However, by order issued November 24, 1976, the proposed RP76-100 rates were rejected by the Commission for failure to exclude the effect of certain uncertificated facilities. Michigan Wisconsin shall be required to refile its PGA rate adjustment to give effect to the elimination of uncertificated facilities.

The Commission further notes that Transcontinental Gas Pipe Line Company filed, in addition to its proposed PGA rate adjustment under Opinion 770-A, an additional adjustment reflect-

ing the elimination of its current 6 cents per Mcf surcharge, effective October 27, 1976. (PGA76-4a) This adjustment is proper and will accordingly be approved and made effective. Eastern Shore Natural Gas Company proposes to track the elimination of Transco's 6 cents per Mcf surcharge. This adjustment is proper and shall be approved, effective October 27, 1976.

Finally, the Commission notes that Utah Gas Service Company has included in its filing settlement rates in Docket No. RP76-109 to be effective July 5, 1976, October 1, 1976, and December 1, 1976, together with its proposed PGA rate adjustment to be effective December 1, 1976. The settlement rates conform to the terms of the settlement approved by the Commission in Docket No. RP76-109 on October 4, 1976, and shall therefore be accepted. That portion of the December 1 rates relating to Opinion 770-A shall be permitted to become effective subject to the terms of this order.

The Commission finds. It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the proposed PGA rate adjustments herein be accepted for filing and permitted to become effective subject to further Commission order as hereinafter ordered.

The Commission orders. (A) The pipeline PGA rate adjustments which are the subject of this order are hereby accepted for filing and permitted to become effective on December 1, 1976, subject to further Commission order pending further review and action thereon by the Commission.

(B) Kansas-Nebraska's alternate PGA rate adjustment reflecting adjustment to its current rates is accepted for filing and permitted to become effective in accordance with paragraph (A) above.

(C) Michigan Wisconsin is directed to refile its PGA rate adjustment to give effect to the elimination of uncertificated facilities in Docket No. RP76-100.

(D) Transcontinental's filing reflecting the elimination of the current 6 cents per Mcf surcharge is accepted for filing and approved, effective October 27, 1976.

(E) Eastern Shore's filing to track Transcontinental's elimination of the 6 cents per Mcf surcharge is accepted for filing and approved, effective October 27, 1976.

(F) Utah Gas' settlement rates in Docket No. RP76-109 as included in its PGA filing herein are accepted for filing and approved as of July 5, 1976, October 1, 1976, and December 1, 1976, respectively. That portion of the December 1 rates relating to Opinion 770-A are accepted for filing and permitted to become effective in accordance with the terms of ordering paragraph (A) above.

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

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-36032 Filed 12-7-76; 8:45 am]

² Sea Robin Pipeline Company, South Georgia Natural Gas Company, Southern Natural Gas Company, Texas Gas Transmission Corporation, and United Gas Pipe Line Company. Appendix A filed as part of the original document.

[Docket Nos. G-17478, etc.]

COASTAL STATES GAS PRODUCING CO., ET AL

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates¹

NOVEMBER 30, 1976.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft. ³	Pressure base
G-17478 B 9-30-76	Coastal States Gas Producing Co., Five Greenway Plaza East, Houston, Tex. 77046.	Natural Gas Pipeline Co., East Mathis area, San Patricio County, Tex.	(1)	(1)
C160-484 C 10-26-76	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	Texas Gas Transmission Corp., Mallard Bay Field, Cameron Parish, La.	\$ 26.325	15.025
C161-895 D 10-4-76	Texaco Inc., P.O. Box 3109, Midland, Tex. 79701.	Transwestern Pipeline Co., Dude Wilson Field, Ochiltree County, Tex.	\$ 35.5124	14.65
C169-1155 C 9-27-76	Petro-Search, Inc., et al. (successor to the Nueces Co.), 825 Petro-Search Club Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Chenot area, Pecos County, Tex.	18.504	14.65
C171-600 D 10-22-76	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Southern Natural Gas Co., Main Pass Block 181 (all of lease OCS-G-1300) and the north half of Main Pass Block 100 (north half of lease OCS-G-1299).	\$ 274	15.025
C174-392A C 9-7-76	Exxon Corp., P.O. Box 2150, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Eugene Island Block 314 Field, offshore Louisiana.	\$ 1.4454	15.025
C174-528 C 9-3-76	do	El Paso Natural Gas Co., Sand Hills Field, Crane County, Tex.	\$ 1.0791	14.65
C174-528 C 11-8-76	do	do	\$ 1.0908	14.65
C175-38 A 10-4-76	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	El Paso Natural Gas Co., residue gas attributable to Drinkard formation gas-well gas processed in the Eunice gas processing plant operated by Warren Petroleum Co. in Lea County, N. Mex.	\$ 100.73504	14.73
C175-384 C 11-8-76	American Petrofina Co. of Texas	El Paso Natural Gas Co., Sand Hills Field, Crane County, Tex.	\$ 1.55246	14.65
C176-792 (G-15810) F 9-27-76	Gulf Oil Corp. (successor to Union Oil Co. of California).	Transwestern Pipeline Co., White City Penn Field, Eddy County, N. Mex.	\$ 111.35782 \$ 157.66514	15.025
C176-801 (C871-1103) F 9-20-76	Edwin L. Cox (successor to Triton Oil & Gas Corp.), 3800 First National Bank Bldg., Dallas, Tex. 75202.	Southern Natural Gas Co., Bayou Bouillon Field, Iberville and St. Martin Parishes, La.	\$ 1.5235	15.025
C176-807 (C866-1) F 9-30-76	Sohio Petroleum Co. (successor to Bianco Oil Co.), 1100 Penn Tower, Oklahoma City, Okla. 73118.	Northern Natural Gas Co., Puckett (Ellenburger) Field, Pecos County, Tex.	\$ 26.46954	14.65
C177-50 A 10-19-76	Florida Gas Exploration Co., P.O. Box 44, Winter Park, Fla. 32790.	Florida Gas Transmission Co., Vermilion Block 22, offshore Louisiana.	\$ 175.004	15.025
C177-51 A 10-19-76	Napoco, Inc., #122 South Michigan Ave., Chicago, Ill. 60603.	Natural Gas Pipeline Co. of America, East Rock Island Field, Colorado County, Tex.	\$ 1.8087	14.65
C177-52 (C164-942) F 10-20-76	Amoco Production Co. (successor to Pioneer Production Corp.), Security Life Bldg., Denver, Colo. 80202.	Northern Natural Gas Co., Pollet Morrow Field, Lipscomb County, Tex.	\$ 19.4594	14.65
C177-53 A 10-20-76	The California Co., a division of Chevron Oil Co.	Trunkline Gas Co., West Cameron Block 534 Field, offshore Louisiana.	\$ 1.75	15.025
C177-55 A 10-20-76	Florida Gas Exploration Co.	Transcontinental Gas Pipe Line Corp., Bassfield Field, Jefferson Davis County, Miss.	\$ 147.13894	15.025
C177-57 (C873-208) B 10-21-76	H. & L. Operating Co., Box 7401, Amarillo, Tex. 79109.	Panhandle Eastern Pipeline Co., Morse (Cleveland), Hanford County, Tex.—No. 1 Hart, E/2 sec. 7, block 5-T.	(2)	(2)
C177-68 (C162-50) B 10-21-76	Pioneer Production Co., P.O. Box 2542, Amarillo, Tex. 79105.	Northern Natural Gas Co., sec. 107, block 4-T, T. & N.O. R.R. Co., survey, Ochiltree County, Tex.; Daniel No. 1-C (Atoka), Daniel No. 1-T (Morrow).	(2)	(2)
C177-69 A 11-1-76	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., Ivan Field, Bossier and Webster Parishes, La.	\$ 1.538830	15.025
C177-90 A 11-4-76	Exxon Corp.	Columbia Gas Transmission Corp., Lake Sand Field, St. Mary and Iberia Parishes, La.	\$ 147.183.04	15.025
C177-91 (C163-1276) B 11-4-76	Eason Oil Co., 5225 North Shartel Ave., Oklahoma City, Okla. 73118.	Arkansas Louisiana Gas Co., well head, sec. 17-15N-17W, Custer County, Okla.	(2)	(2)
C177-92 (C871-6) (C165-24 for sec. 11 and 29 only) B 11-3-76	John L. Crawford, 625 Southern National Bank Bldg., Houston, Tex. 77002.	Northern Natural Gas Co., Joe T Field, Crockett County, Tex.	(2)	(2)

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
C177-93. A 11-3-76	Monsanto Co., 5051 Westheimer, Houston, Tex. 77056.	Northern Natural Gas Co., Medlock No. 1 Well, Ward County, Tex.	\$1 53.375	14.65
C177-94. A 10-28-76	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	Transcontinental Gas Pipe Line Corp., Southeast Gueyden Field, Vermilion Parish, La.	\$7 185.34	15.025
C177-98. (C166-558) B 11-8-76	Texaco, Inc., to plant operator Phillips, P.O. Box 52332, Houston, Tex.	Phillips Petroleum Co.—Panhandle Eastern Pipe Line Co., Crest (Des Moines) Field, Ochiltree County, Tex.	(20)	(20)
C177-100. A 11-8-76	American Natural Gas Production Co., One Woodward Ave., Detroit, Mich. 48226.	Michigan Wisconsin Pipe Line Co., Roger Mills County, Okla.	\$1 14.43	14.65
C177-101. (C161-391) F 11-8-76	Texas Gas Exploration Corp. (successor to the California Co.), P.O. Box 52310, Houston, Tex. 77052.	Texas Gas Transmission Corp., Mallard Bay Field, Cameron Parish, La.	\$1 52.0214	15.025
C177-102. A 11-9-76	Gulf Oil Corp.	Cities Service Gas Co., Studer No. 1 Well, Canadian, East (Douglas) Field, Hemphill County, Tex.	\$7 14.153, 00846	14.65

- ¹ Production ceased.
² Subject to downward Btu adjustment.
³ Includes 0.793/1,000 ft³ upward Btu adjustment.
⁴ Plus 100 pct tax reimbursement.
⁵ Subject to upward and downward Btu adjustment.
⁶ Includes estimated 14.63¢ 1,000 ft³ Btu adjustment and 0.51¢ gathering.
⁷ Applicant is willing to accept a certificate in accordance with opinion No. 770.
⁸ Includes 13.74¢ Btu adjustment and 1.49¢ gathering.
⁹ Includes 13.84¢ Btu adjustment and 1.49¢ gathering.
¹⁰ Includes 143.0000¢ base price, 12.3512¢ production taxes, 3.8838¢ Btu adjustment and 1.5000¢ gathering allowance.
¹¹ Subject to upward Btu adjustment.
¹² Wells commenced on or after Jan. 1, 1973; and before Jan. 1, 1975, per opinion No. 770 include 103.0230¢ base price and 8.3348¢ State taxes.
¹³ Wells commenced on or after Jan. 1, 1975, per opinion No. 770 effective Oct. 1, 1976, include 145.8643¢ base price and 11.8008¢ State taxes.
¹⁴ Subject to upward and downward Btu adjustment from 1,000 Btu per cubic foot.
¹⁵ Applicant proposes to collect the national rate in accordance with opinion No. 770.
¹⁶ Applicant and purchaser are affiliated.
¹⁷ Includes \$1.43 base rate, plus \$0.1250 tax and \$0.2628 Btu adjustment.
¹⁸ No Btu price adjustment provided in the contract, however, for the gas covered by amendment dated Aug. 4, 1976, there will currently be upward and downward adjustments as provided in the FPC opinion No. 770. On an estimate of 1.100 Btu, the adjustment would be 15.400¢ per 1,000 ft³ applicable to base price of 143¢.
¹⁹ Total initial price includes base price of 18.0¢ and a tax reimbursement of 1.459¢. For gas covered by amendment dated Aug. 4, 1976, the base price is 143.0¢, 11.595¢ tax reimbursement, plus 15.400¢ Btu adjustment.
²⁰ 25 pct of 75 pct of gas reserves attributable to seller's interest in the 1,700 ft, 3,000 ft, and 3,200 ft sands from wells to be produced from seller's OCS-G-2226 A platform. Certificate covering remaining 75 pct of 75 pct to be sold to Natural Gas Pipeline of America under separate contract is pending under docket No. C176-671.
²¹ Includes \$1.4637 base rate subject to unknown Btu adjustment and 0.0051 gathering, plus quarterly escalations.
²² Includes a base initial rate of 145.8639¢ and subject to unknown Btu adjustment and tax reimbursement, plus 1.2750¢ gathering.
²³ Well plugged and abandoned.
²⁴ Depletion of gas production.
²⁵ Includes \$1.458639 base rate, \$0.070000 tax reimbursement, plus \$0.010200 gathering.
²⁶ Includes 7¢ tax reimbursement.
²⁷ Plus 1¢ escalation per quarter.
²⁸ Released leases as nonproductive.
²⁹ Subject to adjustment as prescribed by FPC opinion No. 770.
³⁰ Reserves depleted, lease released.
³¹ Includes 142.2235¢ base rate and 10.7449 tax reimbursement and unknown Btu adjustment.

[FR Doc.76-35862 Filed 12-7-76;8:45 am]

[Docket No. RP73-65, (PGA77-1)]

COLUMBIA GAS TRANSMISSION CORP.**Proposed Changes in FPC Gas Tariff**

NOVEMBER 30, 1976.

Take notice that Columbia Gas Transmission Corporation (Columbia) on November 24, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, as follows:

Thirty-fourth Revised Sheet No. 16 Substitute Fifteenth Revised Sheet No. 64A

These proposed changes to be effective December 1, 1976 result from the implementation of Columbia's Purchased Gas Cost Adjustment provision contained in section 20 of the general terms and conditions of its FPC Gas Tariff, Original Volume No. 1, and FPC Opinion No. 770-A which permitted a special one-time PGA filing.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Union Center Plaza

Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before December 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36036 Filed 12-7-76;8:45 am]

[Docket No. E-9407]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.**Filing**

NOVEMBER 30, 1976.

Take notice that on November 18, 1976, the Columbus and Southern Ohio

Electric Company tendered for filing, pursuant to the Order Approving Settlement Agreement issued July 6, 1976, a summary of refundable revenue and interest computation for the period June, 1975 through September, 1976 for the City of Jackson and the Village of Glouster; a summary of refundable revenue and interest computation for the period June, 1975 through August, 1976 for the City of Westerville; monthly billing determinants and revenues under the Settlement Rates designated as 1st Revised Sheet Nos. 1-3 under FPC Electric Tariff 1st Revised Volume No. 1 for the City of Jackson, the Village of Glouster, and the City of Westerville; and monthly billing determinants and revenues under rates submitted in Docket Nos. E-9407 and E-8650 for the City of Jackson, the Village of Glouster, and the City of Westerville.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36037 Filed 12-7-76;8:45 am]

[Docket Nos. G-6342, etc.]

CONTINENTAL OIL CO., ET AL.**Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates**

NOVEMBER 30, 1976.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 20, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time

required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
G-6342 B 10-27-76	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	El Paso Natural Gas Co., Lockhart B No. 8 Well, sec. 14, T23, R36; SEMU Eumont No. 67, K131 Well, sec. 24, T20, R37; Well A No. 7, sec. 1, T25, R36; Lea County, N. Mex.	(1)	(1)
G-6352 B 11-1-76	do	United Gas Pipe Line Co., Con- tinental Oil Co. Lease 24754; being the Victoria Albrecht, et vir lease, Goliad County, Tex.	(5)	(5)
G-11613 B 11-1-76	do	Texas Eastern Transmission Corp., A. Coutret, Jr., et al. lease, Meyersville Field area, Goliad County, Tex.	(5)	(5)
CI74-528 C 10-12-76	Exxon Corp., P.O. Box 2180, Hous- ton, Tex. 77001.	El Paso Natural Gas Co., Sand Hills Field, Crane County, Tex.	*** \$1.6908	14.65
CI74-528 C 11-1-76	do	do	*** \$1.6908	14.65
CI74-183 C 9-24-76	CIG Exploration, Inc., Five Greenway Plaza East, Houston, Tex. 77046	Colorado Interstate Gas Co., Pan- handle (Red Cave) Field (75-76, insufficient gathering), Potter County, Tex.	*** \$1.8711	14.65
CI76-268 D 10-19-76	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004	El Paso Natural Gas Co., Permian Basin area, Lea County, N. Mex.	*** 142.06	14.73
CI77-25 A 10-12-76	Anadarko Production Co., P.O. Box 1339, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Hicks "A" No. 1 Well, Postle Hough Gas Area Field, Texas County, Okla.	*** \$1.412287	14.65
CI77-24 A 10-8-76	Champion Petroleum Co., P.O. Box 1257, Englewood, Colo. 80110.	Panhandle Eastern Pipe Line Co., Wattenberg area, Denver-Jules- burg Basin, Adams, Arapahoe, and Weld Counties, Colo.	*** \$1.6087	14.65
CI77-27 A 10-11-76	Astec Oil & Gas Co., 1600 First National Bank Bldg., Fort Worth, Tex. 76102	Colorado Interstate Gas Co., Poison Creek area, Fremont County, Wyo.	*** \$1.41229	14.65
CI77-31 A 10-15-76	HNG Oil Co., P.O. Box 1188, Houston, Tex. 77001.	El Paso Natural Gas Co., Phantom Draw Unit No. 1 Well, Phantom Draw (Wolfcamp) Field, Eddy County, N. Mex.	*** \$1.699308	14.73
CI77-36 A 10-15-76	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221	Transwestern Pipeline Co., Halley Field, Winkler County, Tex.	*** \$1.783102	14.65
CI77-41 A 10-18-76	South Louisiana Production Co., Inc., P.O. Box 52088, OCS, La- fayette, La. 70501.	United Gas Pipe Line Co., West Fields Field, Beauregard Parish, La.	*** 152.864	15.025
CI77-46 A 10-18-76	Exxon Corp.	Trunkline Gas Co., Eugene Island Block 332, offshore Louisiana.	*** \$1.90	15.025
CI77-47 A 10-18-76	do	Northern Natural Gas Co., Eugene Island Block 332, offshore Loui- siana.	*** \$1.90	15.025
CI77-48 A 10-18-76	do	Natural Gas Pipeline Co. of Amer- ica, Eugene Island Block 332, off- shore Louisiana.	*** \$1.90	15.025
CI77-65 A 10-23-76	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Mountain Fuel Supply Co., Wilson Ranch area, Lincoln County, Wyo.	*** 168.68746	15.025
CI77-66 A 10-23-76	Dorchester Exploration, Inc. (oper- ator), et al., 1100 Midland Na- tional Bank Tower, Midland, Tex. 79701.	El Paso Natural Gas Co., Win- chester-Morrow Field, Eddy County, N. Mex.	*** \$1.162873	14.65
CI77-67 A 10-23-76	do	El Paso Natural Gas Co., Win- chester-Wolfcamp Field, Eddy County, N. Mex.	*** \$1.46103	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pres- sure base
CI77-69 (C169-420, C169-461, C169-441, C169-443) E 10-26-76 A 10-20-76	Tenneco Exploration, Ltd. (suc- cession to Continental Oil Co., Atlantic Richfield Co., Getty Oil Co. and Cities Service Oil Co.), P.O. Box 2511, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., Eugene Island Block 208 Field, offshore Louisiana.	* 22 \$1.463739 1.473939 1.484139	15.025
CI77-71 A 10-20-76	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla.	El Paso Natural Gas Co., Mexico Federal R No. 1, San Juan County, N. Mex.	* 22 \$1.3516	14.73
CI77-82 A 10-28-76	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla. 73125.	Montana-Dakota Utilities Co., sec. 23, T3N-R2E, Pavillion area, Fremont County, Wyo.	* 22 164.95914	15.025
CI77-85 A 11-1-76	Amoco Production Co., P.O. Box 5340-A, Chicago, Ill. 60680.	Michigan Wisconsin Pipe Line Co., various fields, Ellis and Wood- ward Counties, Okla.	* 22 170.0554	14.65
CI77-87 (C167-150) B 11-4-76	Forest Oil Corp., 1500 Colorado National Bldg., 950 17th St., Denver, Colo. 80202.	Northern Natural Gas Co., North Puckett Field, Pecos County, Tex.	(24)	(24)
CI77-99 A 10-8-76	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla.	Natural Gas Pipeline Co. of America, W/2 sec. 10 and E/2 sec. 16-20S-28E, N/2 sec. 36-20S- 27E, W/2 sec. 29-21S-27E, Eddy County, N. Mex.	* 22 154.50054	14.65

¹ Wells reclassified.

² Lease terminated.

³ Leases surrendered.

⁴ Subject to upward and downward Btu adjustment.

⁵ Includes 13.84¢ Btu adjustment and 1.49¢ gathering.

⁶ Applicant if willing to accept a certificate at the national rate established in opinion No. 770.

⁷ Subject to upward and downward Btu adjustment from 1,000 Btu per cubic foot.

⁸ Purchaser to reimburse applicant for 100 pct of production and severance taxes.

⁹ Plus 1¢ escalation per quarter.

¹⁰ Applicant and purchaser are affiliated.

¹¹ Applicant proposes to collect the national rate in accordance with opinion No. 770.

¹² 1.50¢ per 1,000 ft³ gathering allowance and upward adjustment for 100 pct of all applicable State and Federal production, severance and similar taxes.

¹³ Plus fixed quarterly escalations of 0.9945¢ per 1,000 ft³ (1¢ at 14.73 lb/in²a).

¹⁴ From Oct. 1, 1976, through Dec. 31, 1976.

¹⁵ Plus 100-pct tax reimbursement.

¹⁶ Plus .09945¢ per 1,000 ft³ per quarter.

¹⁷ Subject to downward Btu adjustment; includes 14.22¢ per 1,000 ft³ estimated adjustment.

¹⁸ Subject to upward Btu adjustment.

¹⁹ Plus 1.02¢ escalation per quarter.

²⁰ Includes Btu price adjustment up 0.38619¢ for 1359 Btu gas and tax reimbursement of 6.5730¢ 1,000 ft³.

²¹ Includes 0.5100¢ gathering allowance.

²² Subject to downward Btu adjustment.

²³ Includes a base price of 143.9¢ and 15.46¢ Btu adjustment, plus 11.595¢ tax reimbursement.

²⁴ Nonproductive.

²⁵ Includes a base rate of \$1.422234, \$0.230633 Btu adjustment, plus \$0.115316 tax reimbursement and \$0.014919 gathering.

[FR Doc. 76-35863 Filed 12-7-76; 8:45 am]

[Dockets Nos CI77-95, etc.]

GULF OIL CORP.

Applications for Abandonment Authorization

NOVEMBER 30, 1976.

Take notice that the Applicant listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the

Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time herein, if the Commission on its own review of the matter finds that an abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
C177-95. (G-10605) B 11-5-76	Gulf Oil Corp., P.O. Box 3725, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., South Pass Block 24 Field, Plaquemine, La.	(1)	(1)
C177-96. (G-10164) B 11-5-76	do.	Tennessee Gas Pipeline Co., Tim- baller Bay Field, and offshore Louisiana.	(2)	(2)
C177-97. (G-10165) B 11-5-76	do.	Bully Camp Field, Lafourche Parish, La.	(3)	(2)

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

¹ Contract expired by its own terms. Gulf to commence deliveries of this supply of gas to Texas Eastern Transmission Corp., under Gulf's rate schedule No. 278.

² Gulf states that its contract with Tennessee dated Feb. 3, 1956, is from Dec. 30, 1956, to Dec. 30, 1976, at which time the contract will terminate by its own terms and Gulf would commence deliveries to Texas Eastern Transmission Corp. under Gulf's FPC gas rate schedule No. 278 on Dec. 30, 1976.

³ Gulf states that its contract with Tennessee dated Feb. 3, 1956, is from Dec. 13, 1956, to Dec. 13, 1976, at which time the contract shall terminate by its own terms and Gulf would commence deliveries of this supply of gas to Texas Eastern Transmission Corp. under Gulf's FPC gas rate schedule No. 278 on Dec. 13, 1976.

[FR Doc. 76-35864 Filed 12-7-76; 8:45 am]

[Docket Nos. RP73-97, RP76-93 (PGA77-1)]

KENTUCKY WEST VIRGINIA GAS CO. Proposed Change In Rates

NOVEMBER 30, 1976.

Take notice that Kentucky West Virginia Gas Company (Kentucky West) on November 22, 1976, tendered for filing with the Commission Second Substitute Original Sheet No. 27 to its FPC Gas Tariff First Revised Volume No. 1 to become effective December 1, 1976. This tariff sheet would place into effect a one time PGA adjustment as permitted by the Commission's Opinion No. 770 and 770-A.

At the same time Kentucky West also moved to withdraw Substitute Original Sheet No. 27 filed on September 23, 1976, to its FPC Gas Tariff First Revised Volume No. 1 which had previously been filed under Opinion No. 770. It is proposed that Second Substitute Original Sheet No. 27 replace said sheet filed on September 23, 1976.

Kentucky West further moved to place its Second Substitute Original Sheet No. 27 in effect subject to an undertaking previously filed on September 23, 1976 to refund any portion of the rates provided therein which might later be disallowed in Docket RP76-93. Copies of the filing were served upon the purchasers and interested state commissions and upon each party on the service list in Docket No. RP76-93.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.W. Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any

person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-36033 Filed 12-7-76; 8:45 am]

[Docket No. RP74-100 (PGA77-2)]

NATIONAL FUEL GAS SUPPLY CORP. Proposed PGA Rate Adjustment

NOVEMBER 30, 1976.

Take notice that on November 14, 1976, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, Second Revised Ninth Revised Sheet No. 4, proposed to be effective December 1, 1976.

National states that the sole purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provisions in section 17 of the general terms and conditions and to increase its rates based on increased purchased gas cost resulting from rate increases pursuant to Opinion No. 770 as modified by Commission Order Modifying Opinion No. 770, dated September 22, 1976 and Opinion No. 770-A dated November 5, 1976. National further states that Second Revised Ninth Revised Tariff Sheet No. 4 reflects an adjustment of 16.69¢ per Mcf.

It is stated that copies of this filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before December 17, 1976. Protests will be

considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-36034 Filed 12-7-76; 8:45 am]

[Docket Nos. CS77-52, etc.]

RAY A. PIERCE, ET AL.

Applications for "Small Producer"

NOVEMBER 24, 1976.

In FR Doc. 76-34877 issued on November 18, 1976 and published in the issue of Tuesday, November 30, 1976 at 41 FR 52521 in paragraph 2, line 14, change "December 12," to "December 13."

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-36038 Filed 12-7-76; 8:45 am]

[Docket Nos. R176-117, R176-119, etc.]

SUN OIL CO., ET AL.

Amended Petition for Special Relief

DECEMBER 6, 1976.

Sun Oil Co., Docket No. RI76-117; Anadarko Production Co., Docket No. RI76-119; Northern Michigan Exploration Co., Docket No. RI76-132; Clark Oil Producing Co., Docket No. DI76-133; Diamond Shamrock Corp., Docket No. RI76-135.

Take notice that on December 3, 1976, Northern Michigan Exploration Company (Petitioner), 212 West Michigan Avenue, Jackson, Michigan 49201, filed a proposed settlement agreement in the above-captioned dockets which amendment supercedes the prior amendment filed October 22, 1976¹ and amends its petition for special relief filed June 14, 1976² for natural gas produced in waters more than 250 feet deep, pursuant to section 2.56a(g) (2) of the Commission's Rules of Practice and Procedure. By this amendment petitioner seeks a rate specified in Opinion 770-A until December 31, 1976, and thereafter commencing January 1, 1977, a flat rate of approximately \$1.65 per Mcf for all gas attributable to its 12.5 percent working interest in West Cameron Block 639, Offshore Louisiana. Petitioner, on the basis of the record submitted to date, was seeking a comparable rate of no less than approximately \$1.91.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest

¹ Notice issued October 28, 1976.

² Notice issued June 22, 1976.

with reference to said application should on or before December 14, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36193 Filed 12-7-76;8:45 am]

[Docket No. RP71-11, (PGA77-1)]

TENNESSEE NATURAL GAS LINES, INC.
Proposed Rate Change Under Tariff Rate Adjustment Provisions

NOVEMBER 30, 1976.

Take notice that on November 23, 1976, Tennessee Natural Gas Lines, Inc. ("Tennessee Natural") tendered for filing proposed changes to First Revised Volume No. 1 of its FPC Gas Tariff to be effective on December 1, 1976, consisting of the following revised tariff sheets:

Eighteenth Revised Sheet No. PGA-1 and Thirteenth Revised Sheet No. PGA-2.

Tennessee Natural states that the purpose of the instant filing is to make a PGA rate adjustment pursuant to the purchased gas adjustment provisions of Rate Schedules G-1 and SWS-1 of its FPC Gas Tariff and to the Commission's "Opinion And Order On Rehearing Modifying In Part Opinion No. 770 And Granting Petitions For Intervention" (mimeo. ed., p. 132), issued in Docket No. RM75-14 on November 5, 1976, to reflect a PGA rate change of its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. ("Tennessee Gas"), filed on or about November 22, 1976 and proposed to become effective on December 1, 1976 pursuant to the aforesaid Opinion and Order of the Commission.

Tennessee Natural states that copies of the filing have been mailed to its jurisdictional customer and the affected state regulatory commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 N. Capitol St., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36035 Filed 12-7-76;8:45 am]

FEDERAL TRADE COMMISSION
COLEMAN COMPANY INC.

Invitation To Comment on Application for Waiver Pursuant to Magnuson-Moss Warranty Act

Section 102(c) of the Magnuson-Moss Warranty Act, 15 U.S.C. 2302(c), provides that no warrantor of a consumer product may condition performance under a written warranty on the consumer using any article or service which is identified by brand, trade or corporate name. (This prohibition does not apply to articles or services which are provided without charge under the terms of the warranty).

Under a further provision of section 102(c) of the Act, the Commission may waive the prohibition upon application by a warrantor. The Act further requires the Commission to notify the public of an application for waiver and to invite public comment on it.

Coleman, a manufacturer of heating and cooling appliances for mobile homes and associated equipment seeks a waiver of section 102(c). The proposed written warranty on Coleman mobile home furnaces contains the following provision:

This warranty is expressly conditioned upon the use of air conditioning conversion blowers, gas valves, limit switches, and air conditioning coils that have been certified or approved for use in this furnace by nationally recognized testing laboratories such as Underwriter's Laboratories, Inc. or the American Gas Association, Inc., and use of non-certified or unapproved components will void the warranty.

The Magnuson-Moss Act provides that the Commission may waive the prohibition of § 102(c) "if—

(1) The warrantor satisfies the Commission that the warranted product will function properly only if the article or service so identified is used in connection with the warranted product, and

(2) The Commission finds that such a waiver is in the public interest."

The Commission invites interested persons to direct their comments to the question of whether the statutory standards have been met by Coleman.

Coleman's application and the documents submitted in support of the application are available for public inspection and copying at the Office of Legal and Public Records, Room 130, Federal Trade Commission, Washington, D.C. All comments filed by interested persons will be considered by the Commission before making a decision on the application.

All interested persons are given notice of the opportunity to present written views and arguments with respect to the application. The public record will remain open for comment until February 7,

1977. All comments should be identified as "Comment on Coleman Application," and should be delivered no later than that date to: Secretary, Federal Trade Commission, Room 172, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

Issued: December 8, 1976.

By direction of the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-36053 Filed 12-7-76;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Docket No. 13-76]

SALT LAKE CITY CORP., SALT LAKE CITY, UTAH

Application for a Foreign-Trade Zone; Public Hearing Scheduled

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Salt Lake City Corporation, a Utah public corporation, City and County Building, 451 South State Street, Salt Lake City, Utah, requesting a grant of authority for establishment of a foreign-trade zone within the Salt Lake International Center industrial park located within the corporate limits of Salt Lake City near the Salt Lake City International Airport. The site is within the Salt Lake City Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81), and the regulations of the Board (15 CFR Part 400). It was formally filed on December 2, 1976. The application was submitted under Enrolled Senate Bill No. 43 of the 1973 Utah State Legislature.

The proposal calls for a general purpose foreign-trade zone of 32.7 acres located within the 740 acre Salt Lake International Center business park located in Salt Lake City adjacent to the Salt Lake City International Airport. The industrial park tract, situated to the west of the airport on Interstate 80, is under development by A. K. Utah Properties, Inc. Intermountain Foreign-Trade Zone Incorporated, a direct subsidiary of A. K. Utah Properties, Inc., will acquire title to the zone site within the park from its parent company and will operate the zone under contractual agreement with the grantee, Salt Lake City Corporation. A 25,000 square foot multi-use building will be the first structure within the proposed zone area, with the operator leasing space within this building and constructing other facilities as tenants require. The zone is intended to serve firms engaged in international trade-related activities by providing procedures which permit the deferral of a formal Customs entry on foreign goods until they leave the zone area for the domestic market. Exports are exempt from such a requirement.

The application includes economic data and information concerning the

need for zone services. Among the potential zone tenants are firms producing the following: Electronic equipment, motion picture films, furniture, hardware items, men's hairpieces, small arms, food products, chemicals and skis. These firms would use the zone for warehousing, light manufacturing, processing, inspection, testing, assembly and exhibition.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report thereon to the Board. The committee consists of: Hugh J. Dolan, Chairman, Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230; George K. Brokaw, District Director, U.S. Customs Service, 555 Battery Street, P.O. Box 2450, San Francisco, California 94216; and Colonel Donald M. O'Shea, District Engineer, U.S. Army Engineer District, Sacramento, 650 Capital Mall, Sacramento, California 95814.

In connection with its investigation of the proposal, the Examiners Committee will hold a public hearing in Room 301 (City Commission Chambers), City and County Building, 451 South State Street, Salt Lake City, beginning at 9:00 a.m. on January 12, 1977. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views and to obtain information useful to the Examiners Committee.

Interested persons or their representatives will be given the opportunity to present their views at the hearing. Such persons should by December 30, 1976 notify the Board's Executive Secretary in writing at the address below of their desire to be heard. In lieu of an oral presentation, written statements may be submitted to the Examiners Committee, care of the Executive Secretary, at any time from the date of this notice through February 11, 1977. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

District Office, U.S. Department of Commerce, 1201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.
Office of the Executive Secretary, Foreign-Trade Zones Board, Room 6886B, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: December 3, 1976.

JOHN J. DA PONTE, JR.,
Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.76-36046 Filed 12-7-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

DRINKING WATER DISINFECTION AD-
HOC ADVISORY COMMITTEE

Establishment

Correction

In FR Doc. 76-35313, appearing at page 52535, in the issue for Tuesday, Novem-

ber 30, 1976, the following change should be made:

On page 52535, the fourth line from the bottom of the third column should read "and ultraviolet light as a means of disin-".

National Institutes of Health

BOARD OF SCIENTIFIC COUNSELORS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Environmental Health Sciences, February 7-8, 1977, Building 18 Conference Room, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina. This meeting will be open to the public from 9 a.m. to 3 p.m. on February 7, and 9 a.m. to noon on February 8, 1977 for the purpose of discussing scientific programs and plans of the Environmental Toxicology Branch, NIEHS. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552(b)(6) Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 3 p.m. to 5 p.m. on February 7, and noon to 5 p.m. on February 8, 1977, for the evaluation of the programs of the Environmental Toxicology Branch, NIEHS, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Executive Secretary, Dr. James R. Fouts, Scientific Director, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina 27709, telephone (919) 549-8411, extension 3205, will furnish summaries of the meeting, rosters of committee members, and substantive program information.

Dated: November 22, 1976.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-36011 Filed 12-7-76;8:45 am]

CLINICAL APPLICATIONS AND PREVENTION ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, National Heart, Lung, and Blood Institute, January 24, 1977, Landow Building, Conference Room A809, Bethesda, Maryland.

This meeting will be open to the public on January 24, 1977, from 9 a.m. to 5 p.m. when the Committee will discuss the new initiatives in cardiovascular disease prevention and demonstration. Attendance by the public will be limited to space available.

Mr. Hugh Lee, Acting Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Build-

ing 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. William J. Zukel, Executive Secretary of the Committee, Landow Building, Room C809, Bethesda, Maryland, 20014, phone (301) 496-2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Dated: November 24, 1976.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 76-36008 Filed 12-7-76;8:45 am]

DENTAL RESEARCH COUNCIL NATIONAL ADVISORY

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Dental Research Council, National Institute of Dental Research, on January 27-28, 1977, in Building 31-C, Conference Room 8, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9 a.m. to adjournment on January 28 for general discussion and program presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public on January 27, from 9 a.m. to 5 p.m. for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Ms. Mary Louise Fisher, Council Secretary, National Institute of Dental Research, National Institutes of Health, Building 31-C, Room 2C-35, Bethesda, Maryland 20014 (telephone 301-496-3571), will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program Nos. 13-840, 13-841, 13-842, 13-843, 13-844, 13-845, 13-878, National Institutes of Health.)

Dated: November 29, 1976.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-36009 Filed 12-7-76;8:45 am]

DENTAL RESEARCH INSTITUTES AND SPECIAL PROGRAMS ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Dental Research Institutes and Special Programs Advisory Committee, National Institute of Dental Research, January 6, 1977, National Institutes of Health, Building 31-C, Conference Room 7, Bethesda, MD. This meeting will be open to the public from 9 a.m. to 2 p.m. on January 6 for opening remarks and general discussion. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting of the Committee will be closed to the public on January 6, 1977, from 2 p.m. to adjournment for the review, discussion, and evaluation of renewal grant applications. The closed portion of the meeting involves information of a proprietary or confidential nature, including research protocols; designs or other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Dr. Emil L. Rigg, Special Assistant for Institutes and Centers, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 507, Bethesda, Maryland 20014 (Phone 301-496-7748), will provide summaries of meetings, rosters of committee members, and substantive program information.

Dated: November 29, 1976.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-36005 Filed 12-7-76;8:45 am]

NATIONAL ADVISORY ENVIRONMENTAL HEALTH SCIENCES COUNCIL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, January 31-February 1, 1977, from 9 a.m. to 5 p.m., in Building 31-C, Conference Room 7, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9 a.m. to noon on January 31, 1977, to discuss administrative reports, recent legislation, interagency activities and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public on January 31, 1977, from 1 p.m. to 5 p.m. and on February 1, 1977, from 9 a.m. to adjournment for the review, discussion and evaluation of individual initial pending and renewal grant appli-

cations. The closed portions of the meeting involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Leota B. Staff, Committee Management Officer, NIEHS, Westwood Building, Room A-10, Bethesda, Maryland, 20014, (301) 496-7483, will furnish rosters of committee members, and a summary of the meeting. Dr. Robert D. LeMunyan, Acting Associate Director for Extramural Program, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina 27709, (919) 549-8411, extension 3353, will furnish substantive program information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program Nos. 13.872, 13.873, 13.874, 13.875, and 13.876, National Institutes of Health.)

Dated: November 29, 1976.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-36010 Filed 12-7-76;8:45 am]

LIPID METABOLISM ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Lipid Metabolism Advisory Committee, National Heart, Lung, and Blood Institute, January 5, 1977, National Institutes of Health, Landow Building, Room C418.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. to discuss the Lipid Metabolism Branch status report and program review plans. Attendance by the public will be limited to space available. Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Building 31, Room 5A03, Bethesda, Maryland 20014, (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Basil M. Rifkind, Chief, Lipid Metabolism Branch, NHLBI, Building 31, Room 4A18, (301) 496-1681, will provide substantive program information.

Dated: November 23, 1976.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-36002 Filed 12-7-76;8:45 am]

NATIONAL ADVISORY NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE COUNCIL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Neurological and Communicative Disorders and Stroke Coun-

cil, National Institutes of Health, January 21 and 22, 1977, at 9 a.m. in Building 31-C, Conference Room 6, Bethesda, Maryland.

The meeting will be open to the public from 9 a.m. until 1 p.m. on January 21, 1977, and from 9 a.m. to 10 a.m., and 3 p.m. until the conclusion of the meeting on January 22, 1977, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6) of Title 5, U.S. Code and sections 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1 p.m. on January 21, 1977, until the conclusion of the meeting that day, and from 10 a.m. until 3 p.m. on January 22, 1977, for the review, discussion and evaluation of individual initial pending and renewal research grant applications and applications for Teacher-Investigator Awards and Research Career Development Awards. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with applications for research grants.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Building 31, Room 8A03, NINCDS, NIH, Bethesda, Maryland, Telephone: (301) 496-5751, will furnish summaries of the meeting and rosters of committee members.

Dr. O. Malcolm Ray, Executive Secretary, Federal Building, Room 1020C, Bethesda, Maryland, Telephone: (301) 496-9234, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 43.851, 13.852, 13.853, 13.854, National Institutes of Health.)

Dated: November 29, 1976.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-36007 Filed 12-7-76;8:45 am]

NATIONAL ADVISORY NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE COUNCIL PLANNING SUBCOMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Neurological and Communicative Disorders and Stroke Council Planning Subcommittee, January 6, 1977, at 8:30 a.m. in the Connecticut Room, The Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland. The meeting will be open to the public from 8:30 a.m. to 10:30 a.m. on January 6, 1977, to discuss program planning and program

accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10:30 a.m. on January 6, 1977, to adjournment on January 6, 1977, for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with applications for research grants.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Building 31, Room 8A03, NIH, NINCDS, Bethesda, Maryland, Telephone: (301) 496-5751, will furnish summaries of the meeting and rosters of committee members. Dr. O. Malcolm Ray, Executive Secretary of the Committee, Room 1020C, Federal Building, NIH, NINCDS, Bethesda, Maryland, Telephone: (301) 496-9234, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.851, 13.852, 13.853, 13.854, National Institutes of Health.)

Dated: November 29, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-36004 Filed 12-7-76; 8:45 am]

NATIONAL CANCER INSTITUTE ADVISORY COMMITTEES

Open Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be entirely open to the public to discuss issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request.

Other information pertaining to the meeting can be obtained from the Executive Secretary indicated.

DATA EVALUATION SUBGROUP OF CLEARINGHOUSE ON ENVIRONMENTAL CARCINOGENS

Dates: January 5, 1977; 8:30 a.m.—Adjournment.

Place: Building 31C, Conference Room 6, National Institutes of Health.

Times: Open for the entire meeting.

Agenda: To consider criteria and procedures to be used in the evaluation of bioassay data.

Executive secretary: Dr. James M. Sontag.

Address: Building 31, Room 3A16, National Institutes of Health.

Phone: 301/496-5108.

RISK ASSESSMENT SUBGROUP OF CLEARINGHOUSE ON ENVIRONMENTAL CARCINOGENS

Dates: January 6, 1977; 8:30 a.m.—adjournment.

Place: Building 31C, Conference Room 6, National Institutes of Health.

Times: Open for the entire meeting.

Agenda: To consider criteria and procedures to be used in assessing the human risk posed by chemicals adjudged to be carcinogens.

Executive secretary: Dr. James M. Sontag.

Address: Building 31, Room 3A16, National Institutes of Health.

Phone: 301/496-5108.

SUBCOMMITTEE ON COMMUNITY ACTIVITIES OF THE CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE

Dates: January 9, 1977; 8 p.m.—10 p.m.

Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland 20014.

Times: Open for the entire meeting.

Agenda: To consider strategies for the Division of Cancer Control and Rehabilitation coordination and integration of current control efforts into more effective community based cancer control.

Executive secretary: Dr. Dorothy R. Brodie.

Address: Blair Building, Room 7A07, National Institutes of Health.

Phone: 301/427-7945.

SUBCOMMITTEE ON COST REIMBURSEMENT OF THE CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE

Dates: January 9, 1977; 1 p.m.—5 p.m.

Place: Building 31C, Conference Room 7, National Institutes of Health.

Times: Open for the entire meeting.

Agenda: To consider various strategies potentially applicable to the Division of Cancer Control and Rehabilitation's supported projects.

Executive secretary: Dr. Dorothy R. Brodie.

Address: Blair Building, Room 7A07, National Institutes of Health.

Phone: 301/427-7945.

CANCER CONTROL AND REHABILITATION
ADVISORY COMMITTEE

Dates: January 10, 1977; 9 a.m.—adjournment.

Place: Building 31C, Conference Room 8, National Institutes of Health.

Times: Open for the entire meeting.

Agenda: To discuss current and projected programs of the Division of Cancer Control and Rehabilitation.

Executive secretary: Dr. Veronica L. Conley.

Address: Blair Building, Room 7A07, National Institutes of Health.

Phone: 301/427-7941.

SUBCOMMITTEE ON PREVENTION OF THE CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE

Dates: January 11, 1977; 9 a.m.—1 p.m.

Place: Building 31C, Conference Room 9, National Institutes of Health.

Times: Open for the entire meeting.

Agenda: To consider those interventions which staff might employ to lower the incidence of cancer through prevention.

Executive secretary: Dr. Dorothy R. Brodie.

Address: Blair Building, Room 7A07, National Institutes of Health.

Phone: 301/427-7945.

SUBCOMMITTEE ON PLANNING AND BUDGET OF THE NATIONAL CANCER ADVISORY BOARD

Dates: January 23, 1977; 1:30 p.m.—adjournment.

Place: Building 31, Conference Room 7, National Institutes of Health.

Times: Open for the entire meeting.

Agenda: To discuss the 1979 budget plan and the proposed projections for fiscal years 1980-1983.

Executive secretary: Mr. Louis M. Carrese.

Address: Building 31, Room 11A49, National Institutes of Health.

Phone: 301/496-4445.

VIRUS CANCER PROGRAM ADVISORY COMMITTEE

Dates: January 26-27, 1977; 9:30 a.m.—adjournment.

Place: Building 37, Room 1B04, National Institutes of Health.

Times: Open for the entire meeting.

Agenda: To discuss the overall direction of the Virus Cancer Program.

Executive secretary: Dr. Louis R. Sibal.

Address: Building 37, Room 1A15, National Institutes of Health.

Phone: 301/496-2796.

Dated: November 24, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-36003 Filed 12-7-76; 8:45 am]

RECOMBINANT DNA MOLECULE PROGRAM ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Recombinant DNA Molecule Program Advisory Committee on January 15-16, 1977, 9 a.m., at the Sheraton-Four Ambassadors Hotel, Courier-Emissary Room, Tower I, Miami, Florida. This meeting will be open to the public on January 15, from 9 a.m. to 5 p.m., and January 16, from 9 a.m. to 3 p.m. to discuss: guidelines for research involving recombinant DNA molecules, the status of research in the field, research studies required, the mechanisms by which such studies should be supported, and the identification of facilities and resources needed in their performance. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 16 from 3 p.m. to 5 p.m. for the review, discussion and evaluation of initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Dr. William J. Gartland, Executive Secretary, National Institutes of Health, Building 31, Room 4A52, Bethesda,

Maryland 20014, telephone (301) 496-2323, will provide summaries of the meetings, rosters of committee members and substantive program information.

Dated: November 29, 1976.

SUZANNE L. FREMEAU,
Committee Management Office, NIH.
[FR Doc.76-36006 Filed 12-7-76;8:45 am]

Office of the Assistant Secretary for
Planning and Evaluation

IDENTIFYING VOCATIONAL REHABILITATION COST SYSTEMS AND MODELS

Program Results

Pursuant to section 606 of the Community Services Act of 1974, (Pub. L. 93-644) 42 U.S.C. 2946, this agency announces the results, findings, data, or recommendations reported as a result of activities associated with HEW project entitled, "Identifying Vocational Rehabilitation Cost Systems and Models."

The study consists of a review of the literature on information systems for health service and rehabilitation programs, a survey of all 76 general rehabilitation agencies and the agencies for the blind, and an analysis of the information systems of fifty-five state agencies which collect data beyond that required by the Federal government. The analysis of those information systems includes an item analysis of pertinent information contained on agency data input forms. Individual profiles describing those state agencies are also provided.

A copy of this report will be filed and available soon from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

WILLIAM A. MORRILL,
Assistant Secretary for
Planning and Evaluation.

DECEMBER 1, 1976.

[FR Doc.76-36039 Filed 12-7-76;8:45 am]

DEPARTMENT OF THE INTERIOR


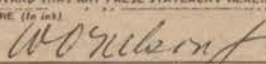
Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Regional Director, Region 2, U.S. Fish & Wildlife Service, Post Office Box 1306, Albuquerque, New Mexico 87103, W. O. Nelson, Regional Director.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1 APPLICATION FOR (Indicate July 96)													
		<input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT													
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Capture, hold, transport, transplant and rear certain endangered and threatened fish species: <i>Etheostoma fonticola</i> , <i>Gambusia georgei</i> , <i>G. heterochir</i> , <i>G. amistadensis</i> , <i>G. nobilis</i> , <i>G. georgei</i> , <i>Poeciliopsis occidentalis</i> , <i>Cyprinodon elegans</i> , <i>C. bovinus</i> and <i>Dionda diabolis</i> .													
3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) U. S. Fish and Wildlife Service Regional Director, Region 2 Post Office Box 1306 Albuquerque, NM 87103		5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION Conservation of U. S. fish and wildlife and collection of scientific data.													
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <table border="1"> <tr> <td><input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.</td> <td>HEIGHT</td> <td>WEIGHT</td> </tr> <tr> <td>DATE OF BIRTH</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td colspan="3">OCCUPATION</td> </tr> </table>		<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	WEIGHT	DATE OF BIRTH	COLOR HAIR	COLOR EYES	PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER		OCCUPATION			NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. 8-474-3974 W. O. Nelson, Regional Director IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED	
<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	WEIGHT													
DATE OF BIRTH	COLOR HAIR	COLOR EYES													
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER														
OCCUPATION															
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED New Mexico, Texas, Arizona, Oklahoma		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list license or permit numbers) Various appropriate F&WS permits.													
9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF NA		10. DESIRED EFFECTIVE DATE Immediate													
11. DURATION NEEDED 12/30/78		12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.22) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. 50 CFR 17.22													
CERTIFICATION															
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.															
SIGNATURE (In Ink) 		DATE Oct 13, 1976													

3-200 Permit Application Attachment 50 CFR 17.22.

1. Fountain darter (*Etheostoma fonticola*); Big Bend gambusia (*Gambusia georgei*); Pecos gambusia (*G. nobilis*); Clear Creek gambusia (*G. heterochir*); Comanche Springs pupfish (*Cyprinodon elegans*); Gila topminnow (*Poeciliopsis occidentalis*).

In addition, four fish species have been formally recommended for listing by this Region. We request they be included on the permit:

San Marcos gambusia (*Gambusia georgei*); Amistad gambusia (*G. amistadensis*); Leon Springs pupfish (*Cyprinodon bovinus*); Devil's River minnow (*Dionda diabolis*).

Six of the above species are already in residence at Dexter National Fish Hatchery (Fountain darter, Big Bend gambusia, Pecos gambusia, Amistad gambusia, Comanche Springs pupfish and Leon Springs pupfish). The Big Bend gambusia and Leon Springs pupfish have mistakenly been reported extinct in the wild, while the Amistad gam-

busia is now known only from the captive populations being held in Dexter and ponds at the University of Texas, Austin. All six live under very tenuous environmental conditions in Texas. *Poeciliopsis occidentalis* maintains two subspecies (*occidentalis* and *sonorensis*) in the Gila and Yaqui river systems respectively. The Rio Yaqui subspecies has been saved from extinction in the United States twice in the last five years and is again very close to disappearing. It is known only from one nearly dry creek (Leslie Creek) in southeastern Arizona. Investigators in San Marcos Creek have been unable to capture any *Gambusia georgei* this year and it is feared they may already be extinct. If a reliable population is found we would like to maintain some of them in Dexter until the problems in the San Marcos River system are solved. *Dionda diabolis* populations in the Devil's River, Texas are facing present and future habitat alterations, and a genetic source should be maintained until suitable natural waters are found.

It is requested that authorized personnel be allowed to: capture, hold, transport, transplant, and rear all age classes and both sexes of the above species. In addition, they be allowed to kill no more than 10 individuals of each of the above species, capture and remove alive no more than 100 individuals of each from one locality in the wild, and transport and transplant no more than 1,000 individuals of each of the above species at any one time.

2. All species of fish sought to be covered by the permit fit all three categories—presently in the wild, have already been removed from the wild, and were born in captivity.

3. For all species collecting equipment shall be limited to seines, passive traps and electrofishing gear. All efforts shall be made to keep the fish alive, except those preserved for positive identification.

4. The rearing facilities at Dexter National Fish Hatchery (NFH) presently contain populations of *Gambusia affinis holbrooki*, *G. amurensis*, *G. nobilis*, *Cyprinodon elegans*, and *Etheostoma fonticola*. These stocks have come from wild populations and from holding ponds at the University of Texas, Austin. All wild populations are in Texas. (See Hubbs and Echelle (1972)—"Endangered Non-Game Fishes of the Upper Rio Grande Basin. In: Symposium on Rare and Endangered Wildlife of the Southwestern U.S." for specific localities of wild populations.)

5. Dexter NFH, Dexter, New Mexico.

6. (i) Dexter NFH is a federal warmwater hatchery operated by the U.S. Fish and Wildlife Service. Future plans call for the phasing out of sport fish operations and expansion of the endangered fish rearing program. The present physical facilities consist of four 10-16 acre ponds and several 1-acre ponds fed by artesian and pumped water. Used water passes into a low marshy area and evaporates. There is no overland water connection with permanent surface waters in the area (Pecos River drainage).

(ii) The Hatchery Manager of Dexter NFH is John Woodard. He and his assistant are presently rearing six of the above listed species and by this action have more experience in this endeavor than anyone except Dr. Clark Hubbs. Some expertise in rearing the other species exists at Arizona State University (W. L. Minckley). The hatchery personnel lack taxonomic expertise on these groups, however.

(iii) The Dexter NFH personnel are willing to continue a cooperative breeding program for the above listed species. Records are being kept of collecting localities, numbers of fish brought to the Hatchery, numbers produced and numbers and locality of fish removed from the Hatchery.

(iv) Carrying methods will depend upon time, place and who is carrying the fish. Tanker trucks, insulated fiberglass boxes and plastic bags in styrofoam coolers have been successfully used in the past.

(v) None

7. Valid for use by Permittee named above and any person who is under the direct control of, or who is employed by or under contract to the permittee.

8. (i-iv). The purpose of the request permit is to manage endangered species of fish in order to prevent their extinction while their natural habitat is undergoing rehabilitation. During this period the fish will be reared for optimum production. After rehabilitation, the species will be restocked in its natural habitat, with a reserve gene pool being maintained at Dexter until the wild population is safe.

GILA TOPMINNOW

Emergency Exemption; Issuance

On September 27, 1976, a letter of exemption was issued to the Regional Director of Region 2, United States Fish and Wildlife Service authorizing certain emergency actions to enhance the survival of a population of Gila topminnow (*Poeciliopsis occidentalis*). The emergency actions necessary would be to remove the population of Gila topminnow from Leslie Creek in the event remaining pools become dry due to severe drought. A copy of the Letter of Exemption is herewith presented.

This emergency exemption is provided in accordance with Pub. L. 94-359 (90 STAT. 911) which provided certain amendments to the Endangered Species Act of 1973.

Dated: October 7, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement,
U.S. Fish and Wildlife
Service.

BUREAU OF SPORT FISHERIES AND WILDLIFE

TO: Regional Director, Region 2
FROM: Chief, Div. of Law Enforcement
SUBJECT: Letter of Exemption Authorizing the Holding of Gila Topminnow (*Poeciliopsis occidentalis*) at Dexter National Fish Hatchery

This exemption authorizes you to move the population of Gila topminnow from the remaining habitat of Leslie Creek, to the Dexter National Fish Hatchery.

This authority is granted in order to conduct activities designed to save the Leslie Creek population of Gila topminnow from extinction due to the present drought conditions of the area and pending danger of the remaining pools going dry. It is our understanding that the fish will be taken pursuant to the authority of permit No. PRT 8-238-C, issued to the Director, Arizona Game and Fish Department, and that the additional authority is needed by U.S. Fish and Wildlife Service personnel to receive the fish and subsequently hold them at Dexter National Fish Hatchery for scientific research and propagation purposes.

The exemption is given with the condition that a completed permit application be forwarded to the Washington Law Enforcement Permit Office without relay for further processing.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-340-07; please refer to this number when submitting comments. All relevant comments received on or before January 7, 1977.

Dated: December 3, 1976.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office, U.S.
Fish and Wildlife Service.

[FR Doc. 76-36042 Filed 12-7-76; 8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Lexington Pheasantry, 219 Cowlitz Drive, Kelso, Washington 98626, F. M. Driscoll.

LEXINGTON PHEASANTRY,
Kelso, Washington, October 4, 1976.

Mr. A. EUGENE HESTER,
Special Agent in Charge,
Permits, U.S. Fish and Wildlife Service,
Washington, D.C.

Re: FWS/LE PRT 2-386-07.

DEAR MR. HESTER: Thank you for your letter of 29 September regarding my failure to designate a port of entry in the above referenced request for permit. I blew it . . . I failed to complete my homework, and I apologize for putting you and your office to extra work.

Confirming my telephone conversation this afternoon with Mr. Len Sims in your office, I wish to advise that I shall instruct Mr. Jack Schuitman to consign the White Eared Manichurians to me at Seattle, Washington at such time as your office issues the permit. I talked at some length with Mr. Schuitman last Saturday evening and he assured me that all of the necessary Canadian documents required in connection with these birds would accompany the shipment. I am only a matter of some 2 1/4 hours by car from Seattle so there will be no problem in my meeting the birds upon their arrival. In addition, I shall make certain that the Customs people are made aware in advance of their arrival. I shall also make this information available to your Seattle area agent in case they might also like to be on hand when the birds arrive.


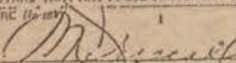
Thank you again for all that you have done for me in connection with this and previous permits.

With best personal regards,
Sincerely,

F. M. DRISCOLL.

P.S. The birds will ship via Commercial Air from Winnipeg to Seattle

OMB NO. 42-R1629

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Indicate only one)	
		<input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT	
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. In order to obtain a pair of White Eared Pheasants of the same species as those I have now, but of different parental stock so as to have unrelated future breeding stock. In this way we hopefully will be able to offer unrelated offspring to other qualified breeders for the purpose of insuring that this endangered species is propagated.	
3. APPLICANT, (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) F. M. Driscoll Lexington Pheasantry 219 Cowlitz Drive Kelso, Washington 98626 Phone: 206-423-2460		5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION Does not apply	
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS. HEIGHT 5'10-1/2" WEIGHT 170 DATE OF BIRTH 30 July 1920 COLOR HAIR Grey COLOR EYES Brown PHONE NUMBER WHERE EMPLOYED 206-425-1550 SOCIAL SECURITY NUMBER 538-03-4467 OCCUPATION Lead Order Writer Longview Fibre Co. (Paper Mill) ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT Does not apply		6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED a. Breeding endangered species of pheasants at my pheasantry at 219 Cowlitz Drive, Kelso, Washington 98626 b. Buying and selling endangered species pheasants, primarily from Devlin, Ontario, Canada to Washington state.	
7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list license or permit numbers) 1-PR-516		8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list jurisdictions and type of documents) State of Washington Commercial Game Farm License No. CF 76 36	
9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$		10. DESIRED EFFECTIVE DATE 1 Dec. 1976 11. DURATION NEEDED 5 years, or for as long as possible	
12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 32.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. 50 CFR Part 17.22 Permits for scientific purposes or for the enhancement of propagation or survival			
CERTIFICATION			
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE, PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.			
SIGNATURE (If any) 		DATE 14 September 1976	

3-200
(6/74)

GPO 892-042

5011-114-74

(1) Pheasants: White Eared (*Crossoptilon crossoptilon*) 1 male and 1 female. I would like to be able to buy and sell these birds for propagation purposes and to get new blood to help keep the stock strong.

(2) (iii) Wildlife—born in captivity.

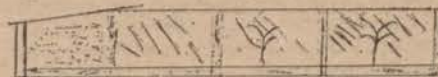
(3) By acquiring the above pheasants that were raised in captivity by breeders in Canada. By having the above shipped in padded crates to avoid any possible chance of injury.

(4) The White Eared pheasants I would like to acquire were raised in captivity by Mr. Jack Schulteman, R.R. No. 1, Devlin, Ontario, Canada.

(5) The pheasants are and will be housed in my aviaries at 219 Cowlitz Drive, Kelso, Washington 98626. These aviaries are planted with trees and shrubs to help insure the contentment of the birds, and a fence has been installed completely around our property which covers 2 acres.

(6) (i) Our pheasantry consists of 15 pens measuring 8' wide by 6' high by 16' long.

17 pens measuring 8' wide by 6' high by 24' long, 2 pens measuring 12' wide by 35' long by 12' high, one flight pen measuring 12' wide by 7' high by 80' long, 8 pens measuring 9' long by 6' high by 8' wide, and a Java Green Peafowl pen measuring approximately 7' high by 25' wide by 25' long plus a completely enclosed house for their protection in inclement weather. All pheasant pens are constructed using creosoted 8" x 8" by 8' long or 15' long railroad ties. The house at the back of each pen is constructed of 1/2" exterior plywood with roofs measuring 8' and 12' in width and covered by 80# roofing paper and covered with tar. All pens are completely enclosed with 1" mesh poultry netting. The railroad ties are used for support posts and ground runners and a profile drawing is shown below.



All inclement weather comes from the southwest and our aviaries are constructed so that our birds have maximum protection from inclement weather yet ample shade in the summer months. We are currently engaged in constructing 4 new aviaries measuring 10' wide by 7' high by 24' long.

(ii) I have been raising rare ornamental pheasants and imported Java Green Peafowl for 6 years and have raised young from Edwards, Mikado, Elliotts, Satyr Tragopan, Scintillating and Ijima Coppers, Silvers, Golden Impeyan, Blue Eared Manchurian and Java Green Peafowl.

(iii) I would be only too willing to cooperate in a breeding program and keep accurate records as I am convinced that the only reason some species exist today is because of the unselfish and dedicated efforts of breeders who hatched and raised them in captivity.

(iv) The containers used for shipping are 12' wide, 18' high and 24' long, constructed of Masonite with the top on the inside lined with 1" foam rubber. Water and feed are placed in each container. The maximum time the birds would be contained in this shipping container would be 36 hours.

(v) I have been extremely fortunate in that I have lost very few birds; however, I have not lost a single bird to disease. My losses have been due to young becoming chilled when electric power is lost in a brooder, attack from another in the brooder or shortly after being placed in outside pens, breaking a neck by flying into top wire. As a result I have loosened all top wires so that they given when a bird flies into it. I have never lost an endangered species pheasant. All of my pens are cleaned monthly, weather permitting, disinfected twice yearly, and medicated water is supplied once a month. Our birds are fed the very finest game bird feed that I can purchase, given ample fruit and berries in season and a commercial game bird grit is supplied at all times. Our ground is a sandy loam with excellent drainage so that our birds do not wallow in mud. When young birds are placed in outside pens they are frequently clipped on one wing to prevent flying into the wire if they become spooked in a new environment.

(7) There are no contracts or agreements. As previously stated, if I am issued the permit I plan to obtain a pair of White-Eared Pheasants from Mr. Jack Schulteman, RR No. 1, Devlin, Ontario, Canada and to send him a pair of our White-Eared Pheasants in 1977 when hopefully our birds produce young. In this manner both of us will have completely unrelated parental stock from which to produce excellent young in the years to come and thus make available to other qualified breeders similar unrelated stock for further propagation.

(8) (i) I plan on keeping, breeding, buying and selling for propagation purposes Edwards, Brown Eared and White Eared Pheasants.

(ii) and (iii) I will supply adequate pens, housing, feed and care to insure the birds contentment in captivity in order that they will breed and keep the species going. My children and their children will have watched them grow and produce their young. They will become a living thing instead of a picture in a book.

(iv) My birds are my therapy and are a way of life to me and my family; however,

I know that one day the time will come when I may not be able to care for them in a manner they deserve. Then, and only then, will I dispose of them to a very few of my very closest and dearest friends in the bird fancy who are completely qualified to care for them.

Respectfully submitted,

F. M. DRISCOLL.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-386-07; please refer to this number when submitting comments. All relevant com-

ments received on or before January 7, 1977.

Dated: December 3, 1976.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office, U.S.
Fish and Wildlife Service.


[FR Doc.76-36041 Filed 12-7-76; 8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: The Colorado College, Department of Biology, Colorado Springs, Colorado 80903, James H. Enderson, Prof. of Biology.

 <p>DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION</p>		<p>1. APPLICATION FOR (Indicate only one)</p> <p><input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT</p>																						
<p>3. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)</p> <p>James H. Enderson, Prof. of Biology Department of Biology The Colorado College Colorado Springs, CO 80903 303-473-2233 Ext. 315</p>		<p>2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.</p> <p>Special Purpose - Permit to propagate in captivity, transport across state lines, receive and transfer to persons with like permit, raptors including Peregrine Falcons (<i>Falco peregrinus</i>)</p>																						
<p>4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:</p> <table border="1"> <tr> <td><input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.</td> <td>HEIGHT</td> <td>WEIGHT</td> </tr> <tr> <td>DATE OF BIRTH</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td>3 November 1936</td> <td>Brn</td> <td>Blue</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td>473-2233 Ext. 315</td> <td colspan="2">342-28-8313</td> </tr> <tr> <td colspan="3">OCCUPATION</td> </tr> <tr> <td colspan="3">Professor</td> </tr> </table> <p>ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT</p>		<input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	WEIGHT	DATE OF BIRTH	COLOR HAIR	COLOR EYES	3 November 1936	Brn	Blue	PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER		473-2233 Ext. 315	342-28-8313		OCCUPATION			Professor			<p>5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:</p> <p>EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION</p> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>RECEIVED</p> <p>JUL 16 '76</p> <p>ENCLOSURE</p> </div> <p>NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.</p> <p>IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED</p>	
<input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	WEIGHT																						
DATE OF BIRTH	COLOR HAIR	COLOR EYES																						
3 November 1936	Brn	Blue																						
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER																							
473-2233 Ext. 315	342-28-8313																							
OCCUPATION																								
Professor																								
<p>6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED</p> <p>Colorado, New Mexico, California, Texas, New York, Utah, Pennsylvania, Nevada, Wyoming, Montana, Arizona, South Dakota</p>		<p>7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>(If yes, list license or permit numbers)</p> <p>6-SP-109 6-SP-111 6-SP-110</p>																						
<p>8. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$</p>		<p>8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>(If yes, list jurisdictions and type of documents)</p> <p>(See attached contract with Colorado Division of Wildlife)</p>																						
<p>10. DESIRED EFFECTIVE DATE</p> <p>Immediately</p>		<p>11. DURATION NEEDED</p> <p>2 Years</p>																						
<p>12. ATTACHMENTS, THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.</p> <p>Propagation Contract: Colorado Division of Wildlife; Attachment re 50 Part 17.22</p>																								
<p align="center">CERTIFICATION</p> <p>I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.</p>																								
<p>SIGNATURE (in ink)</p> <p><i>James H. Enderson</i></p>		<p>DATE</p> <p>14 July 1976</p>																						

ATTACHMENT TO APPLICATION FOR SPECIAL PURPOSE PERMIT

(1) (a) Species: American peregrine falcon (*Falco peregrinus anatum*), Peale's falcon (*Falco peregrinus pealei*), tundra peregrine falcon (*Falco peregrinus tundrius*), prairie falcon (*Falco mexicanus*), gyrfalcon (*Falco rusticolus*), Richardson's merlin (*Falco columbarius richardsoni*).

(b) Number, age, sex: Presently 18 American peregrine falcons (8 females, 10 males) and four prairie falcons (2 males, 2 females) are held in this project. Thirteen of the peregrines and all of the prairie falcons were bred in captivity in this project.

(c) Activities sought to be authorized:

(i) Conduct captive propagation activities with the species listed, including holding, maintaining, training, flying to condition raptors held in this project.

(ii) Transfer, receive and export in interstate and international shipment raptors to and from this project for the purpose of captive propagation, under required permits from state, provincial, and national wildlife agencies with jurisdiction. The intent is provide for transfers such that inbreeding and imbalance of sex ratios can be avoided.

(iii) Conduct release of endangered peregrines from this project under permission from the State Wildlife Agencies involved and the appropriate U.S. Fish and Wildlife Service Peregrine Recovery Team.

(2) Status of wildlife to be held: No raptors will be taken from the wild. This is a request to handle falcons already in captivity under appropriate permits, or birds bred in captivity.

(3) Not applicable.

(4) Sources of captive falcons: All of the breeding stock that were taken from the wild were captured prior to 28 December 1973 and have been held continuously since their capture, in one case as early as 1962, under permit by the Colorado Division of Wildlife. To date, the five wild taken American peregrines have produced 22 surviving young in captivity, and three of these were successfully fostered into the wild by wild peregrines in 1976.

(5) Description and addresses of facilities: The falcons sought to be covered by the permit will be housed in chambers not less than 6 feet wide, 14 feet high and 20 feet long provided with natural light, adequate perches and nest-ledges and other furnishings experience dictates necessary for successful propagation. The falcons will be housed variously at the breeding facility at The Colorado College, Colorado Springs, CO 80903; the breeding facility of the Peregrine Fund—Colorado Division of Wildlife, 1424 Northeast Frontage Road, Fort Collins, CO 80521, the facilities of the project sponsored by the Peregrine Foundation, Route 3, Box 301, Durango, CO 81301, or at other facilities operated by people holding similar Special Purpose permits.

(6) Conditions of captivity: (i) See (5) above.

(ii) The applicant is Professor of Biology, author of over 15 scientific papers on falcons, has kept raptors in captivity since 1954, is an accomplished falconer, and has bred 18 falcons in captivity.

(iii) This application is for a permit that will in large measure ensure ease of cooperation between this project and other *bona fide* rearing programs. A studbook is being kept.

(iv) No shipments of falcons will be made; any falcons to be transferred will be hand-carried.

(v) Only one falcon has died after nestling age in this project in the last five years; this was a captive-bred American peregrine that died of herpes virus when eight weeks old. The disease was diagnosed as herpes simplex by a pathologist and deemed untreatable.

(7) Contracts: See attached contract with the Colorado Division of Wildlife.

(8) The major effort of this project is to breed American peregrines. Efforts with other falcon species provide valuable experience in that endeavor. The applicant is a member of the U.S. Fish and Wildlife Service's Rocky Mountain/Southwestern Peregrine Falcon Recovery Team and shares with the other Team members the view, set forth in the current Draft Recovery Plan, that the stocking of captive bred American peregrines is essential to the species recovery. Since the reintroduction program outlined in the Recovery Team application for a Special Purpose Permit (Federal Register 41(51): 10934-10936) will require several years to complete it is impossible to state, and unreasonable to concern ourselves with, what will finally become of the birds that are being used to produce falcons for restocking.

THE COLORADO COLLEGE,
COLORADO SPRINGS, COLORADO,
November 24, 1976.

Mr. DONALD DONAHOO,
Federal Wildlife Permit Office, U.S. Fish and
Wildlife Service, Washington, D.C.

Ref: PRT 2-308.

DEAR MR. DONAHOO: The following information is in reply to your requests made by phone to me on 22 November 1976 concerning my application for a Special Purpose permit (endangered species).

I request that the following parties comprise the list of breeding projects to which raptors (peregrines and others listed in (1) a of the application attachment) may be sent to or received from.

1. Canadian Wildlife Service, 10025 Jasper Avenue, Edmonton, Alberta T5J 1S6.
2. Dr. Tom J. Cade, Laboratory of Ornithology, Cornell University, Ithaca, New York 14853.
3. Mr. Robert B. Berry, Yellow Springs Road, Chester Springs, Pennsylvania.
4. Dr. Frank Bond, 540 Camino Rancheros, Santa Fe, New Mexico 87501.
5. Mr. William A. Burnham, 1424 Northeast Frontage Rd., Fort Collins, CO 80521.
6. Mr. Edward Freinemuth, Route 3, Box 301, Durango, CO 81301.

Transfers of endangered races of peregrines between this project and the projects listed above are not to exceed five transfers with any one project in any one calendar year.

Sincerely yours,

JAMES H. ENDERSON,
Professor of Biology.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 5, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-308-07; please refer to this number when submitting comments. All relevant comments received on or before January 7, 1977.

Dated: December 3, 1976.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office, U.S.
Fish and Wildlife Service.

[FR Doc.76-36040 Filed 12-7-76; 8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: New York Zoological Society (Bronx Zoo), 185th Street, and Southern Boulevard, Bronx, New York 10460, William G. Conway, General Director.

NEW YORK ZOOLOGICAL SOCIETY NEW YORK ZOOLOGICAL PARK, NEW YORK AQUARIUM, BRONX ZOO, BRONX, NEW YORK 10460, TELEPHONE: 212-220-5100; CENTER FOR FIELD BIOLOGY AND CONSERVATION, OSBORN LABORATORIES OF MARINE SCIENCES, 24 September 1976.

MR. A. EUGENE HESTER, Special Agent in Charge, Permits, United States Department of the Interior; Fish and Wildlife Service, Washington, D.C.

Ref: FWS/LE PRT 2-355-07.


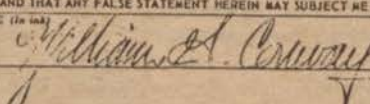
DEAR MR. HESTER: Mr. William Conway has asked me to respond to your letter of 20 September concerning the above permit application.

The New York Zoological Society will be buying 1.1 guar from Henry Doorly Zoo in Omaha. Therefore, we do require a permit to transport these animals.

Thank you for your attention to our permit application.

Sincerely,

ALLEGRA HAMER,
Assistant in Zoology.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		OMB NO. 42-R1670													
		1. APPLICATION FOR (Indicate only one) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT													
3. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) New York Zoological Society (Bronx Zoo) 185th St. & Southern Blvd. Bronx, N.Y. 10460 212-220-5100		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Transportation of one male and one female captive-born gaur (<i>Bos gaurus</i>) from Henry Doorly Zoo, Omaha, Nebraska to New York Zoological Park for breeding and exhibition.													
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <table border="1"> <tr> <td><input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.</td> <td>HEIGHT</td> <td>WEIGHT</td> </tr> <tr> <td>DATE OF BIRTH</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td colspan="3">OCCUPATION</td> </tr> </table>		<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	WEIGHT	DATE OF BIRTH	COLOR HAIR	COLOR EYES	PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER		OCCUPATION			5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION Zoological park	
<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	WEIGHT													
DATE OF BIRTH	COLOR HAIR	COLOR EYES													
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER														
OCCUPATION															
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT		NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. William G. Conway, General Director IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED New York													
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED New York Zoological Park		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit number) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO PRT 2-577 NY													
8. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$ 17.22		8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? (If yes, list jurisdiction and type of document) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO N.Y. State Harris Act -- application for state permit being made concurrently; issuance dependent upon USDI permit													
10. DESIRED EFFECTIVE DATE 30 September 76		11. DURATION NEEDED through June 1977													
12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. 17.22															
CERTIFICATION															
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.															
SIGNATURE (In ink) 		DATE 11 August 1976													

3-200
18-741

101-11556-70

NEW YORK ZOOLOGICAL SOCIETY, NEW YORK ZOOLOGICAL PARK, NEW YORK AQUARIUM, BRONX ZOO, BRONX, NEW YORK 10460, TELEPHONE: 212-220-5100; CENTER FOR FIELD BIOLOGY AND CONSERVATION, OSBORN LABORATORIES OF MARINE SCIENCES, 11 August 1976.

DIRECTOR,

Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C.

DEAR SIR: This is an application for the transportation of 1.1 (=1 male, 1 female) captive-born gaur (*Bos gaurus*) under provisions of the Endangered Species Conservation Act, Title 50, Chapter 1B, Part 17.22.

APPLICANT

The New York Zoological Society, 185th Street and Southern Boulevard, Bronx, New York 10460, telephone 212-220-5100, requests permission to transport 1.1 captive-born gaur (*Bos gaurus*) 17.22(a) (1).

HISTORY OF SPECIMENS

All animals were born at the Henry Doorly Zoo, Riverview Park, Omaha, Nebraska 68107, telephone 402-733-8401. The male was born 16 July 1973; the female 21 May 1976. 17.22(a) (2)

REASON FOR REQUEST

The New York Zoological Society seeks to establish a major propagating population of gaur as a contribution towards the long-term survival of the species and as an educational exhibit in its forthcoming forty-acre "WILD ASIA" EXHIBIT within the Bronx Zoo. The Society seeks to employ gaur displays and propagating facilities as a force to arouse interest in the plight of vanishing species and as a means to raise the environmental awareness of the 2.5 million zoo-goers who visit each year. 17.22(a) (3) N.A. 17.22(a) (4) N.A.

Towards this end, the New York Zoological Society recently applied for and received an Endangered Species permit (PRT 2-61) to import 1.2 captive-born gaur from the West Berlin Zoo. These specimens arrived in July 1976 and are presently housed in temporary acclimatization quarters at the Bronx Zoo.

NEW YORK ZOOLOGICAL PARK EXHIBIT AND BREEDING FACILITIES

Temporary and acclimatization quarters pending the completion of the exhibit and off-exhibit facilities in the new "Wild Asia" area in the spring of 1977 will be provided in the holding pens that are a part of the off-exhibit Rare Animal Range Enclosures (R.A.R.E.) at the New York Zoological Park. Facilities include six pens each approximately 15 x 35 feet, two closed stalls, and open-fronted barns in each pen.

Permanent off-exhibit quarters will consist of two large corrals with open-fronted barns that will be used nightly, one measuring approximately 100 x 50 feet and the other approximately 50 x 50 feet. The gaur will also have access, when necessary, to three other large corrals (two, approximately 50 x 100 feet and one approximately 50 x 150 feet) and any of six isolation pens with barns. All barns are equipped with heated floor slabs. The exhibit consists of both grassy and forested areas much like the natural habitat of gaur, it measures some 700 x 300 feet. Attached, please find a drawing of the management facilities and exhibit for this species.

NEW YORK ZOOLOGICAL PARK GAUR HUSBANDRY PROGRAM AND STAFF QUALIFICATIONS

In the planning of the exhibit and breeding facilities for gaur, the following zoos were contacted for information concerning the management of gaur in captivity:

Alberta Game Farm, Canada; Gladys Porter Zoo, Texas; Oklahoma City Zoo, Oklahoma; Henry Doorly Zoo, Nebraska; San Diego Zoo, California; Toronto Zoo, Canada; and West Berlin Zoo, Germany.

The gaur will be exhibited daily for eight or nine months each year, as weather permits. They will return each evening to non-exhibit herd corrals where they will be fed and their health and behavior closely observed. Isolation pens are available should they become necessary for male separation, animals undergoing therapy, weaning, crating or any other reason.

The diet will consist of Purina D. & H. grain ration, timothy and alfalfa hay, hydroponically grown oat and rye grass, with salt block and water always available and pasture.

Gaur at the Bronx Zoo will receive direct care from keepers exceptionally experienced with a variety of hoofed animals, under the supervision of Curator of Mammalogy, James G. Doherty. The staff of the Department of Mammalogy has had a long-standing commitment to conservation and the captive-breeding of endangered species as evidenced by long-term breeding programs for many species, including the endangered Siberian tigers, snow leopards, Mongolian wild horse, Pere David deer and wisent. These programs are in the process of expansion as herds increase and other programs are being developed. The number of less endangered species exhibited is being reduced to accommodate the expansion of the successful breeding programs for rare or vanishing species. The Society's total collection has been reduced from 1,000 species to 675 species in the past eight years while the number of specimens has remained at 3200. *Curricula vitae* of Curator of Mammalogy James G. Doherty; Assistant Curator of Mammalogy Mark MacNamara; Veterinarians Emil P. Dolensek, Raymond L. Deiter, and Alan Belson are attached. A list of consultants in animal management and medicine is also attached.

The animals will be monitored as needed by the staff of the Society's Animal Health Department, under Dr. Dolensek, our resident veterinarian; Dr. Deiter, assistant veterinarian; and their consultants in various specialties (see attached list). Each animal will be tuberculin-tested and given a complete health check upon arrival. The Society's animal hospital has excellent facilities for pathology investigations and necropsies. Parasite counts will be continuously monitored and treated as circumstances indicate.

NEW YORK ZOOLOGICAL PARK GAUR HUSBANDRY PROGRAM AND STAFF QUALIFICATIONS

During February 1976 the Curator of Mammalogy travelled in India. While there, he visited a number of national parks having gaur herds and gained additional knowledge about this species in nature from the Indian government officials operating the parks.

COOPERATIVE EFFORTS

The history of the New York Zoological Society, back to the days when bison born and raised in the Bronx Zoo were shipped west to stock the national bison ranges in Oklahoma, Montana and South Dakota, is rich in examples of participation and cooperation with other institutions where breeding programs are working to save species from extinction. Below is a list showing the mammalian species now on loan from the Bronx Zoo to other institutions for captive-propagation purposes:

- 0.1 Matschie's tree kangaroo.
- 2.3 Hammer-headed bat.
- 1.0 Black lemur.
- 1.0 Ring-tailed lemur.
- 1.0 Common marmoset.
- 1.1 Mandrill.

- 2.1 Bornean orang-utan.
- 0.1 Sumatran orang-utan.
- 1.0 Lowland gorilla.
- 0.1 Mountain gorilla.
- 0.1 Madagascar ring-tailed mongoose.
- 0.1 Flat-headed cat.
- 0.2 Siberian tiger.
- 0.1 African elephant.
- 1.0 Black rhinoceros.
- 1.1 Square-lipped rhinoceros.
- 2.7 Pere David deer.
- 2.5 Eld's deer.
- 1.0 Roosevelt elk.
- 1.0 Okapi.
- 2.1 Eland.

The New York Zoological Society has always encouraged studbooks and has contributed where possible. The New York Zoological Society is a contributor to the following studbooks:

Pigmy hippopotamus, Pere David deer, Rhinoceros, Wisent, Mongolian wild horse, Wild canids, Siberian tiger, Snow leopard, Gorillas, Orang-utan, Okapi, Gaur.

Although animals are no longer in the collection, we have subscribed to the following studbooks in the past:

Anoa and oryx, Wanderoo, Cheetah, Woolly tapir, Golden lion marmoset, Vicugna.

We have completed surveys in preparation for studbooks on the following:

Clouded leopard, Siberian ibex, Rare leopard subspecies.

The Zoological Society is a voluntary paid member of the USDI and AAZPA supported International Species Inventory System (ISIS). The Society was one of the first zoological organizations to stress the need for an ISIS-type of international computerized census and studbook of living zoo collections.

LITERATURE ON THE SPECIES AND ITS STATUS IN THE WILD AND IN CAPTIVITY

There is relatively little in the scientific literature on this species. Natural history notes, behavioral studies and population figures are not common. Noteworthy behavioral data was gathered by George Schaller of the New York Zoological Society and was published in his book *The Deer and the Tiger* in 1967.

In India the most serious threat to the gaur and the cause of its great decline has been the epidemics of rinderpest and other serious diseases passed on from domesticated animals. In Malaya the problem seems to be primarily the slaughter of the animals. Great numbers of gaur were killed during World War II and the population did not recover. The killing of gaur has caused the population on the Malay peninsula to drop from 700 in 1967 to fewer than 350 in 1968.

The New York Zoological Society funded an independent study of the Malaya seladang (the local name for gaur) by Les Weigum in 1968. A popular article on the study is attached.

According to the International Zoo Yearbook, Volume 15, there are groups of gaur in West Berlin and Munich, Germany; Hyderabad, India; Brownsville, Texas; Oklahoma City, Oklahoma; and Omaha, Nebraska. The International Zoo Yearbook, Volume 15, shows 22.37 gaur in 14 collections in the spring of 1974. Of these 17.24 were born in captivity.

SHIPPING ARRANGEMENTS

Shipment will be from Omaha, Nebraska to New York by truck, and effected by professional animal transporters. Crates will allow for size and postural adjustment of the animals and for proper cleaning, feeding and watering in transit.

LONG-TERM RESPONSIBILITY

The New York Zoological Society has a long-term commitment to wildlife conservation. The financial support of the New York Zoological Society is sufficient to assure the continuity of its conservation and propagation activities (see attached Annual Report).

The New York Zoological Society guarantees that the propagation of the gaur is a long-term commitment of its staff. Our husbandry and facilities will be updated as our knowledge of gaur improves. Even so, if for some reason it became necessary to terminate our efforts, we would immediately make our gaur available to a zoological institution which would continue this program.

ATTACHMENTS

1. Births and deaths in genus *Bos* in New York Zoological Park 1971-1975.
2. Drawing of animal management facilities, "Wild Asia", New York Zoological Park.
3. *Curricula vitae* for curatorial and animal medical staff.
4. List of New York Zoological Society animal medical consultants.
5. Les Welgum article on Malay seladang.
6. New York Zoological Society Annual Report.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW, Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-355-07; please refer to this number when submitting comments. All relevant comments received on or before January 7, 1977.

Dated: December 2, 1976.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal
Wildlife Permit Office, U.S.
Fish and Wildlife Service.

[FR Doc.76-36043 Filed 12-7-76; 8:45 am]

Office of the Secretary

[Int DES 76-50]

MANCOS CANYON INDIAN PARK Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Draft Environmental Statement for the Mancos Canyon Indian Park, a proposal for an archeological park on the Ute Mountain Ute Indian Reservation, Montezuma County, Colorado.

The environmental statement considers human, economic and physical environmental affects associated with the federal assistance provided the Tribe in this venture. The park encompasses 125,000 acres of reservation land designated as a Historic District on the National Register of Historic Places.

Copies are available for inspection at the following locations:

Bureau of Indian Affairs, Environmental Quality Services, Room 4554, Department of the Interior, Washington, D.C. 20245, Telephone: 202-343-8248.

Bureau of Indian Affairs, Albuquerque Area Office, First National Bank Building, East, 5301 Central Avenue, NE., Albuquerque, New Mexico 87108, Telephone: 505-766-3080.

Bureau of Indian Affairs, Ute Mountain Ute Agency, Towaoc, Colorado 81334, Telephone: 303-565-8471.

Colorado State Division of Planning, 524 State Social Services Building, 1575 Sherman Street, Denver, Colorado 80203, Telephone: 303-892-2178.

Single copies of the Draft Environmental Statement may be obtained from the Albuquerque Area Office, Bureau of Indian Affairs, First National Bank Bldg. East, 5301 Central Avenue, NE., Albuquerque, New Mexico 87108.

Any written comments you may wish to submit will be accepted within forty-five (45) days of this notice. All such comments will be considered during the preparation of the Final Environmental Statement. Written comments should be addressed to: Area Director, Bureau of Indian Affairs Area Office, 5301 Central Avenue, NE., Albuquerque, New Mexico 87108.

Dated: December 3, 1976.

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

[FR Doc.76-36050 Filed 12-7-76; 8:45 am]

MANCOS CANYON INDIAN PARK, COLORADO

Draft Environmental Statement; Public Hearing

A public hearing will be held January 11, 1977, at 9 a.m., at the Conference Room of the Bureau of Indian Affairs' Ute Mountain Ute Agency, Towaoc, Colorado. The purpose of the hearing is to receive public comments regarding the Department of the Interior's Draft Environmental Impact Statement of the federal assistance given the Ute Mountain Ute Tribe of Indians in their development of an archeological park known as Mancos Canyon Indian Park. The park is already designated a Historic District. The project site is located entirely within the boundaries of the Ute Mountain Ute Reservation, Colorado.

Oral and written statements by interested parties are invited. Oral statements by any party will be limited to no more than ten (10) minutes. Written statements can be entered into the record by filing a copy with the presiding officer.

Additional information on the hearing and copies of the Draft Environmental Impact Statement may be obtained from Mr. Eugene E. Quadri, Area Environmental Quality Specialist, Bureau of Indian Affairs, Albuquerque Area Office, First National Bank—East, Room 410, 5301 Central Avenue, NE., P.O. Box 8327,

Albuquerque, New Mexico 87108; telephone (505) 766-3060.

Dated: December 3, 1976.

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

[FR Doc.76-36051 Filed 12-7-76; 8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-161]

PORTLAND HYDRAULIC CEMENT FROM MEXICO

Determination of No Injury or Likelihood Thereof

On September 1, 1976, the United States International Trade Commission received advice from the Department of the Treasury that portland hydraulic cement, other than white non-staining cement, from Mexico, except that produced and sold by Cementos de Chihuahua and Centenos Mexicanos, is being, or is 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 10, 1976, the Commission instituted investigation No. AA1921-161 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 16, 1976 (41 FR 39845).

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 the aforementioned portland hydraulic cement from Mexico that is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION OF CHAIRMAN WILL E. LEONARD, VICE CHAIRMAN DANIEL MINCHEW, AND COMMISSIONERS GEORGE M. MOORE, CATHERINE BEDELL, JOSEPH O.

Commissioner Moore concurs in the result. In his opinion the injury by reason of sales at less than fair value experienced by that portion of the U.S. industry serving the regional market located in Florida and southeastern Georgia is so insignificant and inconsequential that it does not constitute injury to an industry in the United States within the meaning of the Antidumping Act, 1921, as amended.

PARKER, AND ITALO H. ABLONDI

The original complaint with respect to this investigation alleging injury from sales at less than fair value (LTFV) of portland hydraulic cement, other than white nonstaining cement, from Mexico was filed with the Department of the Treasury (Treasury) on October 16, 1975, by the Southwestern Portland Cement Co. of El Paso, Tex. Pursuant to his authority under section 201(c)(2) of the Antidumping Act, 1921, as amended, the Secretary of the Treasury concluded that there was substantial doubt whether an industry in the United States was being or was likely to be injured, or was prevented from being established by reason of the importation of such portland hydraulic cement from Mexico and forwarded his reasons a preliminary indication of sales at LTFV to the Commission.

Upon receipt of this information, the Commission instituted a preliminary investigation on November 20, 1975. After conducting an investigation which dealt primarily with the marketing area surrounding El Paso, Tex., the Commission determined that there was no statutory basis for determining that the investigation by Treasury should not continue. On September 1, 1976, the Commission received advice from Treasury that portland cement from Mexico, except that produced and sold by Cementos de Chihuahua and Cementos Mexicanos, is being, or is likely to be, sold at LTFV and, therefore, on September 10, 1976, instituted an investigation 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.

As a result of the Treasury investigation, only one company Cemets Anahuac (Anahuac) was found to be selling at LTFV. Practically all the cement sold at LTFV was delivered to one importer, General Portland Inc. (GPI), Tampa, Fla., which is also the largest producer of cement in that State. Price comparisons were made on 100 percent of the imports from Anahuac during the period July 1-December 31, 1975. An LTFV margin of 9.9 percent was found on all sales compared.

The product. Portland hydraulic cement is a highly standardized product produced by mixing limestone, clay, silica, and other raw materials and then burning this mixture in a rotary kiln. The kilned product is then mixed with gypsum and pulverized to produce the final product.

The U.S. industry. The industry in the United States most likely to be adversely affected by the importation of portland hydraulic cement from Mexico sold at LTFV consists of the domestic facilities devoted to the production of the product described above. As a result of

the low value-to-weight ratio of portland hydraulic cement and the attendant importance of transportation costs, regional markets have developed for this product. Since the only known LTFV imports of portland hydraulic cement enter the United States through Florida ports, special consideration has been given to the impact of LTFV imports on producers serving the Florida-southeastern Georgia marketing area (southeastern marketing area).

No injury by reason of LTFV imports. The demand for portland hydraulic cement is directly related to the level of construction activity. During the period 1971-73, construction activity rose steadily. Both in the United States as a whole and in Florida, the number of new housing units authorized rose sharply between 1971 and 1972 and then decreased slightly in 1973. As a result of the rise in construction activity between 1971 and 1973, apparent consumption of portland hydraulic cement in both the United States and Florida increased steadily.

The increase in consumption between 1971 and 1973 was of such a magnitude that in spite of historically high domestic shipments and imports in 1972 and 1973, there were regional shortages throughout most of this 2-year period. In order to meet what was perceived as steadily increasing demand, some domestic producers undertook the development of additional productive capacity. Other firms, such as GPI, entered into contracts with foreign suppliers.

Construction activity in the United States declined sharply in 1974 and 1975, however. New construction put in place in the United States declined by approximately 25 percent in terms of constant dollars between 1973 and 1975. The number of new housing units authorized in the United States and the number in Florida declined by 40 percent and 58 percent, respectively, between 1973 and 1974 and declined further in 1975.

As a result of the decrease in construction activity, apparent consumption of portland hydraulic cement in the United States decreased by 22 percent between 1973 and 1975. Apparent consumption in Florida declined by 45 percent in the same period. Shipments by producers in the United States and in the southeastern marketing area and total imports from all sources into both areas decreased in actual terms between 1973 and 1975. Imports from Mexico into the southeastern marketing area declined by almost 50 percent between these years and accounted for a decreasing portion of apparent consumption in this marketing area.

The combined effect of the decrease in domestic shipments and the added capacity which had been planned during the 1972-73 period of shortages and came on stream in the years 1974-75 resulted in sharp declines in the capacity-utilization rates. In the United States as a whole this rate declined from 88 percent to 70 percent between 1971 and 1975, while in the southeastern marketing area there was a decline from 90 percent to 42 per-

cent during the same period. The profits of producers of portland hydraulic cement in the United States and in the southeastern marketing area also declined between 1973 and 1975, although the latter group suffered much sharper declines. Employment trends in the United States and the southeastern marketing area were also downward between 1973 and 1975, with the southeastern workers again suffering sharper declines.

These adverse experiences were not by reason of LTFV imports from Mexico, however. As noted above, such imports declined in actual and relative terms in both the United States and the southeastern marketing area between 1973 and 1975. These imports never exceeded 0.3 percent of U.S. apparent consumption in 1971-75 and averaged 4.2 percent of consumption in Florida in the same period. In the southeastern marketing area, where the LTFV imports from Mexico enter the United States and presumably would have the greatest impact, the prices charged for this imported cement have always been within the range of prices charged by domestic producers. Further, the Commission's investigation did not reveal any evidence of lost sales in this marketing area resulting from the importation of this cement.

Other factors with respect to the impact of LTFV imports of portland hydraulic cement from Mexico should also be noted. As stated above, all such imports into the United States enter through Florida ports pursuant to a contract between GPI and the Mexican supplier. According to sworn testimony by the general manager of the Florida division of GPI at the Commission's public hearings in Tampa, Fla., the sales of the imported cement are less profitable for GPI than sales of the cement that it produces:

for the simple reason that it costs us less to produce an additional ton of cement in our Tampa plant than what we pay CADG (the exporter) for that additional ton.^{*}

In short, the decline of construction activity in the United States and the more severe decline in the southeastern marketing area, coupled with expanded capacity of domestic producers and the rising cost of energy and antipollution equipment, are responsible for the experiences of the portland hydraulic cement producers, both nationwide and in the southeastern marketing area. On the basis of these factors, we have determined that an industry in the United States is not being injured by reason of LTFV imports of portland hydraulic cement from Mexico.

No likelihood of injury by reason of LTFV imports.—Although there was a sharp increase in imports from Mexico into the southeastern marketing area in January-June 1976 as compared with such imports in the corresponding period in the preceding year, this increase was the result of a single swap transaction which is unlikely to recur. Thus, it appears that the level of imports from

^{*} Since there is an established domestic industry in this investigation, prevention of establishment will not be discussed hereafter.

^{*} Transcript of the hearing, p. 51.

Mexico of such cement in 1976 will not be much different from that in previous years, while consumption and shipments by domestic producers appear to be rising both nationwide and in the southeastern marketing area. Further, to the extent that GPI takes delivery from its Mexican supplier under a contract which is in dollar terms, the cement delivered under the contract would not be sold at LTFV by virtue of the recent effective devaluation of the Mexican peso. This devaluation has almost doubled the export price, in terms of pesos, of the portland hydraulic cement sold to GPI, thereby making the export price substantially above the price in Mexico. On the basis of these factors we have determined that an industry in the United States is not likely to be injured by reason of LTFV imports of portland hydraulic cement from Mexico.

Issued: December 3, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-36064 Filed 12-7-76;8:45 am]

LEGAL SERVICES CORPORATION

CENTRAL KENTUCKY LEGAL SERVICES, ET AL.

Grants and Contracts

DECEMBER 2, 1976.

The Legal Services Corporation was established by the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996.

Pursuant to section 1007(f) of the Legal Services Corporation Act, 42 U.S.C. 2996(f), the Legal Services Corporation hereby gives notice that it is considering the grant applications submitted by:

1. Central Kentucky Legal Services to serve the Counties of Fayette, Jessamine, Scott, Bourbon, Franklin and Woodford, Kentucky.
2. Legal Services Corporation of Alabama to serve the Counties of Autauga, Elmore, Baldwin, Escambia, Lowndes, Mobile, Morgan and Jefferson, Alabama.
3. Legal Services of Greater Miami to serve the County of Monroe, Florida.
4. Florida Rural Legal Services to serve the Counties of DeSota, Hardee, Highlands, Indian River, Martin, St. Lucie, and Okeechobee, Florida.
5. Jacksonville Area Legal Aid to serve the Counties of Clay, Baker, and Nassau, Florida.
6. Law, Inc., of Hillsborough County to serve the County of Pasco, Florida.
7. Volusia County Legal Services to serve the County of Seminole, Florida.
8. South Mississippi Legal Services Program to serve the Counties of Jackson, Harrison, Hancock, Pearl River, Stone and George, Mississippi.
9. Central Mississippi Legal Services to serve the Counties of Simpson and Sharkey, Mississippi.
10. Durham Legal Aid Society to serve the Counties of Granville, Person and Vance, North Carolina.

11. Legal Aid Society for Winston-Salem and Forsythe County to serve the Counties of Davie, Stokes, Surry and Yadkin, North Carolina.

12. Legal Aid Society of Mecklenburg County to serve the Counties of Gaston and Cabarrus, North Carolina.

13. Legal Services of North Carolina to serve the Counties of Wake, Orange, Chatham, Guilford, New Hanover and Robeson, North Carolina.

14. East Tennessee Legal Services to serve the Counties of Johnson, Unicoi, Greene, Hawkins, Carter, Washington, Sullivan and Hancock, Tennessee.

15. Legal Aid Society of Chattanooga to serve the Counties of Bradley, Polk, Meigs and McMinn, Tennessee.

16. Memphis & Shelby County Legal Services to serve the Counties of Fayette, Tipton and Landerdale, Tennessee.

17. Legal Services of Nashville to serve the Counties of Sumner, Trousdale, Wilson and Rutherford, Tennessee.

18. New Orleans Legal Assistance Corporation to serve the Counties of Jefferson, St. Bernard and Plaquemines, Louisiana.

19. Neighborhood Legal Assistance Program to serve the Counties of Georgetown, Harry, Marion and Williamsburg, South Carolina.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Atlanta Regional Office, 615 Peachtree Street, N.E., Room 503, Atlanta, Georgia 30308.

THOMAS EHRLICH,
President.

[FR Doc.76-36108 Filed 12-7-76;8:45 am]

LEGAL AID BUREAU, INC., ET AL.

Grants and Contracts

DECEMBER 2, 1976.

The Legal Services Corporation was established by the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996.

Pursuant to section 1007(f) of the Legal Services Corporation Act, 42 U.S.C. 2996(f), the Legal Services Corporation hereby gives notice that it is considering the grant applications submitted by:

1. Legal Aid Bureau, Inc. to serve the Counties of Prince George's, Calvert and Charles, Maryland.
2. Neighborhood Legal Services Association to serve the Counties of Beaver, Butler and Lawrence, Pennsylvania.
3. Luzerne County Legal Services to serve the County of Carbon, Pennsylvania.
4. Lackawanna County Legal Aid to serve the County of Wyoming, Pennsylvania.
5. Keystone Legal Services to serve the County of Centre, Pennsylvania.
6. Laurel Legal Services to serve the County of Armstrong, Pennsylvania.
7. Susquehanna Legal Services to serve the County of Clinton, Pennsylvania.

8. Legal Aid Society of Chester County to serve the County of Chester, Pennsylvania.

9. Legal Services Inc. to serve the County of Adams, Pennsylvania.

10. Hunterdon County Legal Services to serve the County of Hunterdon, New Jersey.

11. Warren County Legal Services Corporation to serve the County of Warren, New Jersey.

12. Morris County Legal Services to serve the County of Morris, New Jersey.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Philadelphia Regional Office, 101 North 33rd Street, Suite 115, Philadelphia, Pennsylvania 19104.

THOMAS EHRLICH,
President.

[FR Doc.76-36109 Filed 12-7-76;8:45 am]

LEGAL SERVICES, EASTERN MICH., ET AL.

Grants and Contracts

DECEMBER 2, 1976.

The Legal Services Corporation was established by the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996.

Pursuant to section 1007(f) of the Legal Services Corporation Act, 42 U.S.C. 2996(f), the Legal Services Corporation hereby gives notice that it is considering the grant applications submitted by:

1. Legal Services of Eastern Michigan to serve the Counties of Arenac, Clare, Gladwin, Gratiot and Isabella, Michigan.
 2. Upper Peninsula Legal Services to serve the Counties of Emmet, Charlevoix, Cheboygan, Otsego, Antrim, Alpena, Presque Isle, Montmorency, Oscoda, Alcona and Crawford, Michigan.
 3. Legal Aid Society of Cleveland to serve the County of Richland, Ohio.
 4. Ohio State Legal Services to serve the Counties of Coshocton, Muskingum, Morgan, Perry, Ross, Pike and Adams, Ohio.
 5. Tidewater Legal Aid Society to serve the County of Norfolk, Virginia.
 6. Legal Aid Center, Inc. to serve the Cities of Newport News, Hampton, James City, Williamsburg, and County of York, Virginia.
 7. Legal Aid Society of New River Valley to serve the City of Radford and Counties of Floyd, Giles, Montgomery and Pulaski, Virginia.
 8. Fredericksburg Area Legal Aid Society to serve the city of Fredericksburg and Counties of Caroline, King George, Spotsylvania and Stafford, Virginia.
- Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Northern Virginia Regional Office, 1730 North Lynn Street, Suite 600—Rosslyn, Arlington, Virginia 22209.

THOMAS EHRLICH,
President.

[FR Doc.76-36107 Filed 12-7-76; 8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-111]

DIRECT AWARDS OF \$10 MILLION OR MORE

List of Aerospace Contractors

The following is a list of aerospace contractors which received direct NASA awards totaling \$10 million or more during the 15 month period, 7/1/75-9/30/76. This list is published pursuant to section 6. Pub. L. 91-119, as amended by section 7 of Pub. L. 91-303 (84 Stat. 372; 42 U.S.C. 2462, 1970 Supp.) and Pub. L. 93-344 (88 Stat. 297). For related NASA reporting requirements, see 14 CFR Part 1208.

American Science & Engineering Inc., 955 Massachusetts Avenue, Cambridge, MA 02139.
Ball Brothers Research Corp., Box 1062, Boulder Industrial Park, Boulder, CO 80302.
The Bendix Corp., Executive Offices, Bendix Center, Southfield, MI 48076.
Blount Brothers Corp., 4920 Executive Park, Montgomery, AL 36111.
The Boeing Co., 7755 East Marginal Way, Seattle, WA 98124.
California Institute of Technology, 1201 E. California Blvd., Pasadena, CA 91125.
Computer Sciences Corp., 650 North Sepulveda Blvd., El Segundo, CA 90245.
Computer Sciences—Technicolor, Assoc. (Joint Venture), 10210 Greenbelt Road, Seabrook, MD 20801.
Federal Electric Corp., 621 Industrial Ave., Paramus, NJ 07652.
Ford Aerospace & Communications Corp., 728 Parklane Towers East, One Parklane Blvd., Dearborn, MI 48126.
General Dynamics Corp., Pierre Laclede Center, St. Louis, MO 63105.
General Electric Co., 3135 Easton Turnpike, Fairfield, CT 06431.
Global Associates, 2010 Webster Street, Oakland, CA 94612.
Grumman Aerospace Corp., South Oyster Bay Road, Bethpage, NY 11714.
Honeywell Inc., Honeywell Plaza, Minneapolis, MN 55408.
Honeywell Information Systems Inc., Honeywell Plaza, Minneapolis, MN 55408.
Hughes Aircraft Co., Centinela Ave. & Teale Street, Culver City, CA 90230.
International Business Machines Corp., Old Orchard Road, Armonk, NY 10504.
Lockheed Aircraft Corp., 2555 N. Hollywood Way, Box 551, Burbank, CA 91520.
Lockheed Electronics Co., Inc., U.S. Highway 22, Plainfield, NJ 07061.
Martin Marietta Corp., One Central Plaza, 11300 Rockville Pike, Rockville, MD 20852.
McDonnell Douglas Corp., Box 516, St. Louis, MO 63166.
Northrop Services Inc., 500 E. Orangethorpe Ave., Anaheim, CA 92801.
Pan American World Airways Inc., Pan American Bldg., New York, NY 10017.
Planning Research Corp., 1100 Glendon Ave., Los Angeles, CA 90024.
RCA Corp., 30 Rockefeller Plaza, New York, NY 10020.
Raytheon Service Co., Second Ave., Burlington, MA 01804.

Rockwell International Corp., 600 Grant Street, Pittsburgh, PA 15219.
The Singer Co., 30 Rockefeller Plaza, New York, NY 10020.
Sperry Rand Corp., 1290 Ave. of the Americas, New York, NY 10019.
TRW Inc., 23555 Euclid Ave., Cleveland, OH 44117.
Teledyne Industries Inc., 1901 Avenue of the Stars, Los Angeles, CA 90067.
Thiokol Corp., P.O. Box 1000, Newton, PA 18940.
United Technologies Corp., Hartford, CT 06101.
Vought Corp., Box 5907, Dallas, TX 75222.

S. J. EVANS,
Assistant Administrator for
Procurement, National Aero-
nautics and Space Adminis-
tration.

[FR Doc.76-36111 Filed 12-7-76; 8:45 am]

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

SHARING OF ELECTRONIC FUND TRANSFER SYSTEMS HEARINGS

Change of Location

The location of the previously announced (November 17, 1976, 41 FR 50750) "sharing" hearings of the National Commission on Electronic Fund Transfers, which will take place Thursday, December 9, 1976, and Friday, December 10, 1976, has been changed. The hearings are now scheduled to begin at 9 a.m. each day in Room 1114 of the Dirksen Senate Office Building.

Dated: December 7, 1976.

JAMES O. HOWARD, Jr.,
General Counsel.

[FR Doc.76-36287 Filed 12-7-76; 11:11 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 30, 1976 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the Public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of Census, (part of 1980 decennial census of population and housing) Independent Precanvass Address Listing Pages, DJ 106 and 107, single-time, selected households in Camden, New Jersey, George Hall, 395-6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development:

Clearance Document: National Study on Selected Issues of Social Services to Children and Their Families, single-time, public child welfare agencies, Sunderhauf, M. B., 395-6140.

VR Program Progress Report, OHD-RSA-13, quarterly, State agencies, Lowry, R. L., Budget, Review Division, 395-3772.

REVISIONS

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration Fatal Accident Reporting System, HS 214, on occasion, State fatality file analyst (all State fatality records), Tracey Cole, 395-5870.

EXTENSIONS

U.S. CIVIL SERVICE COMMISSION

Monthly Report of Federal Civilian Employment, SF113A, SF113B, monthly, Federal Government Agencies, Caywood, D. P., 395-3443.

ENVIRONMENTAL PROTECTION AGENCY

Student Health Study Questionnaire, single-time, families living in southern California, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration, Emergency Application for . . . Assistance in Obtaining Manufacturing Materials, DIB-993, on occasion, producers of industrial products, Marsha Traynham, 395-4529.

Bureau of Census:

Prelist Address Register (part of 1980 decennial census of population and housing) Quality Control Listing and Matching Record, DH101A, DH101B, DH101C, DH210, single-time, households in 9 counties and parishes in Arkansas, Louisiana, Mississippi, George Hall, 395-6140.

PHILLIP D. LARSEN,
Budget and
Management Officer.

[FR Doc.76-36191 Filed 12-7-76; 8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on December 2, 1976 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

GENERAL SERVICES ADMINISTRATION

Solicitation Application for Service Contracts, 3325, on occasion, building services contracting firms, Caywood, D. P., 395-3443.

DEPARTMENT OF COMMERCE

Bureau of Census:

(Part of 1980 Decennial Census of Population and Housing) Reconciliation Questionnaire, Housing Unit Coverage Check 1976 Census of Camden, New Jersey, DF-805, single-time, possible missed housing units in Camden, N.J., George Hall, 395-6140.

1. Survey of Earnings Questionnaire, 2. Employer Questionnaire, CPS-1, 648, single-time, 6,600 interviewed households, 7,500 employers in January 1977 CPS, Strasser, A., 395-5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:

Evaluation of Upward Bound: A Final Follow-up, OE-524, single-time, former upward bound and comparison students, Human Resources Division, 395-3532.

Food and Drug Administration:

National Survey of Physicians Regarding Diagnosis and Treatment of Essential Hypertension, single-time, physicians MD and DO, Richard Elsing, 395-6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Administration (Office of Assistant Secretary), CIC—Housing Credit Market Study, single-time, Household in 4 SMSA's and nearby towns under 20,000 population, Sunderhau, M. B., 395-6140.

REVISIONS

ENVIRONMENTAL PROTECTION AGENCY

National Emission Standards for Hazardous Air Pollutants—Compliance Status Information, on occasion, industrial sources of hazardous air pollution, Lowry, R. L., 395-3772.

VETERANS ADMINISTRATION

Notice of Intention to Foreclose, 26-6851, on occasion, lenders or holders, Caywood, D. P., 395-3443.

Notice of Default, 26-6850, on occasion, lenders or holders, Caywood, D. P., 395-3443.

Application for Burial Allowance, 21-530, on occasion, funeral director, Warren Topelius, 395-5872.

TENNESSEE VALLEY AUTHORITY

Salary Survey, TVA 5322, annually, firms within vicinity which have employees doing comparable work, Strasser, A., 395-5867.

U.S. CIVIL SERVICE COMMISSION

Notice of Short-Term Employment, SF-50A, on occasion, temporary appointee, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Livestock Mail Survey (June and December), semi-annually, Livestock Farmers, Hulet, D. T., 395-4730.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration, Exceptions to Reporting Requirements Under the IC/DV Procedures, EAR375.3(C), EAR375.4(C), on occasion, commercial exporters, Tracey Cole, 395-5870.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration:

Progress Report for HMO Planning and Development Activities, HSA-254, quarterly, HMO planning and development grantees, Lowry, R. L., 395-3772.

Reporting requirements for HMO feasibility grantees, 0927, quarterly, HMO feasibility grantees, Lowry, R. L., 395-3772. Office of Education, Basic educational opportunity grant, student eligibility report, OE 255-1, on occasion, applicants for BEOG and institutions in which they enroll, Lowry, R. L., 395-3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Administration (office of assistant secretary), report on family characteristics, section 8, existing housing, HUD52875, semi-annually, PHA's operating section existing projects, Housing, Veterans, and Labor Division, C. Louis Kincannon, 395-3532.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration: checklist for review of supplemental loan proposal or area coverage design (REA telephone loans), REA 567, on occasion, applicants for REA telephone loans, Marsha Traynham, 395-4529.

Central office equipment—Engineering information, REA 810, on occasion, REA telephone borrowers, Marsha Traynham, 395-4529.

Financial requirement and expenditure statement—electric program, REA-595, on occasion, REA electric borrowers, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Economic Development Administration, certification by proposed subcontractor regarding equal employment opportunity, ED-120, on occasion, contractors and subcontractors, Lowry, R. L., 395-3772.

Bureau of Census, metalworking machinery—metal cutting and metal forming types, MQ 35W, quarterly, companies manufacturing metalworking machinery, Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development, questionnaires on research and programs in child abuse and neglect, OS-33-75, annually, child abuse and neglect research projects and programs, Reese, B. F., 395-3211.

National Institutes of Health, national survey for a study to determine the incidence, prevalence, and costs associated with head and spinal cord injury, NIH ND-7, single time, patients, Richard Elsing, 395-6140.

Administration (office of assistant secretary), request for * * * determination of eligibility as nonprofit sponsor * * * relationships and nonprofit motives and certification, FHA 3433, on occasion, nonprofit

sponsors and mortgagors of housing, Housing, Veterans and Labor Division, 395-3532.

PHILLIP D. LARSEN,
Budget and Management
Officer.

[FR Doc.76-36190 Filed 12-7-76;8:45 am]

FEDERAL INTERACTION WITH COMMERCIAL STANDARDS-SETTING BODIES

Proposed OMB Circular

NOVEMBER 30, 1976.

Enclosed is a proposed OMB Circular (Attachment A) establishing a uniform policy for all executive branch agencies in working with commercial (non-Federal) standards-setting bodies. The proposed Circular, requested by the Secretary of Commerce, results from the development and approval by the Interagency Committee on Standards Policy (ICSP) of certain principles for a uniform, Government-wide policy in this area. The ICSP, chaired by the Department of Commerce, has its membership drawn from 22 executive departments and agencies (see Attachment B).

Standard definitions, specifications, test methods, and performance requirements are essential elements of conducting business and discharging procurement and regulatory responsibilities both in the Federal and non-Federal sectors. Over the years, an effective system of voluntary consensus standards activities has developed in the non-Federal sector. In that system, a wide range of interests meld their expertise and compromise their differences with the result that many commercial standards (i.e., standards established by activities which are not conducted by the Federal Government) are solidly based and widely accepted. Although effective Federal Government coordination and cooperation with appropriate domestic and international standards organizations could result in significant public benefits, including stimulation of economic growth, competition, and innovation, coordinated Federal involvement has been lacking.

The proposed Circular incorporates the principles espoused by the ICSP as well as statements of purpose, definitions, and responsibilities enunciated by that body. Responsibilities for implementing this proposed Circular are assigned to the individual departments and agencies, and to the Department of Commerce which, though the ICSP, will act in a coordinating capacity. Placement of the coordinating role with the Department of Commerce reflects that Department's responsibilities for national standards of measurement and standardized test methods as expressed in Title 15, United States Code.

Comments on the proposed Circular should be forwarded to this Office not later than December 31, 1976.

HUGH E. WITT,
Administrator.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C.

ATTACHMENT A

CIRCULAR NO. A-76

To: The Heads of Executive Departments and Establishments

Subject: Interaction with Commercial Standards-Setting Bodies

1. **Purpose.** This Circular establishes policy to be followed by executive branch agencies in working with commercial standards-setting bodies to develop, improve, and use standards for materials, products, systems, and services.

2. **Background.** The Federal Government purchases many products and services and regulates many activities which affect health, safety, and the national economy. To insure that such products possess appropriate quality characteristics, the Federal Government must depend upon reliable standards for product specification, quality control analysis, and performance testing. For example, the widely accepted standard for Portland cement (Federal Document SSC-1960-3) is used to guarantee consistent quality in this important construction material. Over the years, an effective system of voluntary consensus standards activities has developed under the leadership of the American Society for Testing and Materials, American Society of Mechanical Engineers, American National Standards Institute, and many others. In this voluntary system, a wide range of interests meld their expertise and compromise their differences, with the result that the standards produced are solidly based and widely accepted. Federal reliance on such standards, whenever practicable, will reduce the cost of developing standards and minimize confusion among those who deal with them.

3. **Coverage.** This Circular applies to all executive agency involvement in commercial standardization activities, both domestic and international.

4. **Objectives.** The objectives are to insure maximum practicable use of commercial standards by the Federal Government and active participation of the Federal Government in development of such standards.

5. **Definitions.** As used in this Circular:

a. **Executive agency** (hereinafter referred to as agency) means an executive department, a military department, and an independent establishment within the meaning of sections 101, 102 and 104(1) of Title 5, United States Code, and also a wholly owned Government corporation within the meaning of section 101 of the Government Corporation Control Act (31 U.S.C. 846).

b. **Commercial standards-setting bodies** are domestic and international standardization bodies, including nonprofit organizations, operating outside of the Federal Government or its agencies. They do not include the development and adoption of professional standards of conduct and standards of private companies; nor the United States' participation in international standardization activities pursuant to treaties.

c. **Commercial standard** means a prescribed set of rules, conditions, or requirements established by commercial standards-setting bodies, as defined in 5b, concerning definition of terms; classification of components; specification of materials; performance; or operations; delineation of procedures; or measurement of quantity and quality in describing materials, products, systems, services, or practices.

d. **Standardization and standards-setting activities** mean the process of developing the rules, conditions, and requirements defined in 5c above.

e. **Cooperative testing** means testing by interested parties to establish such things as precision, accuracy, and reliability of standards.

6. **Policy.** It is the policy of the Federal Government to rely on commercial standards, both domestic and international, whenever feasible. The policy embodied in the five elements below is consistent with and in furtherance of the Federal Government's general policy of using commercial products whenever feasible and relying on the private enterprise system to supply Government needs for products and services, as enunciated in OMB Circular No. A-76. Agencies will: a. Participate in commercial standards-setting activities when such participation is in the public interest and is compatible with the agency's missions and authorities. Participation by agency personnel shall have the approval of appropriate officials and shall be consistent with the agency's regulations issued pursuant to paragraph 7a of this Circular, but of itself does not connote agency agreement with or endorsement of decisions reached. Such participation, where the agency's budget permits, may include:

(1) Direct financial support, e.g., grants, sustaining memberships, and contracts;

(2) Indirect or administrative support, e.g., travel cost, and document preparation; and

(3) Technical support, e.g., cooperative testing for standards evaluation.

b. Encourage commercial standards-setting bodies with which they interact to observe rules and procedures that ensure prompt and full consideration of the views and interests of all who might be materially affected by their actions, and evaluate participation in these bodies in light of their adherence to such rules and procedures.

c. Use commercial standards in lieu of in-house standards when they will serve the agency's purpose and are consistent with applicable laws and regulations, and give such commercial standards preference in procurement actions unless use of such standards would result in higher cost to the Government.

d. Cite applicable commercial standards in Federal Register publications, regulatory orders, or related in-house documents.

e. Plan jointly with the commercial sector to ensure a coordinated effort in resolving priority standardization problems.

7. **Responsibilities:** a. Each agency will, within six months of the date of this Circular, implement the policy principles in paragraph 6 to the extent compatible with its mission responsibilities. In taking this action, the agency should recognize the positive contribution of standardization and related activities, such as product and compliance testing and certification. It must, however, be recognized that these activities, if improperly conducted, could suppress free and fair competition; impede innovation and technical progress; exclude safer and less expensive products; or otherwise adversely affect trade, commerce, health, or safety. Full account shall be taken of applicable Federal laws, policies, and national objectives including, for example, laws and regulations relating to antitrust, national security, product safety, and conflict of interest.

b. The Department of Commerce shall be responsible for coordinating the implementation of said policy principles through an Interagency Committee on Standards Policy established to foster cooperative participation by the Federal Government and U.S. industry and other private organizations in standards activities, including the related activities of product testing, compliance, and certification programs. The Department of Commerce shall, through said interagency committee, periodically advise OMB concerning implementation of the policy principles set forth in this Circular.

8. **Inquiries.** For information concerning this Circular, contact the Office of Management and Budget, Office of Federal Procure-

ment Policy, telephone number (202) 395-3336.

Director.

ATTACHMENT B

INTERAGENCY COMMITTEE ON STANDARDS POLICY
AS OF JULY 21, 1976

Members

Department of Agriculture.
Department of Commerce.
Consumer Product Safety Commission.
Department of Defense.
Energy Research and Development Administration.
Environmental Protection Agency.
Federal Communications Commission.
General Services Administration.
Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
Department of the Interior.
Department of Justice.
Department of Labor.
National Aeronautics and Space Administration.
Nuclear Regulatory Commission.
Office of the Special Representative for Trade Negotiations.
U.S. Postal Service.
Small Business Administration.
Department of State.
Department of Transportation.
Federal Trade Commission.
Department of the Treasury.

Observer

Office of Management and Budget.

[FR Doc. 76-36013 Filed 12-7-76; 8:45 am]

PRIVACY PROTECTION STUDY COMMISSION

PUBLIC ASSISTANCE AND SOCIAL SERVICES

Hearings

The Privacy Protection Study Commission will hold public hearings on the record-keeping practices of State and local government public assistance and social services agencies on January 11, 12, and 13, 1977, in Room 2358, Rayburn House Office Building, Washington, D.C. The focus of these hearings will be a set of preliminary recommendations developed by the Commission at its November 10, 1976 meeting. These draft recommendations are set forth below.

Section 5 of the Privacy Act of 1974 requires the Privacy Protection Study Commission to make a study of the information systems of governmental, regional and private organizations, in order to determine the procedures in force for the protection of personal information. The Commission is also required to recommend to the President and the Congress the extent, if any, to which the principles and/or requirements of the Privacy Act should be applied to those organizations not currently subject to them, and to make such other legislative recommendations as are necessary "to protect the privacy of individuals while meeting the legitimate needs of government and society for information."

The Commission believes that a study of the record-keeping practices of public assistance and social services agencies is an essential component of its program.

Millions of Americans receive cash payments, medical assistance and social services under programs funded by Federal, State and local government agencies, and private organizations. These agencies rely heavily on recorded information to make decisions about individuals. Their record-keeping practices have been perceived as the focal point of the conflict between the need to insure that public funds are properly expended, and the program beneficiary's right to personal privacy.

While recognizing that public assistance and social services agencies need to collect and use personal information to determine an applicant or recipient's entitlement to assistance and services, and subsequently to provide such assistance and services to him or her, the Commission believes that an applicant or recipient shares with the record-keeping agencies an interest in determining what uses can be made of that information. Accordingly, the Commission has drafted recommendations which it believes would give an applicant or recipient a greater voice in determining how information about him may be used. At the same time, however, the Commission is concerned that its recommendations not unduly interfere with the effective administration of public assistance and social services programs.

The Commission has undertaken a detailed examination of five public assistance and social services programs. They are:

Aid to Families with Dependent Children (including Child Support Enforcement Programs);

Medicaid;

The Social Services Program authorized by Title XX of the Social Security Act;

The Food Stamp Program; and

The Supplemental Security Income Program.

The record-keeping practices of State and local government agencies and private organizations administering the first four programs are not subject to the Privacy Act of 1974. Hence, the Commission should decide whether the principles and/or the requirements of that Act should be made to apply to them. The records acquired in the administration of the Supplemental Security Income (SSI) Program, the fifth program chosen for study by the Commission, are subject to the Act's requirements. The Commission believes that the experience of the Social Security Administration (SSA), in administering the SSI program while subject to the requirements of the Privacy Act, will provide information that will be useful in assessing the wisdom of extending the Act's requirements to other public assistance programs.

The Commission's limited resources make impossible a detailed examination of all of the other assistance programs funded by Federal, State, and local government agencies and private organizations. Nonetheless, the Commission welcomes comments and suggestions re-

garding the feasibility and desirability of making the draft recommendations set forth below applicable to other programs that are similar to those chosen for study by the Commission.

DRAFT RECOMMENDATIONS

In the following section, the Commission's draft recommendations are in italics to distinguish them from the narrative explanation of the recommendations. The word "agency," as used in the draft recommendations, is intended to include any State or local government agency, or private organization under contract to such an agency, that administers, or supervises the administration of, the AFDC, Medicaid, Title XX Social Services or Food Stamp program. These recommendations are not intended to apply to the SSI program, which is subject to the Privacy Act. The Commission seeks information from all interested parties regarding SSA's application of the Act to records about SSI applicants and beneficiaries.

1. COLLATERAL VERIFICATION

In making decisions about an applicant or recipient's entitlement to benefits, an agency may collect information about the applicant or recipient from a third-party source (e.g., banks, schools, neighbors, State agencies). Although the Commission believes that such acquisition of information may be necessary, especially when information received from the applicant or recipient raises doubts about eligibility, the Commission believes that the following procedures should be followed by agencies in order to insure that the "collateral verification" process is fair to the individual:

Agencies should take reasonable affirmative steps to inform applicants and recipients of their policies on collateral verification, including the instances in which collateral verification is secured, the sources of information commonly used by the agency, the information that will be sought, and the purpose(s) for which the information will be used. Such notice could take the form of a brochure made available to applicants and recipients, an individual notice to each applicant and recipient, an authorization form signed by the individual, or other affirmative types of notice;

When collateral verification of information supplied by an applicant for a Title XX social service is deemed to be necessary, the applicant should have the right to request that the collateral contacts be made in a manner that will not reveal the type of service for which the individual is applying. For example, if a provider agency under contract with the State agency supervising the administration of the Title XX program to render services also determines eligibility, the applicant should be able to request that the State agency, not the provider, secure the necessary collateral verification. The provider of services should also have the authority to request that the State agency make the collateral contact in a manner that does not reveal nature of the service sought in cases in

which the provider perceives that the service is of a sensitive nature; and

The sources from which information about an applicant or recipient is drawn should be noted in the individual's case record. When the source of the information is a record maintained by another organization or institution (e.g., banks, schools, State agencies) the individual to whom the information pertains should be able to learn the source of the information.

The rationale for this recommendation is that an applicant or recipient should be able to learn from what sources information about him has been collected by an agency so that he or she will have the capability to trace inaccurate information back to its source and request that it be corrected at the source.

In addition to seeking comments on these draft recommendations, the Commission desires response on the following questions:

When a welfare agency learns that information in its records that was obtained from sources other than the applicant is inaccurate, should it be obliged to notify the source of the information of the inaccuracy and request that the source correct it?

Should there be a prohibition on the use of certain sources of verification information, either because of the inherent unreliability of particular sources or because contacting some sources may be unduly intrusive?

When information is acquired from an "unofficial" source (e.g., neighbors, friends of the applicant or recipient, or informants, or from an employee of an organization who discloses information he has no acquired from an official record), should the source of the information be made known to the individual to whom it pertains? Should it be made known only if the information has formed the basis of an adverse determination? Should there be restrictions on the extent to which such "unofficial" information can be used by the agency in making determinations?

What should agencies be obliged to tell third-party sources about the extent to which the name of the source and the information he gives to the agency will be made available to the individual to whom it pertains?

2. ACCESS TO AND CORRECTION OF RECORDS

Regulations applicable to the AFDC, Medicaid, and Title XX Social Services programs [45 CFR 205.90 (a) (13)] permit an applicant or recipient who requests a hearing on an adverse decision about his entitlement to benefits to examine the contents of his case file and all documents and records to be used by the agency at the hearing at a reasonable time before the date of the hearing as well as during the hearing. Regulations governing the Food Stamp program afford the applicant or recipient a more qualified right of access to the case file [7 CFR 271.1 (c) (5) (i)].

The Commission believes that this right of access to records afforded to applicants and recipients by Federal regu-

lation is an essential component of fairness in record keeping. To strengthen this existing right, the Commission recommends that:

The Social and Rehabilitation Service (SRS), which supervises the administration of the AFDC, Medicaid, and Title XX Social Services program, take steps to assure that States are fully complying with this requirement;

The regulations governing the Food Stamp program be revised to permit a right of access to the case file before and during a hearing similar to that afforded under the programs supervised by the SRS; and

Agencies take affirmative measures to inform applicants and recipients of the fact that if they request a hearing on an adverse determination, they have the right to inspect the contents of their case files prior to the hearing.

In addition to the right of access accorded to the applicant or recipient in cases in which an adverse determination about him has been made, the Commission believes that a more general right of access and correction should be available to applicants and recipients. Accordingly, the Commission recommends that an applicant or recipient should be able to inspect his case file and any other records about him maintained by the agency. Agencies should be able to adopt special procedures for the disclosure of medical records.

Because a right to see records about oneself is of little value unless one can also obtain correction of erroneous information, and because erroneous information may have adverse consequences for the record subject if the information is made available to another record keeper, the Commission recommends that an applicant or recipient should have the right to request the correction of inaccurate, irrelevant, outdated or incomplete information in a record about himself and to obtain a hearing on his request for correction if the agency refuses to make the correction. The Commission emphasizes that the right to obtain a hearing on a requested correction should not be construed to permit an applicant or recipient to use this avenue to contest a decision about the merits of his case that has been made in an earlier hearing.

In addition to seeking comment on these draft recommendations, the Commission would like to obtain views on the following questions:

When a case file contains information about more than one individual (e.g., all members of a family in a single "assistance unit"), who should have access to the record and under what conditions?

Under what conditions should a minor be granted access to his record, and in what cases should a parent or guardian access to a minor's record be prohibited?

Should applicants and recipients be able to file statements disputing information in a record when they have not been successful in obtaining correction of a record?

3. AGENCY OBLIGATIONS FOR ACCURACY OF INFORMATION

The Commission recommends that agencies should be legally obliged to maintain all records which are used by the agency in making any determination about applicants or recipients with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure that the records themselves are not a cause of unfairness in the determination.

The Commission recommends further that before an agency disseminates a record about an applicant or recipient to another agency not subject to the same kinds of information practices safeguards outlined herein that the agency should make reasonable efforts to assure that the information in the record is accurate, relevant, timely and complete for agency purposes.

4. DISCLOSURE OF RECORDS

A. AFDC Records. Under Federal law, records about AFDC applicants and recipients may be disclosed for use in the administration and enforcement of the Child Welfare, Work Incentive, Child Support Enforcement, Supplemental Security Income, Medicaid, and Title XX Social Services programs, as well as "any other Federal or federally assisted program which provides assistance or services, directly to individuals on the basis of need." [Section 402(a)(9) of the Social Security Act.]

On the theory that the subject of a record should be able to exercise some control over the use of information about himself, the Commission finds this disclosure authorization to be unduly broad. Therefore, the Commission recommends that records about AFDC applicants and recipients should not be disclosed without the permission of the individual to whom the record pertains, except for disclosures necessary to the administration of the Child Welfare, Work Incentive, Child Support Enforcement, Supplemental Security Income, Medicaid, Title XX Social Services, and Food Stamp programs. The Commission also recommends that only information relevant to the purpose for which the disclosure is sought should be made available to the person or agency seeking disclosure.

Federal regulations [45 CFR 205.50 (a) (2)(iv)] provide that if a case record about an AFDC applicant or recipient is subpoenaed, the agency that maintains the record must call the court's attention to the statutory provisions and the policies or rules and regulations against disclosure of information. The Commission believes that this regulation is salutary, and that the agency maintaining the record should bear the burden of contesting a subpoena compelling its disclosure. Therefore, the Commission recommends that this regulation be retained.

In some instances, however, the subject of the record may be able to make the case against disclosure of the record

more effectively than the agency and thus the subject, as well as the agency, should have an opportunity to contest a subpoena. Accordingly, the Commission recommends that when a record about an applicant or recipient is subpoenaed, the subject of the record should be notified and given standing and the opportunity to contest the subpoena.

Federal law (Section 618 of the Revenue Act of 1951) currently permits a State to enact a statute permitting public access to records of disbursement of AFDC funds, if such a statute prohibits the use of such records for commercial or political purposes. The Commission believes that disclosure to the public of the name of an AFDC recipient and the amount of assistance the recipient receives is an ineffective deterrent to welfare fraud and abuse, and therefore such public disclosure represents an unnecessary abrogation of the recipient's interest in keeping confidential the fact that he is receiving assistance. Accordingly, the Commission recommends that the disclosure to the public of individually identifiable information about AFDC applicants and recipients (including the fact that an individual is an applicant or recipient) should be prohibited.

In addition to seeking comment on the draft recommendations stated above, the Commission would like to receive information and suggestions on the following points:

Should all of the different kinds of information in a case file (e.g., level of income, number of children, information regarding bank accounts, information about mental or physical incapacity and condition of the home) be subject to the same disclosure policies?

What policies should govern the redisclosure of an AFDC record by an agency or person authorized by law to obtain it?

B. MEDICAID AND FOOD STAMP RECORDS

The Federal statutes governing the Medicaid [Section 1902 (a) (7) of the Social Security Act] and Food Stamp [7 U.S.C. 2019 (e) (3)] programs prohibit the disclosure of records about applicants and recipients of benefits for purposes unrelated to their administration and enforcement of the requirements of those programs. The Commission believes that no fundamental change in these disclosure policies is warranted, but recommends that the policies outlined above regarding the treatment of subpoenas in the AFDC program should be made equally applicable to Medicaid and Food Stamp programs.

C. TITLE XX SOCIAL SERVICES RECORDS

The Federal statute [Section 2003 (d) (1) (B) of the Social Security Act] governing the Title XX Social Services program permits the disclosure of records about Social Services applicants and recipients for use in administering the AFDC, Child Welfare, SSI, and Medicaid programs. Because of the need to create an environment in which an individual will not be deterred from seeking social services, and will be willing to reveal all

information that may be pertinent to his treatment, the Commission recommends a prohibition on the use of a Title XX record without the consent of the individual to whom the record pertains for purposes not related to the administration and enforcement of Title XX.

In addition, the Commission recommends that only the following types of disclosures of Title XX records should be permitted without the consent of the record subject:

Disclosures by a provider agency to the State agency supervising the administration of the Title XX program, for purposes directly related to the administration and enforcement of the Title XX program;

Disclosure by a provider agency or the State agency to the Department of Health, Education, and Welfare, for purposes directly connected to the administration and enforcement of the Title XX program;

Disclosures by a State agency or an information and referral agency to a provided agency of information regarding the individual's eligibility for Title XX funding of the service he is seeking from the provider agency.

The Commission also recommends that disclosures of Title XX records be limited to information that is directly relevant to the purpose for which disclosure is made, and that procedures for treatment of subpoenas recommended by the Commission above be made applicable to the Title XX program.

The Commission also seeks answers to the following questions:

Should policies on disclosure of information regarding Title XX eligibility (e.g., income, resources) be less restrictive than policies governing the disclosure of records regarding services rendered?

What policies should govern the redisclosure of Title XX records by persons or agencies authorized to receive it? For example, should there be a flat prohibition on redisclosure?

Do Federal reporting requirements foster the collection of information by State agencies that they would not collect for their own purposes?

5. NOTIFICATION OF RIGHTS

Granting applicants and recipients the right to see and request correction of records, and to prevent disclosures of records without consent, will do little good if applicants and recipients are not adequately informed that these rights exist and how they might be exercised. Therefore, the Commission recommends that agencies be required to take reasonable affirmative measures to inform applicants and recipients and members of the general public about:

The kinds of records the agency maintains and all of the purposes for which the information in the records may be used;

The applicant or recipient's right to gain access to and request correction of, a record about himself.

OTHER ISSUES

There are a number of issues in regard to which the Commission would like to obtain more information and comment before proposing recommendations. It is hoped that individuals and organizations offering comment on the Commission's draft recommendations will also address themselves to the following issues:

1. CHILD ABUSE AND NEGLECT REPORTING

Some States operate central registries of reported instances of child abuse and neglect. Although these registries may be of great assistance in taking steps to secure necessary treatment for a child and taking actions against parents who neglect and abuse their children, they raise a number of issues of concern to the Commission.

Who should be legally required to report allegations of neglect and abuse to these registries, and in what cases should the privileged nature of certain communications be overridden by the duty to report?

To what extent should the subject of a report of child abuse and neglect be permitted to see it and request its correction?

What qualifications on the subject's right of access are necessary to safeguard the interests of the sources of reports of child neglect and abuse?

What legal obligations should be levied on keepers of central registries to assure that information contained therein is accurate and up-to-date?

What legal restrictions on the disclosure of reports of child abuse and neglect are appropriate?

2. STATE AND FEDERAL CHILD SUPPORT ENFORCEMENT PROGRAMS

Under Title IV-D of the Social Security Act, States have established programs to establish paternity, locate absent parents, and secure child support. The States are aided in their efforts by the Federal Parent Locator Service. The Commission would like to obtain comment on the following issues:

Should there be any limits on the sources of information that can be used by both the State and the Federal parent locator services?

What problems have occurred, if any, in securing reliable information about absent parents, and have cases arisen in which an individual has been incorrectly identified as the absent parent?

What disclosures of information about individuals utilizing State child support enforcement services are made to other State public assistance and social services agencies, and for what purposes is the information used?

In what cases have States contracted with private organizations for the collection of location information, and what procedures are followed by the contractors to safeguard the confidentiality of the location information?

3. USE OF THE SOCIAL SECURITY NUMBER

The Commission seeks information and comment regarding the purposes for which the Social Security number (SSN) is used in public assistance and social services programs, and the extent to which restrictions on the use of the SSN (other than those already contained in section 7 of the Privacy Act of 1974) would be desirable and feasible.

4. CONTRACTORS TO STATE AGENCIES

State agencies often contract with private organizations to provide services, medical assistance, or data processing support. The Commission will explore the extent to which States include "fair information practice" requirements in their contracts and how they monitor their contractors' compliance with Federal and State record-keeping requirements.

In addition, the Commission wishes to learn more about the impact that Federal regulation has on the total record-keeping activities of private organizations maintaining records about clients whose services are funded privately, as well as those for whom Federal funding has been secured. Do private organizations tend to apply the same kinds of safeguards to records about their private clients as they are legally obliged to extend to records about recipients of federally assisted programs?

5. "DATABANKS"

Some States and/or localities have developed: (1) integrated information systems that contain information about clients of many "human services" programs; (2) systems which give them the capability to cross-check information about welfare recipients maintained in different jurisdictions in the same State or in other States in order to determine whether an individual is receiving duplicate benefits; and (3) Medicaid Management Information Systems that contain detailed information on Medicaid recipients.

To what extent, if any, do each of these sophisticated record systems create issues of fairness in record keeping that the Commission has not already addressed?

6. IMPLEMENTATION MECHANISMS

The Commission seeks comment on the feasibility and desirability of using a number of different means by which the draft recommendations set forth above could be applied to welfare agencies. The Commissioners will ultimately need to recommend whether amendment of Federal statute, Federal regulation, or State laws, or voluntary compliance, should be the vehicle.

REQUEST FOR COMMENT

The Commission urges all Federal, State and local government public assistance and social services agencies; recipients and their representatives pro-

professional associations; public interest groups; providers of social services; and any other interested parties to submit written comment on the foregoing draft recommendations prior to the Commission's January hearing. The Commission also welcomes suggestions regarding other issues that it should consider in addition to those identified in this hearing notice.

The deadline for submitting written comment is December 31, 1976. Comments should be addressed to:

Ms. Carole W. Parsons, Executive Director,
Privacy Protection Study Commission,
Suite 424, 2120 L Street, NW., Washington,
D.C. 20506, 202-634-1477.

DAVID F. LINOWES,
Chairman.

CAROLE W. PARSONS,
Executive Director.

[FR Doc. 76-36105 Filed 12-7-76; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 955]

G. T. PACIFIC FUND, INC.

Filing of Application Pursuant to Section 6(c) of the Act for An Order of Exemption From Sections 15(a) and 16(a) of the Act

DECEMBER 2, 1976.

Notice Is Hereby Given that G. T. Pacific Fund, Inc. ("Applicant"), a Maryland corporation, registered under the Investment Company Act of 1940 ("Act"), as a diversified, open-end management investment company, filed an application on October 29, 1976, and an amendment thereto on November 23, 1976, pursuant to section 6(c) of the Act for an order of exemption from sections 15(a) and 16(a) of the Act to the extent necessary to permit G. T. Capital Management Corporation ("G. T. Management") to serve as investment adviser of Applicant pursuant to a written investment advisory contract approved by Applicant's Board of Directors without the prior approval of the stockholders of Applicant, and to permit directors of Applicant to serve as directors without having been elected to such positions by the stockholders of Applicant, such exemptions to be effective until the first meeting of stockholders to be held within 180 days after the effective date of Applicant's Form S-5 Registration Statement filed under the Securities Act of 1933. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant asserts that it presently has no stockholders; that the members of its Board of Directors presently hold office pursuant to provisions of Maryland law; and that it proposes to issue up to 1,000,000 shares of its Common Stock when its Form S-5 Registration Statement becomes effective. Applicant also proposes to enter into an agreement with G. T.

Management under which that company will serve as investment adviser to Applicant.

Section 15(a) of the Act provides, in part, that "[i]t shall be unlawful for any person to serve or act as investment adviser of a registered investment company, except pursuant to a written contract, which . . . has been approved by the vote of a majority of the outstanding voting securities of such registered investment company . . ." Section 16(a) of the Act provides, with limited exceptions not here applicable, that "[n]o person shall serve as a director of a registered investment company unless elected to that office by the holders of the outstanding voting securities of such company, at an annual or a special meeting duly called for that purpose . . ."

Applicant represents that the proposed investment advisory contract ("Contract") with G. T. Management will comply with the provisions of the Act in all respects, except that the adviser will initially serve as such before the Contract has been approved by stockholders as provided in section 15(a) of the Act. Applicant also represents that the persons serving as directors of Applicant will meet all of the requirements of the Act, except that they will serve initially without having been elected to that office by the stockholders as provided by section 16(a) of the Act.

Applicant further represents that its entire Board of Directors will stand for election, and that the Contract will be presented for approval, at a meeting of stockholders to be held within 180 days after the effective date of Applicant's Form S-5 Registration Statement. Applicant represents that the prospectus used by Applicant in connection with the sale of its shares will contain full appropriate information concerning the investment advisory contract and the directors.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security or transaction from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that the proposed postponement of formal shareholder action on the approval of the Contract and the selection of Applicant's directors is reasonable and fair and that the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant submits further that the requested exemptions are sought solely to facilitate the orderly establishment and initial operations of the Applicant.

Notice is further given that any interested person may, not later than December 27, 1976, at 5:30 p.m., submit to the Commission in writing a request for a

hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be converted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 76-36070 Filed 12-7-76; 8:45 am]

[Rel. No. 9550]

MASSACHUSETTS MUTUAL LIFE INSURANCE CO. AND MASMUTUAL INCOME INVESTORS, INC.

Filing of Application for Order Pursuant to Section 17(d) of the Act and Rule 17d-1 Thereunder and Pursuant to Section 17(b) of the Act

DECEMBER 1, 1976.

Notice Is Hereby Given, That Massachusetts Mutual Life Insurance Company (the "Insurance Company"), a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts, and MassMutual Income Investors, Inc. (the "Fund"), a diversified, closed-end management investment company registered under the Investment Company Act of 1940 ("Act"), (hereinafter collectively referred to as "Applicants"), filed an application on October 15, 1976, and an amendment thereto on November 22, 1976, pursuant to section 17(d) of the Act and Rule 17d-1 thereunder for an order of the Commission permitting the Insurance Company to purchase \$7,000,000 principal amount, and the Fund to purchase \$1,000,000 principal amount, for a new issue of 9¾ percent Notes due in 1998 (the "New 1998 Notes") of Sohio/BP Trans Alaska Pipeline Capital, Inc. ("Capital") at 100 percent of the principal amount thereof and permitting the Fund to consent to the amendment of an indenture (the "Indenture") relating to a prior series of notes issued by Capital, or, in the event the Insurance Company

purchases those Notes before the issuance of such order, for an order pursuant to section 17(b) of the Act exempting from the provisions of section 17(a) of the Act the sale by the Insurance Company of \$1,000,000 principal amount of New 1998 Notes to the Fund. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, on November 13, 1975, acting pursuant to an order of the Commission (Investment Company Act Release No. 8982), the Insurance Company purchased \$37,000,000 principal amount of a prior series of notes (the "Old Notes") issued by Capital, and the Fund purchased \$3,000,000 principal amount of Old Notes. Applicants state that the Old Notes, which bear an interest rate of 10% percent, were part of a direct placement of notes in an aggregate principal amount of \$1,750,000,000. The Applicants state that Capital now proposes to issue additional notes in the aggregate amount of approximately \$500,000,000, represented by the New 1998 Notes and another issue of 9 3/4 percent Notes due in 1993 to be issued together in a direct placement. As investment adviser for the Fund, the Insurance Company asserts that it believes that the New 1998 Notes would be an attractive investment for the Fund and that the Applicants would like to invest concurrently in these securities. The application states that the purchase by the Fund of \$1,000,000 principal amount of the New 1998 Notes at 100 percent of the principal amount thereof has been approved by the unanimous vote of the Board of Directors of the Fund, including all the "non-interested" directors.

Applicants state that the New Notes will be secured by pledges (1) of 9 3/4 percent Guaranteed Notes of like maturities of Sohio Pipeline Company ("Sohio Pipeline"), a wholly-owned subsidiary of Standard Oil Company of Ohio ("Sohio"), in an aggregate principal amount equal to 67.8 percent of the New Notes, and (2) 9 3/4 percent Guaranteed Notes of like maturities of BP Pipelines, Inc. ("BP Pipelines"), a wholly-owned subsidiary of the British Petroleum Company Limited ("BP"), in an aggregate principal amount equal to 32.2 percent of the New Notes. Applicants state further that Sohio will unconditionally guarantee principal and interest on such Guaranteed Notes of Sohio Pipeline, and that BP will unconditionally guarantee principal and interest on such Guaranteed Notes of BP Pipelines. In addition, Sohio has entered into a Completion Agreement and a Throughput Agreement with Sohio Pipeline and BP has entered into a Completion Agreement and a Financing Agreement with BP Pipelines. Applicants assert that, under these agreements, each of the parent companies is required to advance to its respective subsidiary sufficient funds, if necessary, to permit that subsidiary to meet all of its financial obligations as they become due. Capital is owned 67.8 percent by Sohio Pipeline and 32.2 percent by BP Pipelines. Applicants further

assert that Capital will lend 67.8 percent of the proceeds received by sale of the New Notes to Sohio Pipeline and 32.2 percent of the proceeds to BP Pipelines and that such companies will use the funds to finance portions of their respective shares of the cost of construction of the Trans-Alaska Pipeline System.

The Applicants represent that the Indenture relating to the Old Notes prohibits Capital from incurring the additional indebtedness represented by the New Notes, and that the holders of the Old Notes have been asked to consent to an amendment of the Indenture to permit the sale of the New Notes. Applicants further represent that in return for the consent to the Amendment, Sohio has agreed to an additional reduction, beyond that already contained in the Indenture, in its ability to sell Prudhoe Bay oil reserves. The Insurance Company submits that the New Notes will be backed not only by the revenues derived from the Prudhoe Bay oil but also by the guarantees of Sohio and BP for their respective shares of the total issue, and that, therefore, the proposed amendment is a reasonable one.

Applicants state that the Insurance Company does not hold any direct placement securities of Capital, Sohio Pipeline, Sohio, BP or BP Pipelines other than the \$37,000,000 aggregate principal amount of the Old Notes referred to above, but that, however, the Insurance Company and several of its accounts do hold certain publicly traded securities of Sohio and BP. Applicants state further that the Fund owns no securities of Capital, Sohio Pipeline, Sohio, BP or BP Pipelines other than the \$3,000,000 aggregate principal amount of the Old Notes referred to above.

Section 2(a)(3) of the Act includes, within the definition of the term "affiliated person" on an investment company, the investment adviser to the investment company. Therefore, as the investment adviser to the Fund, the Insurance Company is an affiliated person of the Fund.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, in part, that it is unlawful for an affiliated person of a registered investment company, acting as principal, to effect any transaction in which such investment company is a joint participant, without the permission of the Commission. Rule 17d-1 provides, in part, that in passing upon applications for orders granting such permission, the Commission will consider (1) Whether the participation of the investment company in such transaction on the basis proposed is consistent with the provisions, policies, and purposes of the Act, and (2) The extent to which such participation is on a basis different from or less advantageous than that of other participants. Accordingly, Applicants have applied for an order permitting the acquisition by the Insurance Company of \$7,000,000 principal amount of New 1998 Notes at 100% of the principal amount thereof, and by the Fund of \$1,000,000 principal amount of New 1998 Notes at 100% of the principal amount thereof, and per-

mitting the Fund to consent to the amendment of the indenture relating to the Old Notes issued by Capital.

The Insurance Company submits that its proposed acquisition of the Notes is not disadvantageous to the Fund and is consistent with the provisions, policies and purposes of the Act. In the application, the Insurance Company asserts its view that an unequal division of the \$8,000,000 aggregate principal amount of New 1998 Notes to be acquired between the Fund and the Insurance Company is appropriate in view of the investment policies of the Fund with respect to concentration and investments in restricted securities.

In support of this assertion, Applicants submit the following discussion. If one-half of the aggregate principal amount of New Notes offered to the Insurance Company (\$4,000,000) were to be purchased by the Fund, then the total investment of the Fund in the debt securities of Capital would be \$7,000,000, or almost 5.2 percent of its total assets of approximately \$134,000,000. The Fund is subject, however, to an investment restriction that, with certain exceptions not applicable to the proposed purchase of the New Notes, it may not invest more than 5 percent of the value of its total assets in the securities of any one issuer. Thus, the maximum investment the Fund would make in any issue at this time would be approximately \$6,700,000. Since the Fund has invested \$3,000,000 in the Old Notes, the maximum additional investment which the Fund could make in the New Notes would be approximately \$3,700,000. Applicants further submit that if the Fund does acquire \$1,000,000 aggregate principal amount of the New Notes, its investment in the Notes would constitute approximately 3 percent of its assets whereas, if the Insurance Company purchases \$7,000,000 aggregate principal amount of the New Notes, its investment in the Notes would constitute approximately 0.74% of its total assets as of June 30, 1976, and approximately 2.01 percent of the aggregate of its Direct Placement and Public Bond Portfolio as of such date.

In the event the requested order is not issued before the issuance of the New 1998 Notes to the Fund, the Insurance Company proposes to acquire the entire \$8,000,000 principal amount of New 1998 Notes, subject to the obligation to transfer \$1,000,000 principal amount of New 1998 Notes to the Fund at cost plus accrued interest should an order of the Commission permitting such transaction be issued within three months of such acquisition. The Fund, however, is not obligated to purchase the New 1998 Notes from the Insurance Company and will not so purchase any of such Notes unless contemporaneously therewith a majority of the "non-interested" directors of the Fund has approved such purchase.

Section 17(a) of the Act provides, in part, that it is unlawful for any affiliated person of a registered investment company knowingly to sell to such registered investment company any security or other property. Pursuant to section 17(b) of the Act, the Commission, upon ap-

[Rel. No. 19782]

OHIO POWER CO.**Proposed Sale of Utility Assets**

DECEMBER 2, 1976.

Notice Is Hereby Given, That the Ohio Power Company ("Ohio Power"), a subsidiary of American Electric Power Company ("AEP"), a registered holding company, has filed a declaration with this Commission designating section 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44 promulgated thereunder as applicable to the proposal transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Ohio Power proposes to sell to the United Telephone Company of Ohio ("United"), which is not affiliated with either Ohio Power or AEP, 5,230 of Ohio Power's poles located in certain portions of the State of Ohio.

The sale is made pursuant to the terms of a Joint Use Agreement between Ohio Power and United, effective January 1, 1970, under which either party has the option to purchase from the other any number of poles up to the number necessary to obtain the objective percentage of ownership by that party of the jointly-used poles specified in the agreement. United has exercised its option to purchase 5,230 of Ohio Power's poles which will give it ownership of 45 percent of the jointly-used poles under the agreement. The selling price, which is based on a straight-line depreciated reproduction cost (30-year life), will be \$453,767. The original installed cost of these facilities was \$630,370.

The fees and expenses to be incurred by Ohio Power in connection with the transaction are estimated not to exceed \$500. 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 27, 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 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 Regulations, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-36072 Filed 12-7-76; 8:45 am]

DEPARTMENT OF STATE**Agency for International Development****INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT BOARD****Meeting**

Pursuant to Executive Order No. 11769 and the provisions of section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the fourth meeting of the Board for International Food and Agricultural Development on January 10, 1977. The purpose of the meeting is to further develop policies, priorities and procedures in dealing with the duties and responsibilities of the Board as set forth in Title XII of the "International Development and Food Assistance Act of 1975" and to acquaint itself fully with the relationships between the United States and other donors of economic assistance. The meeting will begin at 9 a.m. and adjourn at 5:30 p.m., and will meet in Room 1107, U.S. Department of State, 21st and Virginia Avenue. The meeting is open to the public. Dr. Erven J. Long, Associate Assistant Administrator, is designated as the Federal Officer at the meeting. It is suggested that those desiring more specific information contact him at 21st and Virginia Avenue, N.W., Washington, D.C. 20523 or call area code 202-632-3800.

Dated: December 2, 1976.

ERVEN J. LONG,
Federal Officer, Board for International Food and Agricultural Development.

[FR Doc.76-36014 Filed 12-7-76; 8:45 am]

VETERANS ADMINISTRATION**VETERANS ADMINISTRATION WAGE COMMITTEE****Rescheduled Meetings**

Meetings of the Veterans Administration Wage Committee scheduled for December 16, 1976 and December 30, 1976 (41 FR 38557, September 10, 1976) have been rescheduled for Wednesday, December 22, 1976. The meeting will convene at 2:30 p.m. in Room 1144C, Veterans Administration Central Office, 810 Vermont Avenue, N.W., Washington, D.C.

Dated: December 2, 1976.

RICHARD L. ROUDEBUSH,
Administrator.

[FR Doc.76-36052 Filed 12-7-76; 8:45 am]

plication, shall grant an exemption from such prohibition if evidence establishes that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicant seek an exemption pursuant to section 17(b) of the Act permitting the sale by the Insurance Company to the Fund of \$1,000,000 principal amount of New 1998 Notes in the event the requested order pursuant to section 17(d) of the Act and Rule 17d-1 thereunder is not granted before the acquisition of the New 1998 Notes by the Fund. If no order of exemption is received, the \$8,000,000 principal amount of New 1998 Notes will be retained for investment by the Insurance Company.

Applicants assert that the terms the proposed transfer of the \$1,000,000 in principal amount of the New 1998 Notes from the Insurance Company to the Fund are reasonable, fair and free from overreaching. The consideration proposed to be paid by the Fund for the New 1998 Notes would equal the price paid by the Insurance Company for such Notes plus accrued interest. Applicants submit that the proposed transaction is consistent with the policy of the Fund as recited in its registration statement and that the proposed transaction is consistent with the general purposes of the Act.

Notice Is Further Given, That any interested person may, not later than December 23, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-36071 Filed 12-7-76; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 207]

ASSIGNMENT OF HEARINGS

DECEMBER 3, 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.

Correction

MC-F-12313, Whitfield Transportation, Inc.—Purchase (Portion)—Lee Hawkes Transfer, Inc. and Whitfield Transportation, Inc.—Control and Merger—Miller Bros. Truck Line and MC 108461 (Sub-No. 123), Whitfield Transportation, Inc., now assigned January 17, 1977, at Salt Lake City, Utah, will be held in Room 314, Annex Building, 135 South State Street, instead of Room 1314.

MC 138274 (Sub-No. 16), Shippers Best Express, Inc., now assigned January 12, 1977, at Salt Lake City, Utah will be held in Room 314, Annex Building, 135 South State Street, instead of Room 1314.

MC-F-12787, Bowen Trucking Co., Inc.—Control—Dalgarno Transportation, Inc., now assigned January 13, 1977, at Salt Lake City, Utah will be held in Room 314, Annex Building, 135 South State Street, instead of Room 1314.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36090 Filed 12-7-76;8:45 am]

[Notice No. 206]

ASSIGNMENT OF HEARINGS

DECEMBER 3, 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.

FD 28322, Chicago, South Shore and South Bend Railroad Discontinuance of all Passenger Train Service, now being assigned January 3, 1977 (4 days), at Michigan City, Indiana, January 7, 1977 (1 day) at South Bend, Indiana, January 8 & 10 thru 11, 1977 (3 days) at Gary, Indiana, January 12, 1977 (1 day) at Hammond, Indiana, January 13, 1977 (1 day) at East

Chicago, Indiana and January 14, 1977 (1 day) at Chicago, Illinois; in a hearing room to be later designated.

MC 114533 Sub 343, Bankers Dispatch Corporation, now being assigned March 14, 1977 (4½ days), at Chicago, Ill., in a hearing room to be later designated.

MC 136786 (Sub-96), Robeco Transportation, Inc., now assigned January 19, 1977 at Kansas City, Missouri, hearing canceled and the application is dismissed.

MC 139495 (Sub-144), National Carriers, Inc., now assigned January 18, 1977 at Kansas City, Missouri; will be held in Room 609 Federal Office Building, 911 Walnut Street.

MC 113651 (Sub-197), Indiana Refrigerator Lines, Inc., now being assigned January 19, 1977 (1 day) at Kansas City, Missouri; in Room 609 Federal Office Building, 911 Walnut Street.

MC 138627 (Sub-10), Smithway Motor Express, Inc., now assigned January 20, 1977 at Kansas City, Missouri; will be held in Room 609 Federal Office Building, 911 Walnut Street.

MC 114211 (Sub-263), Warren Transport, Inc., now assigned January 24, 1977 at Kansas City, Missouri; will be held in Room 609 Federal Office Building, 911 Walnut Street.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36091 Filed 12-7-76;8:45 am]

[Ex Parte No. 121; Revised Exemption No. 121]

BALTIMORE AND OHIO RAILROAD CO. ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, That The Baltimore and Ohio Railroad Company (BO), The Chesapeake and Ohio Railway Company (CO), the Norfolk and Western Railway Company (N&W), and the Western Maryland Railway Company (WM) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 401, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the BO, CO, N&W, and WM without regard to the requirements of Car Service Rules 1 and 2.

Reporting marks

BO	CO	N.&W.	WM
BO.....	CO.....	ACY.....	WM
		NKP	
		P. & W.V.	
		VGN	
		WAB	
		N.&W.	

+ Addition.

Effective November 30, 1976.

Expires February 28, 1977.

Issued at Washington, D.C., November 23, 1976.

INTERSTATE COMMERCE
COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-36093 Filed 12-7-76;8:45 am]

[AB 130]

COTTON PLANT-FARGO RAILWAY CO.

Abandonment Between the City of Cotton Plant and Fargo in Woodruff and Monroe Counties, Arkansas

NOVEMBER 22, 1976.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment of the Cotton Plant-Fargo Railway Company of its line between Cotton Plant and Fargo, a distance of 6 miles, in Woodruff and Monroe Counties, Ark., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because the line has handled a low volume of traffic and only the station of Cotton Plant will lose direct rail access. Rail service will continue at both Fargo and Brinkley, the latter being served by intersecting rail lines and the interstate highway system. Furthermore, the diversion of rail traffic to motor carriers will result in the addition of approximately one truck a day on the area's highways. This will result in an insignificant increase in fuel consumption and air pollution emissions.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20424; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before January 4, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or

absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36094 Filed 12-7-76; 8:45 am]

[AB 101 (Sub-No. 2)]

DULUTH, MISSABE AND IRON RANGE RAILWAY CO.

Abandonment Between Sawbill Landing
and Forest Center in Lake County,
Minnesota

NOVEMBER 30, 1976.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Duluth, Missabe and Iron Range Railway Company between Sawbill Landing and Forest Center in Lake County, Minn., a distance of 7.34 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2) (C) of the NEPA.

It was concluded, among other things, that although it is anticipated that commercial harvesting of forest products in the Portal Zone of the Boundary Waters Canoe Area will continue, the forest area tributary to the subject line has been cut over extensively and future timber sales would not be of the magnitude to necessitate the continued existence and operation of the line for environmental reasons. The Forest Service has indicated that the rail line right-of-way may be converted into a Forest Service road thereby facilitating future management practices. No historical or major ecological effects are anticipated if the requested abandonment is approved.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before January 4, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36087 Filed 12-7-76; 8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINA- TION OF GATEWAY LETTER NOTICES

DECEMBER 3, 1976.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. 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 8973 (Sub-No. E79), filed July 1, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such building material as is aluminum sheet*, from the facilities of Alcan Aluminum Corporation at Fairmont, W. Va., to that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 209, to junction New York Highway 97, thence along New York Highway 97 to New York Highway 42, thence along New York Highway 42 to an unmarked road at Roscoe, N.Y., thence north along the unmarked road to New York Highway 30, thence along New York Highway 30 to junction New York Highway 206, thence west on New York Highway 206 to junction New York Highway 10, thence north on New York Highway 10 through Delhi to Richmondville, thence west on New York Highway 7 to West Richmondville, and an unmarked road, thence north along the unmarked road to New York Highway 10, thence north on New York Highway 10 to New York Highway 5, thence east on New York Highway 5 to junction New York Highway 30A, thence north on New York Highway 30A to New York Highway 29, thence east on New York Highway 29 to Saratoga Springs, thence south on New York Highway 9P to an unmarked road due west of Quaker Springs, thence east and south along the unmarked road to U.S. Route 4, thence along U.S. Highway 4 to its junction with New York Highway 67, thence east on New York Highway 67 to an unmarked road going north through South Cambridge to Cambridge,

thence south on New York Highway 22 to the first unmarked road heading east, thence east along the road to the Vermont State line. The purpose of this filing is to eliminate the gateway of the facilities of Alcan Aluminum Corporation at South Kearny, N.J.

No. MC 8973 (Sub-No. E80), filed July 1, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such building material as is aluminum sheet*, from the facilities of Alcan Aluminum Corporation at Oswego, N.Y., to that part of New Jersey on and south of a line beginning at the New York-New Jersey State line at an unmarked road just north of Ringwood, New Jersey, thence south on the unmarked road through Ringwood to New Jersey secondary state highway 511, thence south on New Jersey Secondary State Highway 511 to an unmarked road at Butler, N.J., thence south along the unmarked road through Rockaway Valley to Denville, N.J., thence west along Interstate Highway 80 to New Jersey Secondary Highway 513, thence south on New Jersey Highway 513 to Chester, N.J., thence west on New Jersey Highway 24 to about one mile to an unmarked road heading south, thence south along the road to Fairmount, N.J., thence south on New Jersey Secondary Highway 517 to Interstate Highway 78, thence on New Jersey Secondary Highway 523 to Flemington, N.J., thence east on New Jersey Highway 12 to U.S. Highway 202, thence south along U.S. Highway 202 through Lambertville to the Pennsylvania State line. The purpose of this filing is to eliminate the gateway of the facilities of Alcan Aluminum Corporation at South Kearny, N.J.

No. MC 8973 (Sub-No. E81), filed July 1, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such building material as is aluminum sheet*, from the facilities of Alcan Aluminum Corporation at Oswego, N.Y., to those points in New York on and south of a line beginning at the New Jersey-New York State line at the Rockland County-Orange County boundary, thence northeast on the county line to New York Highway 210, thence east along New York Highway 210 to Stony Point, N.Y., thence south on U.S. Highway 9W to Interstate Highway 287, to junction U.S. Highway 9, thence north on U.S. Highway 9 to New York Highway 129, thence along New York Highway 129 to junction New York Highway 100, thence north on New York Highway 100 to U.S. Highway 202, thence east on U.S. Highway 202 through Brewster, N.Y., to the Connecticut-New York State line. The purpose of this filing is to eliminate

the gateway of the facilities of Alcan Aluminum Corporation at South Kearny, N.J.

No. MC 8973 (Sub-No. E82), filed July 1, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such building material as is aluminum sheet*, from the facilities of Alcan Aluminum Corporation at Warren, Ohio, to those points in New York on and east of a line beginning at the New Jersey-New York State line and extending along New York Highway 284, to junction New York Highway 302, thence north on New York Highway 302 to junction New York Highway 52, thence west on New York Highway 52 to Ellenville and U.S. Highway 209, thence north on U.S. Highway 209 to the first unmarked road going north through Pataukunk, N.Y., thence north along the unmarked road to New York Highway 28A, thence north on New York Highway 28A to New York Highway 28, thence west along New York Highway 28 to New York Highway 42, thence north on New York Highway 42 to New York Highway 23A, thence north on New York Highway 23A to New York Highway 23, thence north on New York Highway 23 to an unmarked road east of the Schoharie Reservoir, thence north on the unmarked road to another unmarked road going east through Conesville, N.Y., thence along the unmarked road to Cooksburg, N.Y., and New York Highway 81, thence east on New York Highway 81 to New York Highway 32, thence north on New York Highway 32 through Albany to Interstate Highway 787, thence north on Interstate Highway 787 to junction New York Highway 40, thence along New York Highway 40 to junction New York Highway 67, thence east along New York Highway 67 through Valley Falls, N.Y., to an unmarked road passing through White Creek, thence along the unmarked road to the Vermont-New York State line. The purpose of this filing is to eliminate the gateway of the facilities of Alcan Aluminum Corporation at South Kearny, N.J.

No. MC 8973 (Sub-No. E83), filed July 1, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sheet*, from the facilities of Alcan Aluminum Corporation at Fairmont, W. Va., to points in New York, N.Y. and its commercial zone, restricted against the transportation of Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment. The purpose of this filing is to eliminate the gateway of the facilities of Alcan

Aluminum Corporation at South Kearny, N.J.

No. MC 8973 (Sub-No. E84), filed July 1, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sheet*, from the facilities of Alcan Aluminum Corporation at Oswego, N.Y., to points in New York, N.Y. and its commercial zone, restricted against the transportation of Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those commodities requiring special equipment. The purpose of this filing is to eliminate the gateway of the facilities of Alcan Aluminum Corporation at South Kearny, N.J.

No. MC 8973 (Sub-No. E85), filed July 1, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sheet*, from the facilities of Alcan Aluminum Corporation at Warren, Ohio, to points in New York, N.Y. and its commercial zone, restricted against the transportation of Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those commodities requiring special equipment. The purpose of this filing is to eliminate the gateway of the facilities of Alcan Aluminum Corporation at South Kearny, N.J.

No. MC 8973 (Sub-No. E86), filed July 1, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such hardware, building materials, equipment, and supplies as is aluminum sheet*, except in bulk, from the facilities of Alcan Aluminum Corporation at Fairmont, W. Va., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut. The purpose of this filing is to eliminate the gateway of the facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E87), filed July 1, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such hardware, building materials, equipment, and supplies as is aluminum sheet*, except in bulk, from the facilities of Alcan Aluminum Corporation at Fairmont, W. Va., to

those points in New York on and east of a line beginning at the Pennsylvania-New York State line south of Port Jervis, thence along U.S. Highway 209 to Port Jervis, thence north on New York Highway 97 to New York Highway 42, thence north along New York Highway 42 through Monticello to New York Highway 17, thence west on New York Highway 17 to an unmarked road at Roscoe, N.Y., thence north on the unmarked road to New York Highway 30, thence along New York Highway 30 to junction New York Highway 30A, thence north on New York Highway 30A to junction New York Highway 30, thence north on New York Highway 30 to the International Boundary between United States and Canada. The purpose of this filing is to eliminate the gateway of the facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 40215 (Sub-No. E17), (correction), filed May 17, 1974, published in the FEDERAL REGISTER issue of November 10, 1976, and partially republished, as corrected, this issue. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 N. 5th St., Salina, Kans., 67401. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (m) from points in Minnesota to points in Utah on and south of a line beginning at the Utah-Colorado State line and extending along Interstate Highway 70 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction of Utah Highway 153, thence along Utah Highway 153 to its junction Utah Highway 21, thence along Utah Highway 21 to the Utah-Nevada State line. The purpose of this filing is to eliminate the gateways of Garden City, Concordia, Kansas City, Marysville, Kans. and Manhattan to Independence, Kans.

NOTE.—The purpose of this republication is to add the origin point in Part (m). The remainder of the letter-notice remains as previously published.

No. MC 55898 (Sub-No. E1), filed December 9, 1975. Applicant: DECATO BROS., INC., Heater Road, Lebanon, N.H. 03766. Applicant's representative: David M. Marshall, 135 State St., Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in New Hampshire, to points in Massachusetts. The purpose of this filing is to eliminate the gateways of Cumberland and York Counties, Maine.

No. MC-55898 (Sub-No. E2), filed December 9, 1975. Applicant: DECATO BROS., INC., Heater Road, Lebanon, N.H. 03766. Applicant's representative: David M. Marshall, 135 State St., Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in New Hampshire, to points in Rhode

Island and Connecticut. The purpose of this filing is to eliminate the gateways of Cumberland and York Counties, Maine.

No. MC 61825 (Sub-No. E747), 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 Vermont on and west 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 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, south and west 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 Kentucky Highway 30, thence west along Kentucky Highway 30 to junction Kentucky Highway 52, thence west along Kentucky Highway 52 to junction U.S. Highway 68, thence southwest along U.S. Highway 68 to junction Kentucky Highway 61, thence north along Kentucky Highway 61 to junction Kentucky Highway 88, thence west along Kentucky Highway 88 to junction U.S. Highway 62, thence southwest along U.S. Highway 62 to junction U.S. Highway 45, thence northwest along U.S. Highway 45 to junction Illinois Highway 146, thence west along Illinois Highway 146 to junction U.S. Highway 61 at Cape Girardeau, Mo.

Thence northwest along U.S. Highway 61 to junction Missouri Highway 72, thence west along Missouri Highway 72 to junction Missouri Highway 34, thence west along Missouri Highway 34 to junction U.S. Highway 60, thence west along U.S. Highway 60 to junction Missouri Highway 181, thence south along Missouri Highway 181 to junction Missouri Highway 76, thence southwest along Missouri Highway 76 to junction Missouri Highway 86, thence west along Missouri Highway 86 to junction U.S. Highway 60 thence west along U.S. Highway

60 to the Missouri-Oklahoma State line, thence north along Missouri-Oklahoma State line to the Oklahoma-Kansas State line, thence west along the Oklahoma-Kansas State line to junction U.S. Highway 169, thence west along U.S. Highway 169 to junction U.S. Highway 160, thence west along U.S. Highway 160 to junction U.S. Highway 77, thence north along U.S. Highway 77 to junction Kansas Highway 196, thence northwest along Kansas Highway 196 to junction U.S. Highway 81, thence north along U.S. Highway 81 to junction U.S. Highway 40, thence west along U.S. Highway 40 to junction U.S. Highway 183, thence north along U.S. Highway 183 to junction U.S. Highway 24, thence west along U.S. Highway 24 to junction Kansas Highway 27, thence north along Kansas Highway 27 to junction U.S. Highway 36, thence west along U.S. Highway 36 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 61825 (Sub-No. E748), 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: *New furniture and furniture parts*, from points in Florida on and bounded by a line beginning at Saint Petersburg, Fla., and extending northwest along Interstate Highway 75 to junction Interstate Highway 41, thence north along U.S. Highway 41 to junction Florida Highway 121, thence northeast along Florida Highway 121 to junction Florida Highway 24 at Gainesville, Fla., thence northeast along Florida Highway 24 to junction U.S. Highway 301, thence north along U.S. Highway 301 to the Florida-Georgia State line, thence west along the Florida-Georgia State line to junction U.S. Highway 319, thence south along U.S. Highway 319 to junction Florida Highway 365, thence south along Florida Highway 365 to junction Spring Creek, Fla., thence to the Gulf of Mexico, and thence southeast along the Gulf of Mexico to point of beginning, to points in Washington, and points in California, Idaho, Montana, North Dakota, and Oregon on and northwest of a line beginning at the Pacific Ocean at the California-Oregon State line and extending east along the California-Oregon State line to junction California Highway 139, thence southeast along California Highway 139 to junction California Highway 299, thence east along California Highway 299 to junction U.S. Highway 395, thence north along U.S. Highway 395 to junction U.S. Highway 20, thence west along U.S. Highway 20 to junction Oregon Highway 27, thence north along Oregon Highway 27 to junction U.S. Highway 26, thence northeast along U.S. Highway 26 to junction Oregon Highway 207.

Thence northeast along Oregon Highway 207 to junction Oregon Highway 74, thence east along Oregon Highway 74 to junction U.S. Highway 395, thence north along U.S. Highway 395 to junction Interstate Highway 80N, thence east along Interstate Highway 80N to junction Oregon Highway 11, thence northeast along Oregon Highway 11 to the Oregon-Washington State line, thence east along Oregon-Washington State line to the Washington-Idaho State line, thence north along the Washington-Idaho State line to junction U.S. Highway 12, thence east along U.S. Highway 12 to junction U.S. Highway 91, thence north along U.S. Highway 91 to junction U.S. Highway 87, thence east along U.S. Highway 87 to junction Montana Highway 200, thence east along Montana Highway 200 to junction Montana Highway 200S, thence east along Montana Highway 200S to junction Montana Highway 16, thence northeast along Montana Highway 16 to junction Montana Highway 200, thence northwest along Montana Highway 200 to junction North Dakota Highway 200, thence east along North Dakota Highway 200 to junction U.S. Highway 85, thence north along U.S. Highway 85 to junction U.S. Highway 2, thence east along U.S. Highway 2 to junction North Dakota Highway 40, thence north along North Dakota Highway 40 to junction North Dakota Highway 5, thence east along North Dakota Highway 5 to junction U.S. Highway 52, and thence north along U.S. Highway 52 to the United States-Canadian International Boundary line, restricted against the transportation of those commodities requiring special equipment. The purpose of this filing is to eliminate the gateways of Smythe County, Lynchburg and Bedford, Va.

No. MC 61825 (Sub-No. E749), 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: *New furniture*, from points in Florida on and east of a line beginning at the North Palm Beach, Florida and extending south along U.S. Highway 1 to junction Florida Highway 710, thence west along Florida Highway 710 to junction Interstate Highway 95, thence south along Interstate Highway 95 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction U.S. Highway 441, thence south along U.S. Highway 441 to junction Florida Turnpike, thence south along Florida Turnpike to junction U.S. Highway 27, thence northwest along U.S. Highway 27 to junction Florida Highway 27, thence south along Florida Highway 27 to junction U.S. Highway 1, thence south along U.S. Highway 1 to the Florida Bay, and thence along the Florida Bay and Gulf of Mexico to Key West, Fla., to points in Idaho, Montana, North Dakota, Oregon, Washington, and Wyoming, and points in California, Colorado, Nebraska, Nevada, South Dakota and Utah on and northwest of a line begin-

ning at Santa Cruz, Calif., and extending north along California Highway 17 to junction Interstate Highway 580, thence east along Interstate Highway 580 to junction Interstate Highway 5, thence north along Interstate Highway 5 to junction California Highway 120, thence east along California Highway 120 to junction U.S. Highway 395, thence north along U.S. Highway 395 to junction California Highway 167, thence east along California Highway 167 to junction Nevada Highway 31, thence northeast along Nevada Highway 31 to junction U.S. Highway 95, thence east along U.S. Highway 95 to junction Nevada Highway 23, thence north along Nevada Highway 23 to junction U.S. Highway 50, thence east along U.S. Highway 50 to junction Nevada Highway 73, thence southeast along Nevada Highway 73 to junction Utah Highway 21, thence southeast along Utah Highway 21 to junction U.S. Highway 91, thence north along U.S. Highway 91 to junction Utah Highway 4, thence east along Utah Highway 4 to junction U.S. Highway 89, thence northeast along U.S. Highway 89 to junction Interstate Highway 70, thence east along Interstate Highway 70 to junction Utah Highway 10.

Thence northeast along Utah Highway 10 to junction U.S. Highway 6, thence southeast along U.S. Highway 6 to junction Utah Highway 53, thence northeast along Utah Highway 53 to junction U.S. Highway 40, thence east along U.S. Highway 40 to junction Colorado Highway 64, thence east along Colorado Highway 64 to junction Colorado Highway 789, thence south along Colorado Highway 789 to junction U.S. Highway 6, thence east along U.S. Highway 6 to junction Colorado Highway 131, thence north along Colorado Highway 131 to junction Colorado Highway 134, thence east along Colorado Highway 134 to junction U.S. Highway 40, thence east along U.S. Highway 40 to junction U.S. Highway 34, thence northeast along U.S. Highway 34 to junction U.S. Highway 87, thence north along U.S. Highway 87 to the Colorado-Wyoming State line, thence east along the Colorado-Wyoming State line to the Colorado-Nebraska State line, thence east along the Colorado-Nebraska State line to junction Nebraska Highway 19, thence north along Nebraska Highway 19 to junction U.S. Highway 385, thence north along U.S. Highway 385 to junction Nebraska Highway 2, thence east along Nebraska Highway 2 to junction U.S. Highway 83, thence north along U.S. Highway 83 to junction U.S. Highway 20, thence southeast along U.S. Highway 20 to junction Nebraska Highway 13, thence north along Nebraska Highway 13 to junction Nebraska Highway 84, thence east along Nebraska Highway 84 to junction U.S. Highway 81, thence north along U.S. Highway 81 to junction South Dakota Highway 46, thence along South Dakota Highway 46 to the South Dakota-Iowa State line, to the restricted against the transportation of those commodities requiring special equipment. The purpose of this filing is to eliminate the gateways of Pulaski, Lynchburg, and Bedford, Va.

No. MC 61825 (Sub-No. E750), 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: *New furniture*, from points in Florida on and bounded by a line beginning at North Palm Beach, Fla., and extending south along U.S. Highway 1 to junction Florida Highway 710, thence west along Florida Highway 710 to junction Interstate Highway 95, thence south along Interstate Highway 95 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction U.S. Highway 441, thence south along U.S. Highway 441 to junction Florida Turnpike, thence south along Florida Turnpike to junction U.S. Highway 27, thence northwest along U.S. Highway 27 to junction Florida Highway 27, thence south along Florida Highway 27 to junction U.S. Highway 1, thence south along U.S. Highway 1 to the Florida Bay, thence along the Florida Bay to the Gulf of Mexico, thence north along the Gulf of Mexico to Saint Petersburg, Fla., thence northeast along Interstate Highway 275 to junction Interstate Highway 75, thence north along Interstate Highway 75, to junction U.S. Highway 41, thence north along U.S. Highway 41 to junction Florida Highway 121, thence northeast along Florida Highway 121 to junction Florida Highway 24 at Gainesville, Fla., thence northeast along Florida Highway 24 to junction U.S. Highway 301, thence north along U.S. Highway 301 to the Florida-Georgia State line, thence east along the Florida-Georgia State line to the Atlantic Ocean, thence south along the Atlantic Coast to point of beginning, to points in Idaho, Montana, North Dakota, Oregon and Washington, and points in California, Nevada, South Dakota, Utah, and Wyoming on and northwest of a line beginning at Jenner, Calif., and extending south along California Highway 1 to junction California Highway 116, thence east along California Highway 116 to junction California Highway 121, thence east along California Highway 121 to junction California Highway 128, thence east along California Highway 128 to junction Interstate Highway 80.

Thence east along Interstate Highway 80 to junction U.S. Highway 50, thence east along U.S. Highway 50 to junction Nevada Highway 21, thence north along Nevada Highway 21 to junction U.S. Highway 40, thence east along U.S. Highway 40 to junction Interstate Highway 80, thence east along Interstate Highway 80 to junction U.S. Highway 187, thence north along U.S. Highway 187 to junction Wyoming Highway 28, thence northeast along Wyoming Highway 28 to junction U.S. Highway 287, thence north along U.S. Highway 287 to junction Wyoming Highway 789, thence north along Wyoming Highway 789 to junction U.S. Highway 16, thence east along U.S. Highway 16 to junction Interstate Highway 90, thence east along Interstate

Highway 90 to junction U.S. Highway 16, thence southeast along U.S. Highway 16 to junction U.S. Highway 14, thence northwest along U.S. Highway 14 to junction South Dakota Highway 79, thence east along South Dakota Highway 79 to junction South Dakota Highway 34, thence east along South Dakota Highway 34 to junction South Dakota Highway 73, thence north along South Dakota Highway 73 to junction U.S. Highway 212, thence east along U.S. Highway 212, to junction South Dakota Highway 45, thence north along South Dakota Highway 45 to junction U.S. Highway 12, thence east along U.S. Highway 12 to junction South Dakota Highway 23, thence north along South Dakota Highway 23 to junction South Dakota Highway 10, thence east along South Dakota Highway 10 to the South Dakota-Minnesota State line, restricted against the transportation of those commodities requiring special equipment. The purpose of this filing is to eliminate the gateway of Pulaski, Lynchburg and Bedford, Va.

No. MC 61825 (Sub-No. E751), 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 parts*, from points in Florida on and east of a line beginning at the North Palm Beach, Fla., and extending south along U.S. Highway 1 to junction Florida Highway 710, thence west along Florida Highway 710 to junction Interstate Highway 95, thence south along Interstate Highway 95 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction U.S. Highway 441, thence south along U.S. Highway 441 to junction Florida's Turnpike, thence south along Florida's Turnpike to junction U.S. Highway 27, thence northwest along U.S. Highway 27 to junction Florida Highway 27, thence south along Florida Highway 27 to junction U.S. Highway 1, thence south along U.S. Highway 1 to the Florida Bay, and thence along the Florida Bay and Gulf of Mexico to Key West, Fla., to points in Idaho, Montana, North Dakota, Oregon, and Washington, and points in California, Nebraska, Nevada, South Dakota, Utah, and Wyoming on and northwest of a line beginning at San Francisco, California and extending northeast along Interstate Highway 80 to junction California Highway 4, thence east along California Highway 4 to junction California Highway 26, thence northeast along California Highway 26 to junction California Highway 88, thence east along California Highway 88 to junction Nevada Highway 88, thence north along Nevada Highway 88 to junction U.S. Highway 395, thence north along U.S. Highway 395 to junction U.S. Highway 50, thence east along U.S. Highway 50 to junction U.S. Highway 91, thence north along U.S. Highway 91 to junction U.S. Highway 189, thence northeast along U.S. Highway 189 to junction U.S. Highway 40, thence east

along U.S. Highway 40 to junction Utah Highway 44.

Thence north along Utah Highway 44 to junction Wyoming Highway 530, thence north along Wyoming Highway 530 to junction Interstate Highway 80, thence east along Interstate Highway 80 to junction U.S. Highway 287, thence north along U.S. Highway 287 to junction Wyoming Highway 34, thence northeast along Wyoming Highway 34 to junction U.S. Highway 87, thence north along U.S. Highway 87 to junction U.S. Highway 20, thence east along U.S. Highway 20 to junction Nebraska Highway 61, thence north along Nebraska Highway 61 to junction South Dakota Highway 73, thence north along South Dakota Highway 73 to junction U.S. Highway 18, thence east along U.S. Highway 18 to junction U.S. Highway 183, thence north along U.S. Highway 183 to junction U.S. Highway 16, thence east along U.S. Highway 16 to junction South Dakota Highway 47, thence north along South Dakota Highway 47 to junction South Dakota Highway 34, and thence east along South Dakota Highway 34 to the South Dakota-Minnesota State line, restricted against the transportation of those commodities requiring special equipment. The purpose of this filing is to eliminate the gateways of Smythe County, Lynchburg, and Bedford, Va.

No. MC 61825 (Sub-No. E752), 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 parts*, from points in Florida on and bounded by a line beginning at North Palm Beach, Fla., and extending south along U.S. Highway 1 to junction Florida Highway 710, thence west along Florida Highway 710 to junction Interstate Highway 95, thence south along Interstate Highway 95 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction U.S. Highway 441, thence south along U.S. Highway 441 to junction Florida's Turnpike, thence south along Florida's Turnpike to junction U.S. Highway 27, thence northwest along U.S. Highway 27 to junction Florida Highway 27, thence south along Florida Highway 27 to junction U.S. Highway 1, thence south along U.S. Highway 1 to the Florida Bay, thence along the Florida Bay to the Gulf of Mexico, thence north along the Gulf of Mexico to Saint Petersburg, Fla., thence northeast along Interstate Highway 275 to junction Interstate Highway 75, thence north along Interstate Highway 75 to junction U.S. Highway 41, thence north along U.S. Highway 41 to junction Florida Highway 121, thence northeast along Florida Highway 121 to Junction Florida Highway 24 at Gainesville, Fla., thence northeast along Florida Highway 24 to junction U.S. Highway 301, thence north along U.S. Highway 301 to the Florida-Georgia State line, thence east along the Florida-Georgia State line

to the Atlantic Ocean, and thence south along the Atlantic Coast to point of beginning, to points in Idaho, Oregon, and Washington, and points in California, Montana, Nevada, North Dakota, South Dakota, Utah, and points in Wyoming on and northwest of a line beginning at Fort Bragg, Calif., and extending south along California Highway 1 to junction California Highway 20, thence east along California Highway 20 to junction Interstate Highway 80, thence east along Interstate Highway 80 to junction California Highway 28, thence southeast along California Highway 28 to junction Nevada Highway 28.

Thence south along Nevada Highway 28 to junction U.S. Highway 50, thence east along U.S. Highway 50 to junction U.S. Highway 395, thence north along U.S. Highway 395 to junction U.S. Highway 40, thence east along U.S. Highway 40 to junction U.S. Highway 89, thence north along U.S. Highway 89 to junction Utah Highway 39, thence northeast along Utah Highway 39 to junction Utah Highway 16, thence north along Utah Highway 16 to junction Utah Highway 30, thence east along Utah Highway 30 to the Utah-Wyoming State line, thence north along the Utah-Wyoming State line to the Idaho-Wyoming State line, thence north along the Idaho-Wyoming State line to junction U.S. Highway 89, thence north along U.S. Highway 89 to junction U.S. Highway 20, thence east along U.S. Highway 20 to junction U.S. Highway 14, thence east along U.S. Highway 14 to Sheridan, Wyoming, thence northwest along Interstate Highway 90 to junction Wyoming Highway 338, thence north along Wyoming Highway 338 to the Wyoming-Montana State line, thence east along the Wyoming-Montana State line to junction Montana Highway 59, thence north along Montana Highway 59 to junction U.S. Highway 212, thence southeast along U.S. Highway 212 to the Box Elder Creek, thence northeast along the Box Elder Creek to the Montana-South Dakota State line, thence south along the Montana-South Dakota State line to junction South Dakota Highway 20, thence east along South Dakota Highway 20 to junction U.S. Highway 83, thence north along U.S. Highway 83 to junction South Dakota Highway 10, thence east along South Dakota Highway 10 to junction South Dakota Highway 45, thence north along South Dakota Highway 45 to junction North Dakota Highway 3, thence north along North Dakota Highway 3 to junction North Dakota Highway 11, thence east along North Dakota Highway 11 to junction North Dakota Highway 56, thence north along North Dakota Highway 56 to junction North Dakota Highway 46, thence east along North Dakota Highway 46 to junction North Dakota Highway 1, thence north along North Dakota Highway 1 to junction U.S. Highway 10, thence east along U.S. Highway 10 to junction North Dakota Highway 32, thence north along North Dakota Highway 32 to junction North Dakota Highway 200, thence east along North Dakota Highway 200 to

the North Dakota-Minnesota State line, restricted against the transportation of those commodities requiring special equipment. The purpose of this filing is to eliminate the gateways of Smythe County, Lynchburg, and Bedford, Va.

No. MC 61825 (Sub-No. E753), 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: *New furniture, furniture parts, and furniture materials*, from points in Idaho, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, and those points in Arizona, California, and Colorado on, north and west of a line beginning at Oceanside, Calif., and extending northeast along California Highway 76 to junction U.S. Highway 395, thence north along U.S. Highway 395 to junction California Highway 79, thence north along California Highway 79 to junction Interstate Highway 10, thence east along Interstate Highway 10 to junction California Highway 62, thence northeast along California Highway 62 to junction unnumbered highway near Twenty-Nine Palms, Calif., thence northeast along unnumbered highway to junction U.S. Highway 66 at Amboy, Calif., thence east along U.S. Highway 66 to the Mohave-Coconino County line, Arizona, thence north along the Mohave-Coconino County line to the Colorado-River, thence northeast along the Colorado River to the Arizona-Utah State line, thence east along Arizona-Utah State line to the New Mexico-Colorado State line, thence east along the New Mexico-Colorado State line to junction U.S. Highway 160, thence northeast along U.S. Highway 160 to junction Colorado Highway 10, thence east along Colorado Highway 10 to junction U.S. Highway 50, thence northwest along U.S. Highway 50 to junction Colorado Highway 71, thence north along Colorado Highway 71 to junction Colorado Highway 96, thence east along Colorado Highway 96 to the Colorado-Kansas State line, to points in Florida on and east of a line beginning at North Palm Beach, Fla., and extending south along U.S. Highway 1 to junction Florida Highway 710, thence west along Florida Highway 710 to junction Interstate Highway 95, thence south along Interstate Highway 95 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction U.S. Highway 441, thence south along U.S. Highway 441 to junction Florida's Turnpike, thence south along Florida's Turnpike to junction U.S. Highway 27, thence northwest along U.S. Highway 27 to junction Florida Highway 27, thence south along Florida Highway 27 to junction U.S. Highway 1, thence south along U.S. Highway 1 to the Florida Bay, and thence along the Florida Bay and the Gulf of Mexico to Key West, Fla. The purpose of this filing is to eliminate the gateways of Bassett, Va., and points in Georgia.

No. MC 61825 (Sub-No. E754), 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: *New furniture, furniture parts, and furniture materials*, from points in Idaho, Montana, North Dakota, Oregon, South Dakota, Washington, and Wyoming, and points in California, Colorado, Nebraska, Nevada, and Utah on and north of a line beginning at Monterey, Calif., and extending east along California Highway 68 to junction U.S. Highway 101, thence southeast along U.S. Highway 101 to junction California Highway 198, thence east along California Highway 198 to junction California Highway 99, thence south along California Highway 99 to junction California Highway 63, at Tulare, Calif., thence north along California Highway 63 to junction California Highway 180, thence west along California Highway 180 to junction California Highway 41, thence north along California Highway 41 to the Fresno-Madera County Line, thence northeast along the Fresno-Madera County Line to the Madera-Mono County Line, thence north along the Madera-Mono County line to junction California Highway 203, thence east along California Highway 203 to junction U.S. Highway 395, thence southeast along U.S. Highway 395 to junction U.S. Highway 6 at Bishop, Calif., thence northeast along U.S. Highway 6 to junction Nevada Highway 25, thence southeast along Nevada Highway 25 to junction Utah Highway 56, thence east along Utah Highway 56 to junction U.S. Highway 91, thence northeast along U.S. Highway 91 to junction Utah Highway 20, thence east along Utah Highway 20 to junction U.S. Highway 89, thence north along U.S. Highway 89 to junction Interstate Highway 70, thence east along Interstate Highway 70 to junction U.S. Highway 6 at Green River, Utah, thence east along U.S. Highway 6 to junction U.S. Highway 138 at Sterling, Colorado, thence northeast along U.S. Highway 138 to junction U.S. Highway 30, thence east along U.S. Highway 30 to junction Nebraska Highway 70, thence northeast along Nebraska Highway 70 to junction Nebraska Highway 92, thence east along Nebraska Highway 92 to junction U.S. Highway 281.

Thence north along U.S. Highway 281 to junction Nebraska Highway 22, thence east along Nebraska Highway 22 to junction U.S. Highway 81, thence southeast along U.S. Highway 81 to junction at Columbus, Nebr., thence north along unnumbered highway to junction Nebraska Highway 91, thence east along Nebraska Highway 91 to junction Nebraska Highway 15, thence north along Nebraska Highway 15 to junction Nebraska Highway 35, thence northeast along Nebraska Highway 35 to junction U.S. Highway 77, thence north along U.S. Highway 77 to the Nebraska-Iowa State line, to points in Florida on and bounded

by a line beginning at North Palm Beach, Fla., and extending south along U.S. Highway Highway 1 to junction Florida Highway 710, thence west along Florida Highway 710 to junction Interstate Highway 95, thence south along Interstate Highway 95 to junction U.S. Highway 98, thence west along U.S. Highway 98 to junction U.S. Highway 441, thence south along U.S. Highway 441 to junction Florida's Turnpike, thence south along Florida's Turnpike to junction U.S. Highway 27, thence northwest along U.S. Highway 27 to junction Florida Highway 27, thence south along Florida Highway 27 to junction U.S. Highway 1, thence south along U.S. Highway 1 to the Florida Bay, thence along the Florida Bay to the Gulf of Mexico, thence north along the Gulf of Mexico to Saint Petersburg, Fla., thence northeast along Interstate Highway 275 to junction Interstate Highway 75, thence north along Interstate Highway 75 to junction U.S. Highway 41, thence north along U.S. Highway 41 to junction Florida Highway 121, thence northeast along Florida Highway 121 to junction Florida Highway 24 at Gainesville, Fla., thence northeast along Florida Highway 24 to junction U.S. Highway 301, thence north along U.S. Highway 301 to the Florida-Georgia State line, thence east along Florida-Georgia State line to the Atlantic Ocean, and thence south along the Atlantic Coast to point of beginning. The purpose of this filing is to eliminate the gateways of Bassett, Va., and points in Georgia.

No. MC 61825 (Sub-No. E755), 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: *New furniture, furniture parts, and furniture materials*, from points in Idaho, Montana, North Dakota, Oregon, and Washington, and points in California, Nevada, South Dakota, Utah, and Wyoming on and north of a line beginning at Fort Bragg, Calif., and extending south along California Highway 1 to junction California Highway 20, thence east along California Highway 20 to junction Interstate Highway 80, thence east along Interstate Highway 80 to junction California Highway 28, thence southeast along California Highway 28 to junction Nevada Highway 28, thence south along Nevada Highway 28 to junction U.S. Highway 50, thence northeast along U.S. Highway 50 to junction U.S. Highway 95 Alternate, thence north along U.S. Highway 95 Alternate to junction U.S. Highway 40, thence northeast along U.S. Highway 40 to junction U.S. Highway 89, thence north along U.S. Highway 89 to junction Utah Highway 39, thence northeast along Utah Highway 39 to junction Utah Highway 30, thence northeast along Utah Highway 30 to the Utah-Wyoming State line, thence north along the Utah-Wyoming State line to the Idaho-Wyoming State line, thence north along Idaho-Wyoming State line

to junction U.S. Highway 89, thence north along U.S. Highway 89 to junction U.S. Highway 20, thence east along U.S. Highway 20 to junction U.S. Highway 16, thence east along U.S. Highway 16 to junction Interstate Highway 90.

Thence east along Interstate Highway 90 to junction U.S. Highway 14 Alternate, thence southeast along U.S. Highway 14 Alternate to junction South Dakota Highway 79, thence east along South Dakota Highway 79 to junction South Dakota Highway 34, thence east along South Dakota Highway 34 to junction South Dakota Highway 73, thence north along South Dakota Highway 73 to junction U.S. Highway 212, thence east along U.S. Highway 212 to junction South Dakota Highway 45, thence north along South Dakota Highway 45 to junction U.S. Highway 12, thence east along U.S. Highway 12 to the South Dakota-Minnesota State line, thence to points in Florida on and bounded by a line beginning at Saint Petersburg, Fla., and extending northwest along Interstate Highway 275 to junction Interstate Highway 75, thence north along Interstate Highway 75 to junction U.S. Highway 41, thence north along U.S. Highway 41 to junction Florida Highway 121, thence northeast along Florida Highway 121 to junction Florida Highway 24, at Gainesville, Fla., thence northeast along Florida Highway 24 to junction U.S. Highway 301, thence north along U.S. Highway 301 to the Florida-Georgia State line, thence west along the Florida-Georgia State line to junction U.S. Highway 319 thence south along U.S. Highway 319 to junction Florida Highway 365, thence south along Florida Highway 365 to Spring Creek, Fla., thence to the Gulf of Mexico, and thence southeast along the Gulf of Mexico to point of beginning. The purpose of this filing is to eliminate the gateways of Bassett, Va., and points in Georgia.

No. MC 114868 (Sub-No. E1), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 N. Nelson Street, Arlington, Va. 22201. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Washington, D.C.

No. MC 114868 (Sub-No. E2), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 N. Nelson Street, Arlington, Va. 22201. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Delaware, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Washington, D.C.

No. MC 114868 (Sub-No. E4), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 N. Nelson St., Arlington, Va. 22201. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Washington, D.C.

No. MC 114868 (Sub-No. E5), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 N. Nelson St., Arlington, Va. 22201. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Washington, D.C.

No. MC 114868 (Sub-No. E8), filed August 1, 1978. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 N. Nelson St., Arlington, Va. 22201. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Rhode Island, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Washington, D.C.

No. MC 114868 (Sub-No. E11), filed August 1, 1978. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 N. Nelson St., Arlington, Va. 22201. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Ohio on and east of Interstate Highway 77, on the one hand, and, on the other, points in South Carolina on and east of a line beginning at the Georgia-South Carolina State line and extending along Interstate Highway 20 to junction Interstate Highway 95, thence along Interstate Highway 95 to the South Carolina-North Carolina State line and (2) between points in Ohio on and north of Interstate Highway 70, on the one hand, and, on the other, points in South Carolina on and east of a line beginning at the Georgia-South Carolina State line and extending along Interstate Highway 20 to junction Interstate Highway 95, thence along Interstate Highway 95 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateway of Washington, D.C.

No. MC 114868 (Sub-No. E13), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 N. Nelson St., Arlington, Va. 22201. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of Washington, D.C.

No. MC 114868 (Sub-No. E14), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 N. Nelson St., Arlington, Va. 22201. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Delaware, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of Washington, D.C.

No. MC 114868 (Sub-No. E15), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 N. Nelson St., Arlington, Va. 22201. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio on and north of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to the Ohio-Indiana State line, on the one hand, and, on the other, points in Florida (except points on and west of a line beginning at the Georgia-Florida State line and extending along Interstate Highway 75, to junction Florida Highway 24, thence along Florida Highway 24 to the Gulf of Mexico). The purpose of this filing is to eliminate the gateway of Washington, D.C.

No. MC 114868 (Sub-No. E17), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 N. Nelson St., Arlington, Va. 22201. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 100, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio on and west of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 23 to junction Ohio Highway 4, thence along Ohio Highway 4 to Lake Erie, on the one hand, and, on the other, points in Maryland on and east of Interstate Highway 81. The purpose of this filing is to eliminate the gateway of Washington, D.C.

No. MC 114868 (Sub-No. E18), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 N. Nelson St., Arlington, Va. 22201. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio on and east of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 23 to junction Ohio Highway 4, thence along Ohio Highway 4 to Lake Erie, on the one hand, and, on the other, points in Massachusetts on and east of the Connecticut River. The purpose of this filing is to eliminate the gateway of Washington, D.C.

No. MC 114868 (Sub-No. E20), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 N. Nelson St., Arlington, Va. 22201. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio on and south of Interstate Highway 70, on the one hand, and, on the other, points in New York on and south of Interstate Highway 84. The purpose of this filing is to eliminate the gateway of Washington, D.C.

No. MC 114868 (Sub-No. E22), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 N. Nelson St., Arlington, Va. 22201. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and east of the Susquehanna River, on the one hand, and, on the other, points in Ohio on and west of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of Washington, D.C.

No. MC 114868 (Sub-No. E23), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 N. Nelson St., Arlington, Va. 22201. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Rhode Island, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of Washington, D.C.

No. MC 114868 (Sub-No. E24), filed August 1, 1975. Applicant: NEWLON'S TRANSFER & STORAGE, 1511 N. Nelson St., Arlington, Va. 22201. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200,

Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Ohio, on the one hand, and, on the other, points in Virginia on and east of Interstate Highway 95 and (2) between points in Ohio on and north of Interstate Highway 70, on the one hand, and, on the other, points in Virginia on and east of a line beginning at the North Carolina-Virginia State line and extending along Interstate Highway 85 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of Washington, D.C. and points in Maryland and Virginia within 20 miles of Washington, D.C.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36089 Filed 12-7-76; 8:45 am]

[Ex Parte No. 241; Revised Exemption No. 55]

NORFOLK AND WESTERN RAILWAY CO. AND CONSOLIDATED RAIL CORP.

Exemption Under Mandatory Car Service Rules

It appearing, That the Norfolk and Western Railway Company (N&W) and the Consolidated Rail Corporation (CR) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 401, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GE", "GH", "GRA", "GS", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the N&W and the CR without regard to the requirements of Car Service Rules 1 and 2.

Reporting marks

N. & W.		CR	
ACY	BA	EL	NH
NKP	BWC	ERIE	NYC
P. & W.V.	CASO	LHR	P. & E.
VGN	CNJ	LNE	PC
WAB	D.L. & W.	LV	PCA
			PCB
			PRR
			RDG
			TOC

Effective November 30, 1976.

Expires February 28, 1977.

Issued at Washington, D.C., November 23, 1976.

INTERSTATE COMMERCE
COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-36092 Filed 12-7-76; 8:45 am]

[AB 125]

NORFOLK SOUTHERN RAILWAY CO.

Abandonment of Operations Between Dickerson Spur and Bayboro in Craven and Pamlico Counties, North Carolina

NOVEMBER 29, 1976.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Norfolk Southern Railway Company between Dickerson Spur (near Bridgeton) and Bayboro, a distance of 14 miles in Craven and Pamlico Counties, North Carolina, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because the line has handled a low volume of traffic and alternative rail service is available within 14 highway miles of the line. Furthermore, the diversion of rail traffic to motor carriers will result in the addition of approximately one and one-half trucks a day on the area's highways. This will result in an insignificant increase in fuel consumption and air pollution emissions. Inasmuch as no physical abandonment will occur, the line will effectively remain as a future rail corridor.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before January 4, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present of future public convenience and necessity permit discontinuance of the line proposed for abandon-

ment. Consequently comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36083 Filed 12-7-76; 8:45 am]

[AB 55 (Sub-No. 7)]

SEABOARD COAST LINE RAILROAD CO.

Abandonment Between Ashwood and Sumter in Lee and Sumter Counties, South Carolina

NOVEMBER 29, 1976.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Seaboard Coast Line Railroad Company of its line between Ashwood and Sumter, a distance of 11.81 miles, all in Lee and Sumter Counties, S.C., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that diversion to motor carriers of the minimal amount of rail traffic using the line would not result in a significant increase in energy consumption, air pollution, or highway traffic. There are no indications of definitive developmental plans reliant upon continued service on the line. Sale of the right-of-way to a public agency would be consistent with current interest in acquisition of the right-of-way for recreational purposes.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before January 4, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36082 Filed 12-7-76; 8:45 am]

[AB 12 (Sub-No. 38)]

SOUTHERN PACIFIC TRANSPORTATION CO.**Abandonment Between Winona and Gerlinger, in Polk County, Oregon**

NOVEMBER 22, 1976.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Southern Pacific Transportation Company of its 7.60 mile line between Milepost 729.01 near Gerlinger and Milepost 721.41 near Winona, all in Polk County, Oregon, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are considered insignificant because the line has not generated any traffic since 1968, therefore no traffic diversion effects are involved. In addition, there are no significant ecological or historic effects associated with the proposed abandonment.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before January 4, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36086 Filed 12-7-76; 8:45 am]

[AB 12 (Sub-No. 43)]

SOUTHERN PACIFIC TRANSPORTATION CO.**Abandonment Between Wiebling and Huntington Beach in Orange County, California**

NOVEMBER 22, 1976.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Southern Pacific Transportation Company of its branch line between Wiebling and Huntington Beach, a distance of

2.09 miles, in Orange County, Calif., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that there will be no significant impacts on community development, historical sites, or local ecology resulting from the abandonment, and that the roads and highways in the area are capable of handling the small increase in truck traffic which will be diverted from the subject line.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before January 4, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36085 Filed 12-7-76; 8:45 am]

[AB 12 (Sub-No. 36)]

SOUTHERN PACIFIC TRANSPORTATION CO.**Abandonment Between Shelburn and West Stayton in Linn and Marion Counties, Oregon**

NOVEMBER 29, 1976.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Southern Pacific Transportation Company of its 3.43 miles of trackage between Shelburn and West Stayton, all in Linn and Marion Counties, Oregon, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental effects are considered insignificant because no

stations are located on the involved trackage and no definitive industrial development plans are dependent on the subject line. Furthermore, the line has not been utilized since 1973 when all traffic, which had exclusively consisted of overhead movements, was rerouted over alternate Southern Pacific lines. It was also concluded that implementation of the proposed abandonment would not result in any significant historic or ecological impacts.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before January 4, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36084 Filed 12-7-76; 8:45 am]

[AB 12 (Sub-No. 43)]

SOUTHERN PACIFIC TRANSPORTATION CO.**Abandonment Between Wiebling and Huntington Beach in Orange County, California**

NOVEMBER 22, 1976.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Southern Pacific Transportation Company of its branch line between Wiebling and Huntington Beach, a distance of 2.09 miles, in Orange County, Calif., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that there will be no significant impacts on community development, historical sites, or local ecology resulting from the abandonment, and that the roads and highways in the area are capable of handling the small increase in truck traffic which will be diverted from the subject line.

This conclusion is contained in a staff-prepared environmental threshold as-

assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C., 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before January 4, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not support to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36081 Filed 12-7-76; 8:45 am]

[AB 9 (Sub-No. 8)]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

Abandonment Between Blytheville and Monette in Mississippi and Craighead Counties, Arkansas

NOVEMBER 29, 1976.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment of the St. Louis-San Francisco Railway Company abandonment between Blytheville and Monette in Mississippi and Craighead Counties, Arkansas, a distance of 28.23 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the

meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that approval of the abandonment would divert rail traffic to motor carrier and add 2 to 3 trucks to the highways each working day. This small increase in total daily traffic levels should not significantly impact ambient environmental conditions. No endangered species are involved, nor are any historic or archeological sites, and the absence of any developmental plans precludes any adverse effect on community or rural development.

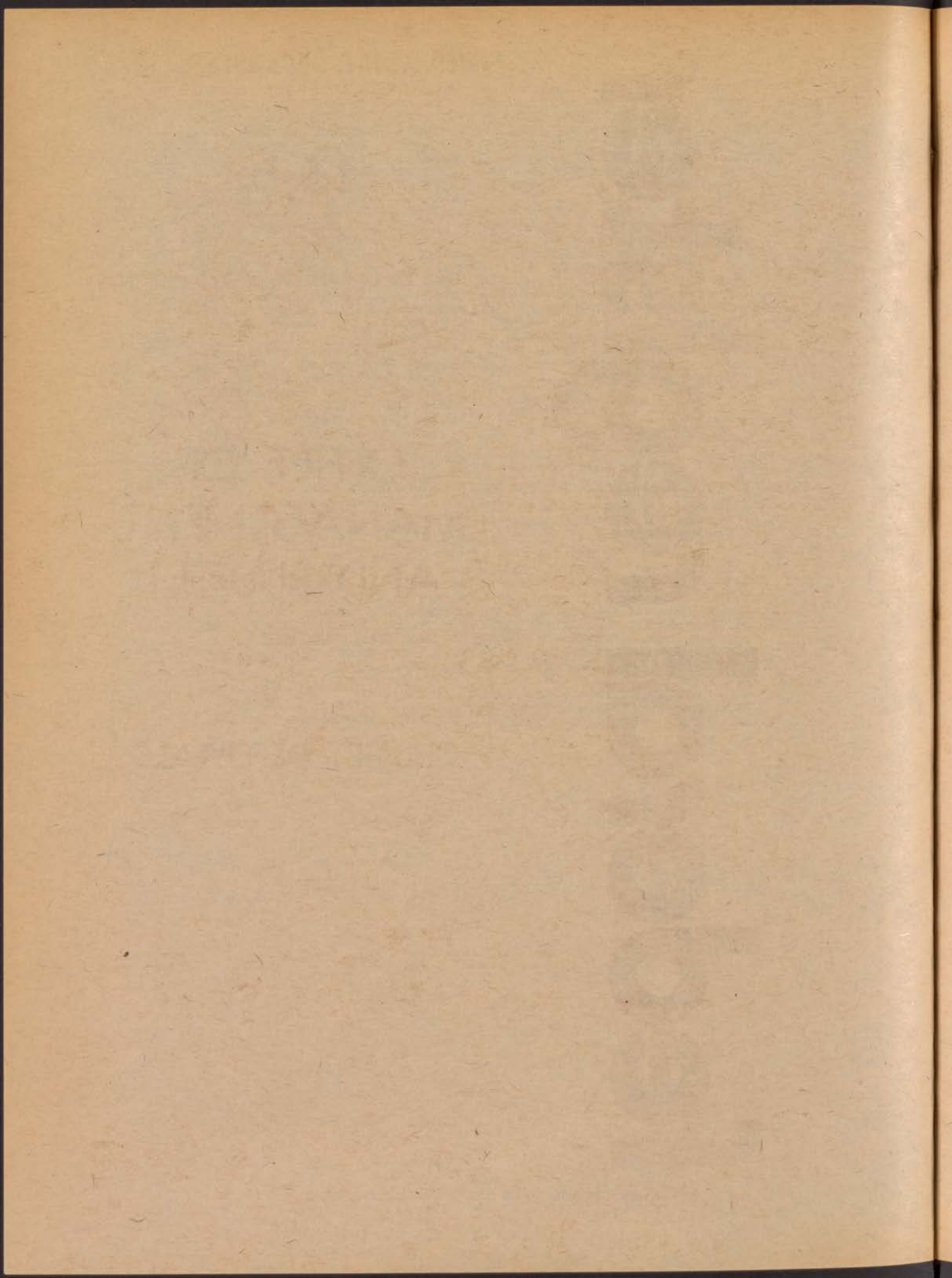
This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before January 4, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36088 Filed 12-7-76; 8:45 am]



federal register

WEDNESDAY, DECEMBER 8, 1976



PART II:

OFFICE OF MANAGEMENT AND BUDGET



BUDGET DEFERRALS

NOTICES

OFFICE OF MANAGEMENT AND BUDGET

BUDGET DEFERRALS

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I herewith report four new deferrals of funds totalling \$3.7 billion. Funds deferred were appropriated for the Department of Labor, two International Security Assistance programs, and ACTION.

In addition, I am reporting revisions to two deferrals previously transmitted. The Department of Defense military construction deferral is increased by \$259.4 million and a General Revenue Sharing deferral in the Department of the Treasury is increased by \$11.1 million.

The details of each deferral are contained in the attached reports.

Gerald R. Ford

THE WHITE HOUSE, December 3, 1976.

SUMMARY OF PROPOSED DEFERRALS
(in thousands of dollars)

Defer- ral #	Item	Budget Authority
	Funds Appropriated to the President:	
	International Security Assistance	
D77-37	Military assistance.....	73,000
D77-38	Foreign military credit sales.....	740,000
D77-10A	Defense-Military:	
	Military construction.....	335,883
	Labor:	
	Employment and Training	
	Administration	
D77-39	Advances to the unemployment trust	
	fund and other funds.....	2,919,000
	Treasury:	
	Office of the Secretary	
D77-27A	State and local government	
	fiscal assistance trust fund....	21,075 1/
	Other Independent Agencies:	
	Action	
D77-40	Operating expenses.....	550
	Total, deferrals.....	4,089,508

1/ Outlays only

SUMMARY OF SPECIAL MESSAGES
FOR FY 77
(Amounts in thousands of dollars)

	Rescissions	Deferrals
Fifth special message:		
New items.....	---	3,732,550
Changes to amounts		
previously submitted.....	---	270,475
Effect of the fifth		
special message.....	---	4,003,025
Previous special messages.....	99,100	2,016,010
Total amount proposed		
in special messages.....	99,100	6,019,035
	(in 4 rescis-	(in 40 deferrals)
	sion proposals)	

NOTE: All amounts listed represent budget authority except for \$134,807,092 consisting of two general revenue sharing deferrals of outlays only (D77-26 and D77-27A). A report for D77-26 is included in the third special message and a report for D-27A is included in this message.

D77-37

2

Deferral No: D77-37

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency funds appropriated to the President	New budget authority (P.L. 94-441)	\$ 258,500,000
Bureau International Security Assistance	Other budgetary resources	34,000,000
Appropriation title & symbol	Total budgetary resources	292,500,000
Military Assistance, 1977		
1171080	Amount to be deferred:	\$ 73,000,000
	Part of year	
	Entire year	
OMB identification code: 11-1080-0-1-052 <u>1</u>	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Other <input type="checkbox"/>	
Type of account or fund: <input checked="" type="checkbox"/> Annual	Type of budget authority: <input checked="" type="checkbox"/> Appropriation	
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Contract authority	
<input type="checkbox"/> No-year	Other <input type="checkbox"/>	

OUTLAY EFFECT

There is no outlay effect resulting from this deferral.

JUSTIFICATION

Pursuant to the Foreign Assistance Act of 1961, as amended, the President is authorized to furnish military assistance "...to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the United States and promote world peace..." The Foreign Assistance and Related Programs Appropriation Act, 1977 (Public Law 94-441) appropriated \$258,500,000 for fiscal year 1977 for this purpose. In addition, reimbursements of \$34,000,000 are expected to be paid into the account during fiscal year 1977.

However, Section 620 (x) of the Foreign Assistance Act of 1961, as amended, suspends all military assistance to the Government of Turkey "...until the President determines and certifies to the Congress that substantial progress toward agreement has been made regarding military forces in Cyprus..." During the 94th Congress, legislation was introduced that would--among other things--have the effect of removing the restrictions on military assistance to Turkey contained in Section 620 (x), but the legislation was not enacted. The amount planned for Turkey in this account in fiscal year 1977 has been deferred pending a Presidential certification regarding Cyprus or enactment of legislation by the 95th Congress which removes the Presidential certification requirements.

ESTIMATED EFFECT

This deferral will have no programmatic or budgetary impact.

1 The OMB identification code that appeared in the FY 1977 budget was 04-09-1080-0-1-052.

D77-38

2

ESTIMATED EFFECT

This deferral will have no programmatic or budgetary impact and is not restrictive in nature.

A proposal to rescind a portion of funds available in this account for 1977 is under consideration. Two factors would affect the proposal:

- On September 7, 1976, the President proposed a rescission of excess funds available in this account for the transition quarter. Subsequently, on September 28, 1976, the maximum amount of funds permitted by the authorization legislation was released. These funds were used to finance programs planned for fiscal year 1977, because the Congress had not approved the proposed rescission and the funds would otherwise have lapsed.
- Moreover, it is possible that, as the fiscal year 1977 program is executed and further loans are approved, additional funds may be found to be excess. This possibility that available funds may exceed approved loans stems from (1) the mix of funding arrangements (direct loans and loan guarantees) agreed upon with the foreign countries and (2) the overall loan level that the President determines to be most appropriate.

OUTLAY EFFECT

There is no outlay effect of this deferral because funds will be released as loans are approved.

Deferral No: D77-38

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1015 of P.L. 93-544

Agency funds appropriated to the President	New budget authority	\$ 740,000,000
Bureau	(P.L. 94-441)	
International Security Assistance	Other budgetary resources	---
Appropriation title & symbol	Total budgetary resources	740,000,000
Foreign Military Credit Sales, 1977	Amount to be deferred:	
1171082	Part of year	\$ 740,000,000
	Entire year	
OMB Identification code:	Legal authority (in addition to sec. 1013):	
11-1082-0-1-052 1/	<input type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Other <input type="checkbox"/>	
Type of account or fund:	Type of budget authority:	
<input checked="" type="checkbox"/> Annual	<input checked="" type="checkbox"/> Appropriation	
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Contract authority	
<input type="checkbox"/> No-year	Other <input type="checkbox"/>	

JUSTIFICATION

Pursuant to the Arms Export Control Act, the President is authorized to sell or finance by credit or guarantees defense articles and defense services for friendly countries to facilitate the common defense. The Foreign Assistance and Related Programs Appropriation Act, 1977 (Public Law 94-441) appropriated \$740,000,000 for fiscal year 1977 to enable the President to carry out those authorities. Under section 2 of the Arms Export Control Act, the Secretary of State, under the direction of the President, is responsible for continuous supervision and general direction of sales made under the Act, including determining whether there shall be a sale to a country and the amount thereof. Executive Order 11501 of December 22, 1969, as amended by Executive Order 11685 of September 27, 1972, delegated certain of the President's functions under the Arms Export Control Act to the Secretaries of State and Defense. Executive Order 11501 further requires the Secretary of State to obtain the prior concurrence of the Secretaries of Defense and the Treasury, respectively, regarding standards and criteria for credit and guaranty transactions that are based upon national security and financial policies.

As in the past, these funds have been deferred pending approval of specific loans to eligible countries by the Departments of State, Defense and the Treasury. Consultation among those Departments will ensure that each approved program is consistent with the foreign, national security and financial policies of the United States.

1/ The OMB identification code that appeared in the FY 1977 budget was 04-09-1082-0-1-052.

D77-10A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This report revises Deferral No. D77-10 transmitted to the Congress on October 1, 1976, and printed as House Document No. 94-650.

This revision reflects a net increase of \$259,399,799 in the amount to be deferred in fiscal year 1977 for Military Construction and Family Housing, Defense. Additional budgetary resources were made available primarily due to enactment of legislation authorizing appropriations for these accounts. The total amount now deferred is \$335,883,000.

Deferral No: D77-10A

D77-10A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-544

2

Agency	Department of Defense	New budget authority (P.L. 94-367)	\$3,451,306,000*
Bureau		Other budgetary resources	3,345,975,683*
Appropriation title & symbol		Total budgetary resources	6,797,281,683*
See Coverage section below		Amount to be deferred: Part of year	\$ 335,883,000*
		Entire year	
OMB identification code: See Coverage section below		Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Other	
Type of account or fund: <input checked="" type="checkbox"/> Annual		Type of budget authority: <input checked="" type="checkbox"/> Appropriation	
<input type="checkbox"/> Multiple-year (expiration date)		<input type="checkbox"/> Contract authority	
<input checked="" type="checkbox"/> No-year		Other	
Coverage		Appropriation Symbol	OMB Identification code II/
Account title			Amount Deferred *
Military Construction, Army		21X2050	21-2050-0-1-051 \$135,550,000
Military Construction, Navy		17X1205	17-1205-0-1-051 10,559,000
Military Construction, Air Force		57X3300	57-3300-0-1-051 32,243,000
Military Construction, Defense Agencies		97X0500	97-0500-0-1-051 11,138,000 2/
Military Construction, Army National Guard		21X2085	21-2085-0-1-051 54,745,000
Military Construction, Air National Guard		57X3830	57-3830-0-1-051 23,667,000
Military Construction, Army Reserve		21X2086	21-2086-0-1-051 37,773,000
Military Construction, Naval Reserve		17X1235	17-1235-0-1-051 13,932,000
Military Construction, Air Force Reserve		57X3730	57-3730-0-1-051 2,932,000
Family Housing, Defense		97X0700	97-0701-0-1-051 7,344,000
Family Housing, Defense		9770700	97-0701-0-1-051 -0-
			\$335,883,000

Justification

The above amounts in the listed no-year appropriations are currently deferred under provisions of the Antideficiency Act (31 U.S.C. 665) which authorizes the establishment of reserves for contingencies.

Due to the long period of time required to construct facilities, the Congress makes appropriations for this purpose available until expended. The above funds are deferred due to administrative delays, such as project designs not being completed and incomplete coordination of projects with either other Federal agencies or local government agencies. Funds will be apportioned for individual projects throughout the year upon completion of project design and/or coordination.

Estimated effects

These deferrals have no programmatic or budgetary effect because the funds could not be obligated at this time, even if they were made available.

Outlay effect

There is no outlay effect resulting from this deferral since the funds could not be used if made available.

1/ The OMB identification code that appeared in the 1977 budget for these accounts can be obtained by substituting "07-25" for the first two digits of the new codes listed here for all military construction accounts and "07-30" for the two family housing, defense accounts listed.

2/ On October 14, 1976, the deferral was increased from the amount originally reported (\$20,638,000) to \$23,638,000. The November 9, 1976, reapportionment released \$12,500,000 to arrive at the current figure.

* Revised from previous report.

D77-27A

Deferral No: D77-39

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Supplementary Report
Report Pursuant to Section 1014(c) of P.L. 93-344

Agency	U.S. Department of Labor	New budget authority (P.L. 94-439)	\$ 5,000,000,000
Bureau	Employment and Training Administration	Other budgetary resources	1,232,000,000
Appropriation title & symbol		Total budgetary resources	6,232,000,000
Advances to the Unemployment Trust Fund and Other Funds		Amount to be deferred: Part of year	\$
167/80327		Entire year	2,919,000,000
OMB identification code: 16-0327-0-1-603 1/		Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Other	
Type of account or fund: <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Multiple-year September 30, 1978 (expiration date) <input type="checkbox"/> No-year		Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	

Justification

P.L. 94-439 appropriated \$5,000,000,000 to this account to be used during fiscal years 1977 and 1978 to make advances to the Unemployment Trust Fund or to the Federal Unemployment Benefits and Allowances account whenever regularly available resources in those accounts are insufficient to pay unemployment compensation to individuals when due. It is estimated that only a portion of the appropriation will have to be used in fiscal year 1977; therefore, the remainder is reserved for use as needed in 1978.

Estimated Effects

Deferral of these funds will have no effect on those covered by unemployment compensation as the funds are not expected to be needed for benefit or allowance payments in 1977. They will be released from reserve if subsequent events indicate that additional advances are necessary.

Outlay Effect

The deferral will have no effect on outlays since the funds are not expected to be needed this year for the purpose for which they were appropriated.

1/ The OMB identification code that appeared in the FY 1977 budget was 12-05-0327-0-1-603.

This report updates Deferral No. D77-27 transmitted to the Congress on October 1, 1977, and printed as House Document No. 94-650.

This report for the State and local government fiscal assistance trust fund in the Office of the Secretary of the Treasury increases the previously reported deferral by \$11,075,234. This revision takes into account the failure of 3,286 local jurisdictions (rather than 2,800 as estimated in the original deferral) to file the reports and assurances required by law.

Deferral No: D77-27A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Treasury	New budget authority (P.L. 92-512) \$1,619,695,000
Bureau Office of the Secretary	Other budgetary resources 81,500,000
Appropriation title & symbol	Total budgetary resources 1,701,195,000
State and Local Government Fiscal Assistance Trust Fund	Amount to be deferred: \$ 21,075,234*
20X8111	Part of year 1/
	Entire year -0-
OMB identification code: 20-8111-0-7-851 2/	Legal authority (in addition to sec. 1013): *
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Antideficiency Act <input checked="" type="checkbox"/> Other Sec. 121, P.L. 92-512
Type of account or fund: *	Type of budget authority:
<input type="checkbox"/> Annual	<input checked="" type="checkbox"/> Appropriation
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Contract authority
<input checked="" type="checkbox"/> No-year	<input type="checkbox"/> Other
Justification*	

In FY 1977, scheduled quarterly payments to 3,286 local jurisdictions have been deferred by the Secretary of the Treasury because local officials have failed to submit required reports and assurances or certifications of compliance with provisions of the law.

Estimated Effect*

Each case in which the local jurisdiction has not complied with the requirements of the law will be analyzed to determine whether or not the payments are to be waived by the Office of Revenue Sharing. If they are waived, the funds will be allocated to the level of government required by the Act (usually the next higher level).

Outlay Effect

There is no outlay effect of this deferral because the funds will be made available this fiscal year.

1/ Outlays only.

2/ The OMB identification code that appeared in the FY 77 budget was 15-70-8111-0-7-851.

*Revised from previous report.

Deferral No: D77-40

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency	ACTION	New budget authority (P.L. 94-441; 94-439)	\$ 188,200,000
Bureau	Peace Corps/Domestic Programs	Other budgetary resources	7,197,000
Appropriation title & symbol		Total budgetary resources	195,397,000
Operating Expenses, International Programs 4470100		Amount to be deferred:	
Operating Expenses, Domestic Programs 4470103		Part of year	\$ 550,000
		Entire year	
OMB identification code: 44-0100-0-1-451/44-0103-0-1-151		Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Other	
Type of account or fund: <input checked="" type="checkbox"/> Annual		Type of budget authority: <input checked="" type="checkbox"/> Appropriation	
<input type="checkbox"/> Multiple-year (expiration date)		<input type="checkbox"/> Contract authority	
<input type="checkbox"/> No-year		<input type="checkbox"/> Other	

Justification

A deferral of \$550,000 for new automatic data processing acquisitions has been established until the agency has completed a requirements study which will determine the agency's actual needs. The study is designed to assure that the money will be used for automatic data processing systems that effectively, efficiently, and economically meet the agency's needs.

Estimated effects

Waiting for the completion of the study will help assure useful data systems to support agency operations in the future.

Outlay effects

There are no outlay effects of this deferral since the agency is expected to be able to obligate and spend the funds in FY 1977 after completion of the data requirements study.

1 The OMB identification codes that appeared in the FY 1977 budget were 30-01-0100-0-1-151 and 30-01-0103-0-1-451 respectively.

[FR Doc. 76-36189 Filed 12-7-76; 8:45 am]

federal register

WEDNESDAY, DECEMBER 8, 1976



PART III:

FEDERAL MARITIME COMMISSION

■

PRIVACY ACT OF 1974

Systems of Records

FEDERAL MARITIME COMMISSION PRIVACY ACT 1974 Report of Systems

Pursuant to 5 U.S.C. 552a(c)(4), the Federal Maritime Commission hereby republishes the systems of records as currently maintained by the agency. The systems were originally published on August 19, 1975 at 40 FR 36287 through 36294 and October 6, 1975 at 40 FR 46289 and 46290 and amended on October 14, 1975 at 40 FR 48335.

Additional changes not previously published in the Federal Register, but incorporated into the following republication of the systems of records are itemized below:

A. FMC-9

(1) Delete the present system name of FMC-9 "Training Purchase Order File" and substitute therefore the title "Training Program Records."

(2) Under Categories of Records in FMC-9, add the following items: "training needs assessments, and records of training received."

(3) Routine uses of this system have also been revised.

(4) Under the heading Retrievability in the FMC-9 system, add the following items: "employee name, or position title."

B. Under the heading "Routine uses of records maintained in the system, including categories of users and the purposes of such uses" for systems FMC-10—Desk Audit File; FMC-12—Merit Promotion Program File; FMC-13—Reading File; FMC-14—Medical Examination File; and FMC-16—Classification Appeals File; add: "By the Civil Service Commission in the course of an investigation, or evaluating for statistical purposes, or management analysis purposes."

C. Notice is hereby given of an additional system of records FMC-20 "Management and Program Evaluation File."

Unless further notice is given to the contrary, the changes herein stated will become effective 30 days after date of publication in the Federal Register.

By the Commission October 21, 1976.

Francis C. Hurney,
Secretary.

FMC-1

System name: Personnel Security File—FMC

System location: Office of Field Coordinator, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

Categories of individuals covered by the system: 1. Employees of the Federal Maritime Commission. 2. Applicants for employment with the Federal Maritime Commission.

Categories of records in the system: Results of name checks, inquiries, and investigations to determine suitability for employment with the U.S. Government.

Authority for maintenance of the system: Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records in this system of records are used or may be used: 1. By Commission officials to make a determination that the employment of an applicant or retention of employment of a current employee within the Commission is clearly consistent with the interests of national security. 2. To refer where there is an indication of a violation or potential violation of law, whether civil or criminal or regulatory in nature, to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. 3. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. 4. To provide information or disclose 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 letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. 5. By a court of law or appropriate administrative board or hearing having review or oversight authority.

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

Storage: Records are maintained in file folders.

Retrievability: Records are indexed alphabetically by name.

Safeguards: Records are maintained in a combination safe in the custody of the personnel security officer and access is limited to the personnel security officer and his duly authorized representatives.

Retention and disposal: Records are maintained during employment of the individual by the Federal Maritime Commission. Upon termination of employment any reports furnished by the Civil Service Commission are returned to that agency. However, results of the Civil Service investigation concerning the employee are retained by the Federal Maritime Commission.

System manager(s) and address:

Personnel Security Officer
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Notification procedure: All inquiries regarding this system of records should be addressed to:

Assistant Managing Director
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Record access procedures: Requests for access to a record should be directed to the Assistant Managing Director listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures: An individual desiring to amend a record pertaining to him shall direct such request to the Assistant Managing Director at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories: Civil Service Commission report, and reports from other federal agencies.

FMC-2

System name: Non-Attorney Practitioner File—FMC

System location: Office of Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

Categories of individuals covered by the system: Persons, not attorneys, who apply for and/or are granted permission to practice before the Commission.

Categories of records in the system: Application forms and letters of reference in relation to non-attorney practitioners.

Authority for maintenance of the system: 46 CFR 502.27.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records in this system of records are used or may be used: 1. By personnel of the Secretary's Office to determine whether a non-attorney should be admitted to practice before the Commission. 2. To refer where there is an indication of a violation or potential violation of law, whether civil or criminal or regulatory in nature, to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. 3. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. 4. To provide information or disclose 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 letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

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

Storage: Records are maintained in file folders.

Retrievability: Records are indexed alphabetically by name.

Safeguards: Records are maintained in file cabinets under the control of personnel in the Secretary's Office.

Retention and disposal: Records are maintained permanently.

System manager(s) and address: Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

Notification procedure: All inquiries regarding this system of records should be addressed to: Assistant Managing Director, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

Record access procedures: Requests for access to a record should be directed to the Assistant Managing Director listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures: An individual desiring to amend a record pertaining to him shall direct such a request to the Assistant Managing Director at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories: Applicants.

FMC-3

System name: Correspondence and Communication File—FMC

System location:

Office of Personnel
Federal Maritime Commission
1100 L Street, NW., Washington, D.C. 20573

Categories of individuals covered by the system: Employees of the Federal Maritime Commission

Applicants for employment with the Federal Maritime Commission.

Categories of records in the system: This record contains letters and memoranda on the operating activities of the Office of Personnel, along with Personnel Qualification Statements (standard form 171) of employees, and resumes of employees and applicants for employment.

Authority for maintenance of the system: 44 U.S.C.A. 3101 et seq., 5 U.S.C.A. 1302 and the regulations issued pursuant thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used or may be used: 1. By the staff of the Office of Personnel, employees of the Commission, applicants for employment, and management officials and/or supervisors for reference and historical purposes. 2. By the Civil Service Commission in the course of an investigation, or for statistical or management analysis purposes. 3. To refer where there is an indication of a violation or potential violation of law, whether civil or criminal or regulatory in nature, to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. 4. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. 5. To provide information or disclose 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 letting of a contract, or issuance of a license, grant, or other benefit, by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

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

Storage: Records are maintained in file folders.

Retrievability: Records are indexed according to subject matter.

Safeguards: Records are maintained in locked file cabinets.

Retention and disposal: Records are retained for three years, then burned.

System manager(s) and address:

Director of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Notification procedure: All inquiries regarding this system of records should be addressed to:

Assistant Managing Director
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Record access procedures: Requests for access to a record should be directed to the Assistant Managing Director listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures: An individual desiring to amend a record pertaining to him shall direct such a request to the Assistant Managing Director at the above listed address. Such request shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories: Personnel specialists of the Commission, employees of the Commission and applicants for employment with the Commission.

FMC-4

System name: Abolished and Cancelled Position Description File—FMC

System location:

Office of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Categories of individuals covered by the system: Employees of the Federal Maritime Commission

Categories of records in the system: Record contains abolished and canceled position descriptions occupied by current and former employees of the Federal Maritime Commission.

Authority for maintenance of the system: 44 U.S.C.A. 3101 et seq., 5 U.S.C.A. 1302 and the regulations issued pursuant thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records in this system of records are used or may be used: 1. By Commission officials, personnel specialists, managers, supervisors, and employees for position management and classifications. 2. By the Civil Service Commission in the course of an investigation for statistical purposes, or management analysis purposes. 3. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or issuance of a license, grant, or other benefit. 4. To provide information or disclose 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 letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

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

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by series and grade of position.

Safeguards: Records are maintained in locked file cabinets.

Retention and disposal: Records are maintained permanently.

System manager(s) and address:

Director of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Notification procedure: All inquiries regarding this system of records should be addressed to:

Assistant Managing Director
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Record access procedures: Requests for access to a record should be directed to the Assistant Managing Director listed at the above address. Requests may be in person or by mail and shall meet the

requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures: An individual desiring to amend a record pertaining to him shall direct such requests to the Assistant Managing Director at the above listed address. Such requests shall specify the desired amendment and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories: Personnel specialists of the Commission.

FMC-5

System name: Current and Active Position Description File—FMC

System location:

Office of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Categories of individuals covered by the system: Employees of the Federal Maritime Commission

Categories of records in the system: Originals of each current and active position description (optional form 8) to which any one or more employees of the Commission are assigned. This record also contains accompanying evaluation reports and/or justification statements (i.e., documents prepared to explain why a particular grade or series is designated). This record provides information on official duties and responsibilities of each position.

Authority for maintenance of the system: 44 U.S.C.A. 3101 et seq., 5 U.S.C.A. 1302 and the regulations issued pursuant thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records in this system of records are used or may be used: 1. By Commission officials, personnel specialists, managers, supervisors, and employees for position management and classification. 2. By the Civil Service Commission in the course of an investigation for statistical purposes, or management analysis purposes. 3. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or issuance of a license, grant, or other benefit. 4. To provide information to or disclose 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 letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

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

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by grade level within the organization.

Safeguards: Records are maintained in locked file cabinets.

Retention and disposal: Records are maintained for as long as they remain essential, current and accurate. Abolished or superseded records are filed in the abolished and cancelled positions description file.

System manager(s) and address:

Director of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Notification procedure: All inquiries regarding this system of records should be addressed to:

Assistant Managing Director
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Record access procedures: Requests for access to a record should be directed to the Assistant Managing Director listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures: An individual desiring to amend a record pertaining to him shall direct such request to the Assistant

Managing Director at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories: Personnel specialists of the Commission.

FMC-6

System name: Special Training Agreement File—FMC

System location:

Office of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Categories of individuals covered by the system: Employees of the Federal Maritime Commission

Categories of records in the system: This record contains information on employees of the Commission for whom special training agreements have been entered into in cases of involuntary position downgrading. They contain chronological copies of correspondence concerning this matter.

Authority for maintenance of the system: 44 U.S.C.A. 3101 et seq., 5 U.S.C.A. 4118, 5 CFR 410.901.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records in this system of records are used or may be used: 1. By Commission personnel staff for reference purposes. 2. By the Civil Service Commission for the purposes of personnel review and evaluation, and management analysis. 3. By the General Accounting Office for fiscal accountability purposes. 4. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or issuance of a license, grant, or other benefit. 5. To provide information or disclose 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 letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

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

Storage: Records are maintained in file folders.

Retrievability: Records are indexed alphabetically by name.

Safeguards: Records are maintained in locked file cabinets.

Retention and disposal: Records are maintained for three years, then burned.

System manager(s) and address:

Director of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Notification procedure: All inquiries regarding this system of records should be addressed to:

Assistant Managing Director
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Record access procedures: Requests for access to a record should be directed to the Assistant Managing Director listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures: An individual desiring to amend a record pertaining to him shall direct such request to the Assistant Managing Director at the above listed address. Such request shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories: Personnel specialists of the Commission.

FMC-7

System name: Individual Licensed Independent Ocean Freight Forwarders File—FMC

System location:

Bureau of Certification and Licensing
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Categories of individuals covered by the system: Records are maintained on individual licensees, exlicensees, and applicants for licenses.

Categories of records in the system: This record contains the vital statistics, addresses, and descriptions of the relationship of individual freight forwarders to other persons subject to the Shipping Act of 1916. This record also contains credit references, a record of forwarding and/or other experience, financial history, and criminal history of the individual freight forwarder.

Authority for maintenance of the system: Shipping Act of 1916 (46 U.S.C. 812 et seq.), FMC General Order 4.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records in this system of records are used or may be used: 1. By Commission staff for evaluation of applications for licensing. 2. By Commission staff for monitoring the activities of licensees to ensure they are in compliance with Commission regulations. 3. To refer where there is an indication of a violation or potential violation of law, whether civil or criminal or regulatory in nature, to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rules, regulations, or orders issued pursuant thereto. 4. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. 5. To provide information or disclose 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 letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

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

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name and license or application number.

Safeguards: Records are maintained in locked file cabinets.

Retention and disposal: Applicant and license files are kept as long as the application and/or license is active. Files for withdrawn and denied applicants, and revoked licenses remain in the Record Location Center for one year after final action and are then transferred to the Federal Records Center. Then, after two years they are sent to the National Archives for permanent retention.

System manager(s) and address:

Director, Bureau of Certification and Licensing
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Notification procedure: All inquiries regarding this system of records should be addressed to:

Assistant Managing Director
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Record access procedures: Requests for access to a record should be directed to the Assistant Managing Director listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures: An individual desiring to amend a record pertaining to him shall direct such request to the Assistant Managing Director at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories: 1. Information submitted by applicants and licensees. 2. Commission Field Coordinator Office. 3. Public (example complaints).

FMC-8

System name: Official Personnel Folder—FMC

System location:

Office of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Categories of individuals covered by the system: Employees of the Federal Maritime Commission.

Categories of records in the system: Official personnel folders contain the permanent records and reports of personnel actions affecting an individual's employment with the federal government, and the papers required in connection with these actions. The folder also consists of temporary documents that may lead to formal action but not constituting a permanent record in the employees file (e.g., requests for personnel actions, letters of reference, performance ratings etc.).

Authority for maintenance of the system: Executive Order 10561, September 14, 1954, 5 U.S.C.A. 2951, 5 CFR 293.202.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system of records is used or may be used: 1. By Commission officials for purposes of taking personnel action such as appointments, transfers, promotions, new assignments, or for a determination of the individual's qualifications. 2. By the Civil Service Commission in the course of an investigation of a particular employee of the Commission, or for review by the Appeals Review Board. 3. By the appropriate District Court of the United States to render a decision when the Commission has refused to release a current or former employee's record under the Freedom of Information Act, or to render a decision on a position classification appeal. 4. To refer where there is an indication, of a violation or potential violation of law, whether civil or criminal or regulatory in nature, to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rules, regulation or order issued pursuant thereto. 5. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information, if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or issuance of a license, grant, or other benefit. 6. To provide information or disclose 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 letting of a contract or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

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

Storage: Records are maintained in file folders.

Retrievability: Records are indexed alphabetically by name.

Safeguards: Records are stored in locked file cabinets.

Retention and disposal: The official personnel folder is retained only while the individual is employed by the Commission. Upon leaving the agency, the individual's record is either forwarded to the new employing agency, or the Federal Records Center.

System manager(s) and address:

Director of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Notification procedure: All inquiries regarding this system of records should be addressed to:

Assistant Managing Director
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Record access procedures: Requests for access to a record should be directed to the Assistant Managing Director listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures: An individual desiring to amend a record pertaining to him shall direct such requests to the Assistant

Managing Director at the above listed address. Such requests shall specify the desired amendment and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories: Information is supplied by the individual to whom the record pertains and personnel specialists, and other federal agencies.

FMC-9

System name: Training Program Records—FMC

System location:

Office of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Categories of individuals covered by the system: Employees of the Federal Maritime Commission.

Categories of records in the system: Records contain purchase orders on agency employees for whom training courses have been obtained, training needs assessments, and records of training received.

Authority for maintenance of the system: 44 U.S.C.A. 3101 et seq., 5 U.S.C.A. 4118, 5 CFR 410.901.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records in this system of records are used or may be used: 1. By Commission officials, personnel specialists, managers, supervisors, and employees for position management and classifications, or for analysis, reference and reporting purposes; 2. By authorized representatives of the Civil Service Commission for personnel program status reviews and evaluations, to determine an individual's qualifications or classification, and for management analysis purposes; 3. By the General Accounting Office for fiscal accountability purposes; 4. By employees of the Division of Office Services and the Office of Budget and Finance for budgetary obligation and accounting purposes; 5. By instructors, staff aides, course developers, guest lecturers, or course consultants and employees of the training facilities through which the requested training may be offered; 6. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; 7. To provide information or disclosure 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 letting of a contract, or issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

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

Storage: Records are maintained in file folders.

Retrievability: Records are maintained by the purchase order number and fiscal year, employee name, or position title.

Safeguards: Records are maintained in locked file cabinets.

Retention and disposal: Records are kept for a period of three years after which they are burned.

System manager(s) and address:

Director of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Notification procedure: All inquiries regarding this system of records should be addressed to:

Assistant Managing Director
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Record access procedures: Requests for access to a record should be directed to the Assistant Managing Director listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures: An individual desiring to amend a record pertaining to him shall direct such request to the Assistant Managing Director at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall

meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories: Personnel specialists of the Commission.

FMC-10

System name: Desk Audit File—FMC

System location:

Office of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Categories of individuals covered by the system: Current and former employees of the Federal Maritime Commission.

Categories of records in the system: Each record consists of the position classification, specialists notes of conversations, evaluation reports, background papers, and/or research material used to support the audit.

Authority for maintenance of the system: 44 U.S.C.A. 3101 et seq., 5 U.S.C.A. 1302 and the regulations issued pursuant thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system of records is used or may be used: 1. By Commission officials to support decisions on the proper classification of a position. 2. To refer where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. 3. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or issuance of a license, grant, or other benefit. 4. To provide information or disclose to a federal agency in response to its request in connection with the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. 5. By the Civil Service Commission in the course of an investigation, or evaluating for statistical purposes, or management analysis purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Records Management Policy and Practice.

Storage: Records are maintained in file folders.

Retrievability: Records are indexed alphabetically by name.

Safeguards: Records are maintained in locked file cabinets.

Retention and disposal: Records are maintained as long as the position audited remains essential, current, and accurate.

System manager(s) and address:

Director of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Notification procedure: All inquiries regarding this system of records should be addressed to:

Assistant Managing Director
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Record access procedures: Requests for access to a record should be directed to the Assistant Managing Director listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures: An individual desiring to amend a record pertaining to him shall direct such a request to the Assistant Managing Director at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories: Personnel specialists of the Commission.

FMC-11

System name: Correspondence Course on Traffic and Transportation Management—FMC

System location:

Office of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Categories of individuals covered by the system: Employees of the Federal Maritime Commission.

Categories of records in the system: Record contains correspondence between the Commission and the correspondence course school on those employees enrolled in a course.

Authority for maintenance of the system: 44 U.S.C.A. 3101 et seq., 5 U.S.C.A. 4118, 5 CFR 410.901.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records in this system of records are used or may be used: 1. By Commission personnel staff for reference purposes. 2. By the Civil Service Commission for statistical purposes or management analysis purposes. 3. By the General Accounting Office for fiscal accounting purposes. 4. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. 5. To provide information or disclose 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 letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

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

Storage: Records are maintained in file folders.

Retrievability: Records are indexed alphabetically by name.

Safeguards: Records are maintained in locked file cabinets.

Retention and disposal: Records are maintained for three years, then burned.

System manager(s) and address:

Director of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Notification procedure: All inquiries regarding this system of records should be addressed to:

Assistant Managing Director
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Record access procedures: Requests for access to a record should be directed to the Assistant Managing Director listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures: An individual desiring to amend a record pertaining to him shall direct such request to the Assistant Managing Director at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories: Personnel specialists of the Commission and Correspondence Course School.

FMC-12

System name: Merit Promotion Program File—FMC

System location:

Office of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Categories of individuals covered by the system: 1. Employees of the Federal Maritime Commission. 2. Applicants for employment with the Federal Maritime Commission.

Categories of records in the system: These files contain information about employees of the Commission and persons outside the Commission who have been considered for promotion or reassignment to vacant positions.

Authority for maintenance of the system: 44 U.S.C.A. 3101 et seq., 5 U.S.C.A. 1302 and the regulations issued pursuant thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records in this system of records are used or may be used: 1. By agency officials for the purpose of considering employees or applicants for promotions or reassignment to vacant positions. 2. By the Civil Service Commission in the course of an investigation, or for the purpose of determining a position classification appeal. 3. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or issuance of a license, grant, or other benefit. 4. To provide information or disclose 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 letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. 5. By the Civil Service Commission in the course of an investigation, or evaluating for statistical purposes, or management analysis purposes.

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

Storage: Records are maintained in file folders.

Retrievability: Records are indexed numerically.

Safeguards: Records are maintained in locked file cabinets.

Retention and disposal: Records are maintained for two years or until a Civil Service evaluation, the records are then burned.

System manager(s) and address:

Director of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Notification procedure: All inquiries regarding this system of records should be addressed to:

Assistant Managing Director
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Record access procedures: Requests for access to a record should be directed to the Assistant Managing Director listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures: An individual desiring to amend the record pertaining to him shall direct such request to the Assistant Managing Director at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories: Personnel specialists of the Commission.

FMC-13

System name: Reading File—FMC

System location:

Office of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Categories of individuals covered by the system: 1. Employees of the Federal Maritime Commission. 2. Applicants for employment with the Federal Maritime Commission.

Categories of records in the system: Records contain correspondence related to the operating activities of the Office of Personnel.

Authority for maintenance of the system: 44 U.S.C.A. 3101 et seq., 5 U.S.C.A. 1302 and the regulations issued pursuant thereto.

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

system of records are used or may be used: 1. By personnel specialists of the Commission for reference and historical purposes. 2. By fiscal representatives of the General Accounting Office for statistical and budgetary purposes. 3. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. 4. To provide information or disclose 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 letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. 5. By the Civil Service Commission in the course of an investigation, or evaluating for statistical purposes, or management analysis purposes.

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

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by subject matter.

Safeguards: Records are maintained in locked file cabinets.

Retention and disposal: Records are maintained for three years and then burned.

System manager(s) and address:

Director of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Notification procedure: All inquiries regarding this system of records should be addressed to:

Assistant Managing Director
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Record access procedures: Requests for access to a record should be directed to the Assistant Managing Director listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures: An individual desiring to amend a record pertaining to him shall direct such request to the Assistant Managing Director at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories: Personnel specialists of the Commission.

FMC-14

System name: Medical Examination File—FMC

System location:

Office of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Categories of individuals covered by the system: Employees of the Federal Maritime Commission.

Categories of records in the system: Reports of current and past medical examinations which were done in connection with employment of an individual by the Commission.

Authority for maintenance of the system: 44 U.S.C.A. 3101 et seq., 5 U.S.C.A. 1302 and the regulations issued pursuant thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records in this system of records are used or may be used: 1. To provide information to officials of other federal agencies responsible for other federal benefit programs administered by: A. Office of Workmen's Compensation. B. Veterans Administration. C. Retired Military Pay Centers. D. Social Security Administration. E. Specific private contractors engaged in providing benefits under federal contracts. 2. To refer where there is indication of a violation or potential violation of law, whether civil or criminal or regulatory in nature, to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or

charged with enforcing or implementing the statutes, rules, regulations or order issued pursuant thereto. 3. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. 4. To provide information or disclose to a federal agency in response to its request in connection with 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 by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. 5. By the Civil Service Commission in the course of an investigation, or evaluating for statistical purposes, or management analysis purposes.

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

Storage: Records are maintained in file folders.

Retrievability: Records are indexed alphabetically by name.

Safeguards: Records are maintained in locked file cabinets.

Retention and disposal: Records are maintained while the individual is employed by the Federal Maritime Commission, then they are made part of the Office Personnel Folder when the employee separates from the agency.

System manager(s) and address:

Director of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Notification procedure: All inquiries regarding this system of records should be addressed to:

Assistant Managing Director
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Record access procedures: Requests for access to a record should be directed to the Assistant Managing Director listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures: An individual desiring to amend a record pertaining to him shall direct such request to the Assistant Managing Director at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories: Employees to whom the record pertains.

Private Physician.
Medical Institutions.
Social Security Administration (Medicare).

FMC-15

System name: Service Control File—FMC

System location:

Office of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Categories of individuals covered by the system: Employees of the Federal Maritime Commission.

Categories of records in the system: This record consists of a Service Record (standard form 7S) and a Position Identification Strip (standard form 7D). This file provides summary information of organizational structure, budgeted positions, and historical and current status data on employees only for the time they have been with the Commission. The service record of each employee who leaves the agency is filed separately and retained for historical reference.

Authority for maintenance of the system: 44 U.S.C.A. 3101 et seq., 5 U.S.C.A. 1302 and the regulations issued pursuant thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system of records is used or may be used: 1. By appropriate Com-

mission officials for personnel actions such as within grade increases, conversions to career tenure, probationary ratings, terminations of limited assignments, and expiration of authorized absences. 2. By the Civil Service Commission in the course of an investigation of a particular employee of the Commission, or for management analysis and statistical purposes. 3. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, the issuance of a license, grant or other benefit. 4. To provide information or disclose 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 letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

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

Storage: Records are maintained on index cards.

Retrievability: Records are indexed alphabetically by name.

Safeguards: Records are maintained in locked file cabinets.

Retention and disposal: Records are maintained while the individual is employed by the Commission and for five years afterwards, after which they are sent to the Federal Records Center.

System manager(s) and address:

Director of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Notification procedure: All inquiries regarding this system of records should be addressed to:

Assistant Managing Director
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Record access procedures: Requests for access to a record should be directed to the Assistant Managing Director listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures: An individual desiring to amend a record pertaining to him shall direct such a request to the Assistant Managing Director at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories: Personnel specialists of the Federal Maritime Commission.

FMC-16

System name: Classification Appeals File—FMC

System location:

Office of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Categories of individuals covered by the system: Commission employees who have made position classification appeals.

Categories of records in the system: This record contains all notes, letters, memoranda, reports and position descriptions pertaining to an appeal of an individual employee.

Authority for maintenance of the system: 44 U.S.C.A. 4101 et seq., 5 U.S.C.A. 1302, and 5 CFR 713.222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This record is used or may be used: 1. By appropriate Commission officials to make a determination regarding a position classification appeal. 2. By the Civil Service Commission for the purpose of review by the Classification Appeals Office and/or the Appeals Review Board. 3. By the Appropriate District Court of the United States for the purpose of review of a final action taken on an appeal. 4. To refer where there is an indication of a violation or potential violation of law, whether civil or criminal or regulatory in nature, to the appropriate agency, whether federal, state or local, charged with the responsibility of

investigating or prosecuting such violations or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. 5. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or issuance of a license, grant, or other benefit. 6. To provide information or disclose 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 letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. 7. By the Civil Service Commission in the course of an investigation, or evaluating for statistical purposes, or for management analysis purposes.

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

Storage: Records are maintained in file folders.

Retrievability: Records are indexed alphabetically by name.

Safeguards: Records are maintained in locked file cabinets.

Retention and disposal: Records are maintained until the appeal is settled then they are filed in the correspondence and communications file.

System manager(s) and address:

Director of Personnel
Federal Maritime Commission
1100 L Street, NW. Washington, D.C. 20573

Notification procedure: All inquiries regarding this system of records should be addressed to:

Assistant Managing Director
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Record access procedures: Requests for access to a record should be directed to the Assistant Managing Director listed at the above address. Requests may be made in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures: An individual desiring to amend a record pertaining to him shall direct such a request to the Assistant Managing Director at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories: Employee to whom file pertains, personnel specialists of the Commission.

FMC-17

System name: Chronological Journal File—FMC

System location:

Office of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Categories of individuals covered by the system: Employees of the Federal Maritime Commission.

Categories of records in the system: This record contains copies of Notifications of Personnel Action (form 50) which facilitates regulatory audits and the compilation of data for statistical reports on personnel actions.

Authority for maintenance of the system: 44 U.S.C.A. 3101 et seq., 5 U.S.C.A. 1302 and the regulations issued pursuant thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records in this system of records are used or may be used: 1. By Commission officials for personnel management evaluation and for statistical reports on personnel action. 2. By the Civil Service Commission for inspection evaluations, management analysis, and statistical purposes. 3. By the General Accounting Office for regulatory audits. 4. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. 5. To provide information or disclose 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 letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

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

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by the effective date of the record.

Safeguards: Records are maintained in locked file cabinets.

Retention and disposal: Records are maintained for two years or until a Civil Service Commission inspection, then the records are burned.

System manager(s) and address:

Director of Personnel
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Notification procedure: All inquiries regarding this system of records should be addressed to:

Assistant Managing Director
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Record access procedures: Requests for access to a record should be directed to the Assistant Managing Director listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures: An individual desiring to amend a record pertaining to him shall direct such request to the Assistant Managing Director at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories: Personnel specialists of the Commission.

FMC-18

System name: Travel Orders/Vouchers File—FMC

System location: Office of Budget and Finance, Federal Maritime Commission, 1100 L Street, N. W., Washington, D. C. 20573

Office of the Chairman, Federal Maritime Commission, 1100 L Street, N. W., Washington, D. C. 20573

Categories of individuals covered by the system: Employees of the Federal Maritime Commission.

Categories of records in the system: The record consists of the initial travel order for the individual and the subsequent travel voucher prepared from information supplied by the individual which includes hotel bills, subsistence breakdown, cab fares and air fares.

Authority for maintenance of the system: Federal Travel Regulations FPMR 101-7 and Travel Expense Amendments Act of 1975 (5 U.S.C. 5701-5709), 44 U.S.C.A. 4101, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records in this system of records are used or may be used:

1. By the Commission for the authorization of travel performed by personnel of the Commission.
2. By the Commission to prepare travel vouchers for submission to GSA and to maintain internal control of travel expenses within the agency.
3. To refer where there is an indication of a violation or potential violation of law, whether civil or criminal in nature, to the appropriate agency, whether federal, state or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.
4. By the Commission to request information from a federal, state, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a

security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

5. To provide information or disclose 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 issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

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

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name or bureau.

Safeguards: Records are maintained in locked file cabinets and monitored by the Director of the Office of Budget and Finance.

Retention and disposal: The records are maintained for four years and are then destroyed by shredding.

System manager(s) and address: Director, Office of Budget and Finance, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

Notification procedure: All inquiries regarding this system of records should be addressed to: Assistant Managing Director, Federal Maritime Commission, 1100 L Street, N.W., Washington, D. C. 20573

Record access procedures: Requests for access to a record should be directed to the Assistant Managing Director listed at the above address. Requests may be in person or by mail and shall meet the requirements of section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures: An individual desiring to amend a record pertaining to him shall direct such request to the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories: Individual to whom the record pertains, hotel bills, individual's subsistence record, and Travel Requests (Airline or train).

FMC-19

System name: Confidential Statement of Employment and Financial Interests—FMC

System location: Office of General Counsel, Federal Maritime Commission, 1100 L Street, N.W., Washington, D. C. 20573

Categories of individuals covered by the system: Senior level officers, grade 15 and above, individuals employed by the Commission as settlement officers, auditors, investigators, or in policy making positions, and individuals past and present appointed by the President to the Commission.

Categories of records in the system: This record contains statements of personal and family financial and business interests, copies of blind trusts and other agreements pertaining to such interests, business creditors, and interests in real property.

Authority for maintenance of the system: E.O. 11222 (May 8, 1965)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records in this system of records are used to may be used:

1. To refer where there is an indication of a violation or potential violation of law, whether civil or criminal in nature, to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.
2. By the Commission to request information from a federal, state, or local agency maintaining civil, criminal or other relevant enforcement or other pertinent information, if necessary to obtain information relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.
3. To provide information or disclose 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 issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.
4. By the Commission in the course of presenting evidence to a court, magistrate, or administrative tribunal.

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

Storage: Records are maintained in file folders.

Retrievability: Records are indexed alphabetically by name.

Safeguards: Records are maintained in a locked file cabinet.

Retention and disposal: Records are maintained during the individual's employment and for five years thereafter; they are then destroyed.

System manager(s) and address: Employee Counselor, Office of General Counsel, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573

Notification procedure: All inquiries regarding this system of records should be addressed to: Assistant Managing Director, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

Record access procedures: Requests for access to a record should be directed to the Assistant Managing Director listed at the above address. Requests may be in person or by mail and shall meet the requirements of section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures: An individual desiring to amend a record pertaining to him shall direct such request to the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories: Individual to whom the record pertains.

FMC-20

System name: Management and Program Evaluation File

System location:

Office of Managing Director (Management Analysis)
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Categories of individuals covered by the system: Present and former employees of the Federal Maritime Commission.

Categories of records in the system: This system contains the final reports for management studies along with supporting documentation, including workpapers, and followup communications and data.

Authority for maintenance of the system: 44 U.S.C.A. 3101 et seq. and the regulations issued pursuant thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: 1. By authorized agency officials in evaluating the effectiveness and efficiency of agency programs and/or organizational components, reviewing agency poli-

cies and procedures, and for other managerial purposes; 2. By the CSC or other authorized agencies of the Government in evaluating the FMC in the course of an investigation or evaluation, or for statistical or management analysis purposes; 3. To refer where there is an indication of a violation or potential violation of law, whether civil or criminal or regulatory in nature, to the appropriate agency, whether federal, state, or local, charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto; 4. To provide information or disclose 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 letting of a contract, or issuance of a license, grant, or other benefit, by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

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

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by program or organizational units.

Safeguards: Records are maintained in locked file cabinets.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address:

Management Analyst
Office of Managing Director
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Notification procedure: All inquiries regarding this system of records should be addressed to:

Assistant Managing Director
Federal Maritime Commission
1100 L Street, NW.
Washington, D.C. 20573

Record access procedures: Requests for access to a record should be directed to the Assistant Managing Director listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures: An individual desiring to amend a record pertaining to him shall direct such a request to the Assistant Managing Director at the above listed address. Such request shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories: Management Analysis staff, agency employees, reports and contacts from other agencies, and internal and external documents.

[FR Doc.76-35354 Filed 11-26-76; 3:54 pm]

federal register

WEDNESDAY, DECEMBER 8, 1976



PART IV:

COMMISSION OF FINE ARTS



PRIVACY ACT OF 1974

Systems of Records

WEDNESDAY, OCTOBER 1, 1874

COMMISSION OF FINE ARTS

Privacy Act of 1974

Systems of Records

The purpose of this document is to give notice that the systems of records identified in notices published in the Federal Register at 40 FR 45740, 52434, continue in effect. This notice is published in compliance with the requirements of 5 U.S.C. 552a (e) (4) as added by Section 3 of the Privacy Act of 1974.

November 29, 1976.

Charles H. Atherton,
Secretary.

CFA-1

System name: Members of the Commission of Fine Arts and the Board of Architectural Consultants for Old Georgetown—CFA

Security classification: None.

System location: Commission of Fine Arts offices, 708 Jackson Place, NW., Washington, D.C. 20006.

Categories of individuals covered by the system: Presidentially-appointed members of the Commission of Fine Arts and Commission-appointed members of the Board of Architectural Consultants for Old Georgetown.

Categories of records in the system: These records contain self-supplied biographical data; relevant newspaper and periodical clippings; appointment affidavits; appointment, acceptance, resignation, and other related correspondence.

Authority for maintenance of the system: An Act Establishing a Commission of Fine Arts, Public Law 181, 61st Congress, H. R. 19962, 40 U.S.C. 104, 36 Stat. 371; Old Georgetown Act, Public Law 808, 81st Congress, H. R. 5660, 40 U.S.C. 121, 53 Stat. 1144.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are routinely used for research and reference purposes, both in-house and for other government agencies and the general public.

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

Storage: Current records are stored in files in the second floor offices of the Commission and past records are stored in files in the basement file room of the Commission.

Retrievability: Records are arranged alphabetically by last name under the general headings of "FAA (Fine Arts Act)-CFA (Commission of Fine Arts)-Members" and "FAA-OGB (Old Georgetown Board)-Members".

Safeguards: Access to the basement file room is limited to Commission staff members or individuals escorted by a staff member; access to second floor files is under surveillance by the Commission staff as all visitors must be individually admitted at the front door and are greeted by a staff member.

Retention and disposal: Records are maintained on the premises at 708 Jackson Place, NW. until such time as a determination is made to transfer them to the National Records Center; they are maintained there under the same retrievability system until such time as determination is made to transfer them to the National Archives or that they be destroyed.

System manager(s) and address: Secretary, Commission of Fine Arts, 708 Jackson Place, NW., Washington, D.C. 20006.

Notification procedure: Requests to be notified whether or not the system contains a record pertaining to an individual should be addressed to the Secretary, Commission of Fine Arts, 708 Jackson Place, NW., Washington, D.C. 20006.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information obtained from individual to whom it pertains; newspapers, periodicals, and other publications; official correspondence to and of the Commission of Fine Arts.

Systems exempted from certain provisions of the act: Not applicable.

CFA-2

System name: Personnel Administration—CFA

Security classification: None.

System location: Commission of Fine Arts offices, 708 Jackson Place, NW., Washington, D.C. 20006.

Categories of individuals covered by the system: Employees, past and present, of the Commission of Fine Arts.

Categories of records in the system: These records may contain employee time and attendance records; annual and sick leave records; personnel grievances; EEO discrimination complaints; Privacy Act implementation records; and other personnel administrative records which are not part of the personnel data maintained by the Civil Service Commission.

Authority for maintenance of the system: An Act Establishing a Commission of Fine Arts, Public Law 181, 61st Congress, H. R. 19962, 40 U.S.C. 104, 36 Stat. 371.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Except for disclosures to officers or employees of the Commission of Fine Arts in connection with the performance of their official duties for the agency, there are no routine uses.

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

Storage: These records are stored in the office safe in the basement file room of the offices of the Commission.

Retrievability: Records are arranged alphabetically by last name under the subheadings Time and Attendance Records; Annual and Sick Leave Records; Personnel Grievances; EEO Discrimination Complaint Records; Privacy Act Implementation Records; and, in all other cases, on the left side of the employee's Official Personnel Folder, also maintained alphabetically by last name in the office safe.

Safeguards: Access to the combination of the office safe is limited to the Secretary and the Assistant Secretary of the Commission, and all records retrieved from this record system will be retrieved by them.

Retention and disposal: Same as CFA-1 above.

System manager(s) and address: Secretary, Commission of Fine Arts, 708 Jackson Place, NW., Washington, D.C. 20006.

Notification procedure: Requests to be notified whether or not the system contains a record pertaining to an individual should be addressed to: Secretary, Commission of Fine Arts, 708 Jackson Place, NW., Washington, D.C. 20006.

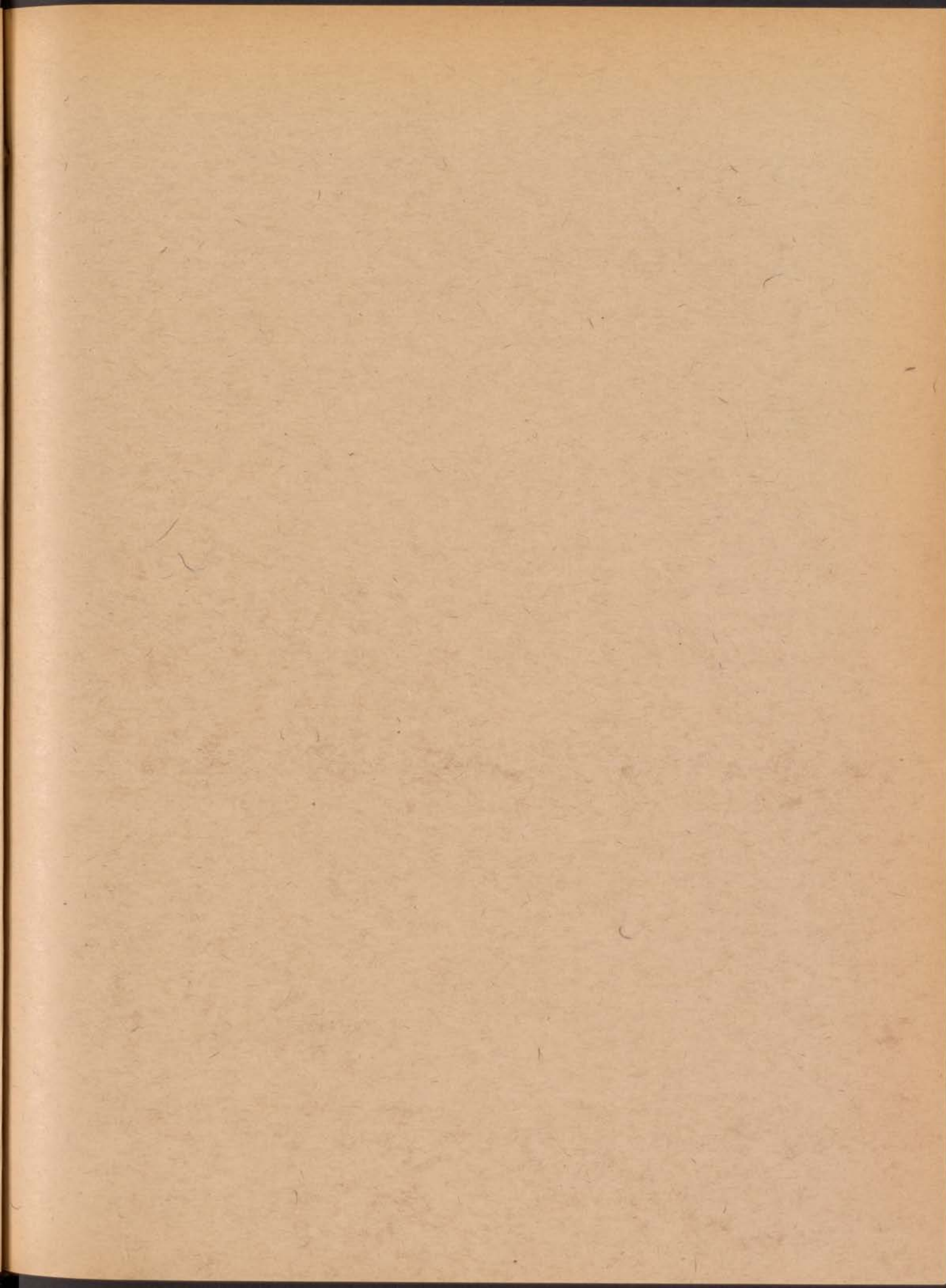
Record access procedures: Same as above.

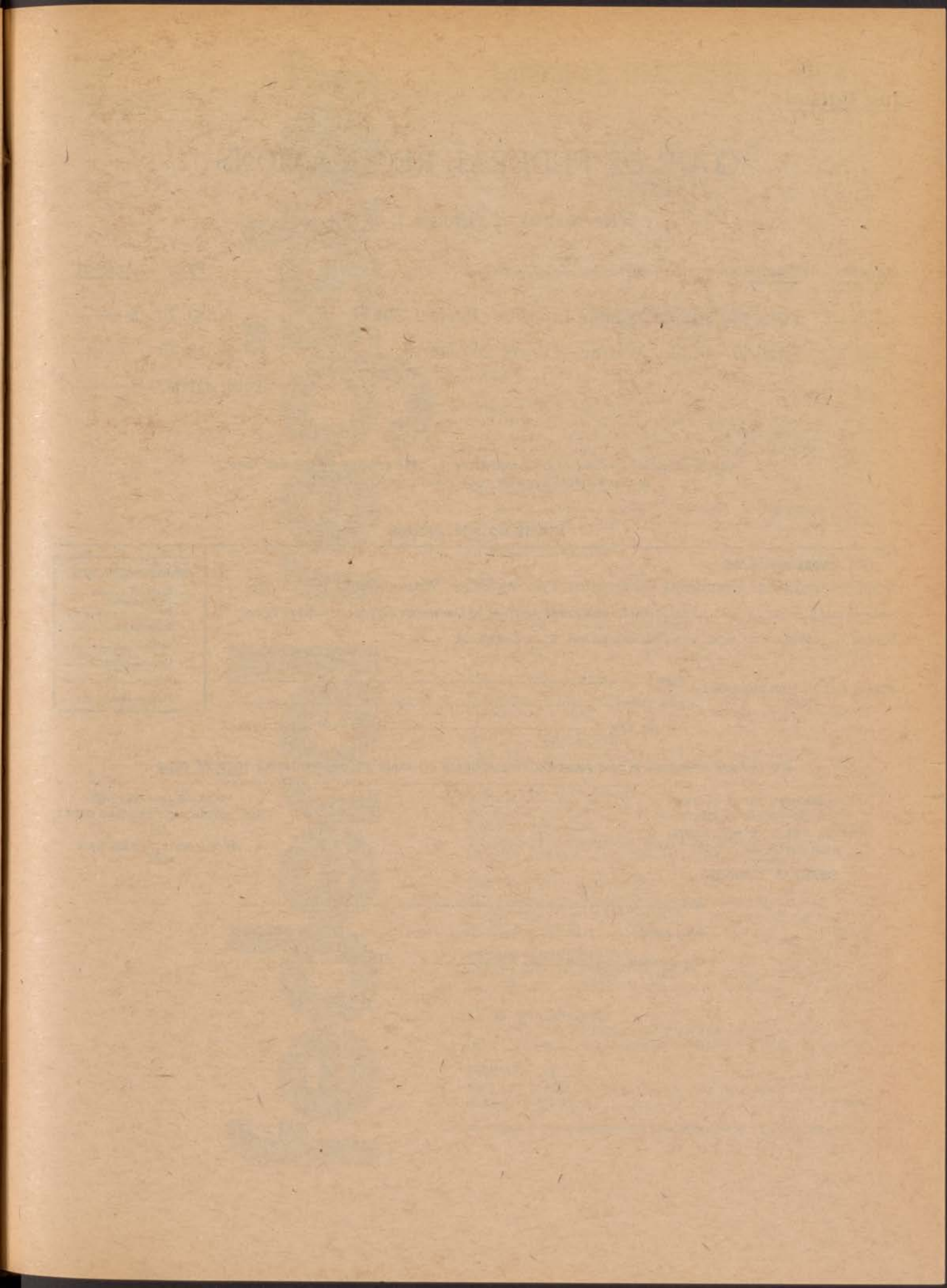
Contesting record procedures: Same as above.

Record source categories: Inter- and intra-office memos and correspondence from the individual to whom it pertains, the Secretary, the Chairman, the General Counsel, the Department of the Interior, the Civil Service Commission, and any other relevant source; bi-weekly time and attendance reports; and bi-weekly payroll statements to employees.

Systems exempted from certain provisions of the act: Not applicable.

[FR Doc. 76-35376 Filed 11-29-76; 10:30 am]





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(Revised as of October 1, 1976)

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