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THURSDAY, APRIL 1, 1976

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Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

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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 trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1976 Issuances

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

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7 Parts:	
0–45	5.80
46–51	3.80
52	5.70
53–209	5.50
700–749	3.80
750–899	1.70
900–944	3.90
945–980	2.70
981–999	2.40
1000–1059	4.00
1060–1119	4.50
1120–1199	2.80
8	2.40
13	3.60
14 Parts:	
60–199	5.60
1200–end	2.00

1975 CFR volumes previously announced are available from the Superintendent of Documents at the prices listed below:

CFR Unit (Rev. as of April 1, 1975):

Title	Price
17	$6.30
18 Parts:	
1–149	4.65
150–end	4.65
19	5.40
20 Parts:	
1–399	2.45
400–end	9.70
21 Parts:	
1–9	2.10
10–199	6.75
200–299	1.60
300–499	5.80
500–599	3.60
600–1299	2.95
1300–end	1.90
22	4.75
23	3.55
24 Parts:	
0–499	5.80
500–end	5.45
25	4.40
26 Parts:	
1 (§§ 1.0–1—1.169)	5.90
1 (§§ 1.170–1.300)	3.65
1 (§§ 1.301–1.400)	2.90
1 (§§ 1.401–1.500)	3.45
1 (§§ 1.501–1.640)	4.00
1 (§§ 1.641–1.850)	4.40
1 (§§ 1.851–1.1200)	5.80
1 (§ 1.1201–end)	6.90
2–29	3.40
30–39	3.40
40–299	5.25
300–499	3.55
500–599 (Retain CFR Vol. Rev. 4–1–74)	3.15
600–end	1.70
27 (Rev. May 1, 1975)	7.70

CFR Unit (Rev. as of July 1, 1975):

Title	Price
28	$2.70
29 Parts:	
0–499	5.90
500–1899	6.85
1900–1919	7.35
1920–end	3.50
30	5.80
31	4.90
32 Parts:	
40–399	5.99
400–589	4.90
590–699	2.35
700–799	7.55
800–999	5.35
1000–1399	2.05
1400–1599	3.65
1600–end	1.80
32A	2.85
33 Parts:	
1–199	5.95
200–end	4.60
34	1.70
35	3.90
36	3.55
37	2.10
38	7.10
39	3.10
40 Parts:	
0–49	$2.90
50–69	6.90
70–99	4.15
100–end	8.35
41 Chapters:	
1–2	6.75
3–6	6.05
7	1.80
8	1.80
9 (Rev. 11–1–75)	3.90
10–17	3.85
18 (Retain CFR Vol. Rev. 7–1–74)	7.60
19–100	3.25
101–end	6.20
General Index	3.05

CFR Unit (Rev. as of Oct. 1, 1975):

Title	Price
42	$5.15
43 Parts:	
1–999	$2.90
1000–end	7.10
44 [Reserved]	
45 Parts:	
1–99	3.25
100–199	6.80
200–499	3.55
500–end	4.90
46 Parts:	
1–29	2.20
30–40	2.15
41–69	4.40
70–89	2.05
90–109	1.95
110–139	1.90
140–149	7.50
150–165	3.75
166–199	2.60
200–end	6.50
47 Parts:	
0–19	4.25
20–69	5.25
70–79	4.60
80–end	5.60
48 [Reserved]	
49 Parts:	
1–99	1.85
100–199	6.80
200–999	5.90
1000–1199	3.55
1200–1299	7.65
1300–end	2.95
50	4.15

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

ALLOCATION, PRICE, AND LOW SULFUR PETROLEUM PRODUCTS REGULATIONS

Exemption of Residual Fuel Oil From the Mandatory Petroleum Allocation and Price Regulations

Introduction. On February 12, 1976, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (41 FR 7122, February 17, 1976) to amend 10 CFR Parts 210, 211 and 212 to exempt residual fuel oil from the Mandatory Petroleum Price and Allocation Regulations. The proposal was based on tentative conclusions with respect to residual fuel oil set forth in a document dated February 11, 1976, entitled "Preliminary Findings and Views Concerning the Exemption of Residual Fuel Oil from the Mandatory Petroleum Allocation and Price Regulations" ("Preliminary Findings"). Written comments on the exemption proposal and on the Preliminary Findings were invited through March 5, 1976, and the public hearing was held March 9, 1976.

FEA also issued a separate notice of proposed rulemaking on February 12, 1976 to adjust the entitlements program in order to correct certain distortions in the East Coast residual fuel oil market. Since the proposed exemption assumed that those distortions would be eliminated before the proposed exemption would become effective, interested persons were advised to consider the closely-related entitlements proceeding in connection with this proceeding. Concurrently with the issuance of this final rule, FEA has issued amendments to the entitlements program and to the refiners' cost allocation regulations to correct the East Coast market anomalies. The amendments are expected to enhance competition in the East Coast market by reducing the amount of the disadvantage suffered by some non-refiner importers and to prevent any marketer from obtaining an undue economic advantage as a result of decontrol.

Sixty-one written and oral comments were received in response to the notice of proposed exemption. Those offering comments included major integrated refining companies, small and independent refining companies, marketers, ultimate consumers, state governments, a foreign government and trade associations.

Almost all of the parties commenting agreed with FEA that residual fuel oil should be exempted from FEA's allocation and price regulations. This support was based generally upon agreement with FEA's conclusions as to supply and demand projections, competition, and other findings and views set forth in the Preliminary Findings. Parties opposing the exemption of residual fuel oil generally based their opposition on the belief that the current surplus supply situation might end sometime in the future, that spot shortages might occur, and that if such shortages were to occur, consumers of residual fuel oil would be without the protection of price controls and might be subject to inequitable prices.

FEA has carefully considered the comments of all persons who participated in the rulemaking. Following its consideration, FEA has concluded that its initial view that residual fuel oil should be exempted from regulations is correct.

No information or data were presented in this proceeding which significantly alter FEA's preliminary findings and views. FEA does not anticipate that supply shortages will occur in the future as predicted by some comments and in any event FEA has standby authority under section 12(f) of the Emergency Petroleum Allocation Act of 1973 (EPAA) to reimpose allocation and price controls (on a temporary or permanent basis) if necessary to attain the objectives set forth in section 4(b)(1) of the EPAA. Therefore, FEA hereby adopts the proposed amendments exempting residual fuel oil from the Mandatory Petroleum Allocation and Price Regulations. This exemption will be effective June 1, 1976 unless disapproved by either House of Congress under section 551 of the Energy Policy and Conservation Act (EPCA).

Findings and Views. In addition to this amendment to exempt residual fuel oil from the Mandatory Petroleum Allocation and Price Regulations, FEA has prepared its findings and views supporting the amendment as required by section 12 of the EPAA based upon its consideration of the comments of those persons who participated in the rulemaking and other information available to FEA. These findings and views are set forth in a document dated March 29, 1976 and entitled "Findings and Views Concerning the Exemption of Residual Fuel Oil from the Mandatory Petroleum Allocation and Price Regulations" ("Findings and Views"). These findings and views may be summarized as follows:

(1) Residual fuel oil is *not* in short supply.

Sufficient refining capacity exists, both in the U.S. and abroad, to satisfy adequately projected U.S. demand.

The East Coast has traditionally relied on Caribbean imports to supply 80–90% of its residual fuel oil demand. However, since 1973, an increasing percentage of its demand has been satisfied by domestic refining with a shift towards the U.S. Gulf Coast for supplies.

(2) Exemption of residual fuel oil from the Mandatory Petroleum Allocation and Price Regulations will not have an adverse impact on the supply of any other oil or refined product subject to the EPAA.

(3) Competition and market forces are adequate to protect consumers, following an exemption of residual fuel oil from regulation. In fact a greater degree of competition would be expected after exemption than exists under current regulations.

No price increases are anticipated to result directly from decontrol.

The residual fuel oil market share of large, integrated refiners has been decreasing since 1972, while that of the large independent and small refiners has been increasing. However, continued controls could lead to a deterioration of competition, resulting in reduced economic efficiency and higher prices.

Market anomalies on the East Coast detrimental to some marketers have existed due to the previous operation of the entitlements program. Amendments to the entitlements program and to the refiners' cost allocation regulations, however, have been issued concurrently with this exemption to correct these anomalies. The amendments are expected to enhance competition in the East Coast market by reducing the amount of the disadvantage suffered by some marketers and to prevent any marketers from obtaining an undue economic advantage as a result of decontrol.

The exemption itself will have a positive effect on competition, in particular enhancing the competitive viability of small and independent refiners and marketers.

The exemption would permit purchasers (including consumers) to seek the lowest cost supplier by freely using competitive bids without regard to fixed supplier/purchaser relationships, thereby exerting downward pressure on existing market prices and providing incentives to enhance marketing services.

The availability of consumer goods and services will not be adversely affected by exempting residual fuel oil from regulation.

(4) Exemption of residual fuel oil from regulation will not result in inequitable prices for any class of residual fuel oil or other product user.

Current market prices for domestic and foreign refined residual fuel oil are relatively equal.

Aggregate prices for residual fuel oil will remain unchanged by the exemption itself. Prices can, however, be expected to rise over time as the result of increased domestic and foreign crude costs.

Analysis of the historical price relationship between crude oil and residual fuel oil suggests that the residual fuel oil market has returned to its historical pattern following the disruptive effects of the Arab embargo.

A review of existing "banked" costs indicates that some non-refiner importers may have experienced serious difficulty passing through their increased product costs. Although banked costs for residual fuel oil at the refiner level are not specifically segregated, costs have been applied to this product in such amounts as to result in an equilibrium between domestic and foreign prices.

The Findings and Views also state FEA's views concerning the potential economic impacts of exempting residual fuel oil from the Mandatory Petroleum Allocation and Price Regulations. It is not anticipated that there will be any adverse state or regional impacts resulting from the proposed exemption. In fact, governmental units which use large quantities of residual fuel oil will find that exemption will permit them to use competitive bids more easily. In addition, FEA anticipates no adverse economic impacts on the availability of consumer goods or services, the gross national product, small business or the supply and availability of energy resources as fuel or feedstock for industry. FEA expects that the exemption will have a positive effect on competition. The exemption is likewise expected not to cause an adverse effect on employment or consumer prices. FEA's analysis of the ef-

fects of the exemption on the rate of unemployment in the U.S., on the Consumer Price Index and on the implicit price deflator for the gross national product are set forth in detail in the Findings and Views.

In addition to these findings and views, FEA is required by section 12 of the EPAA to set forth its conclusions as to whether the exemption is consistent with the objectives set forth in section 4(b)(1) of the EPAA. These objectives are:

A. protection of public health (including the production of pharmaceuticals), safety and welfare (including maintenance of residential heating, such as individual homes, apartments and similar occupied dwelling units), and the national defense;

B. maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority, and including transportation facilities and services which serve the public at large);

C. maintenance of agricultural operations, including farming, ranching, dairy, and fishing activities, and services directly related thereto;

D. preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, nonbranded independent marketers, and branded independent marketers;

E. the allocation of suitable types, grades, and quality of crude oil to refineries in the United States to permit such refineries to operate at full capacity;

F. equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, small refiners, nonbranded independent marketers, branded independent marketers, and among all users;

G. allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of exploration for, and production or extraction of—

i. fuels, and

ii. minerals essential to the requirements of the United States, and for required transportation related thereto;

H. economic efficiency; and

I. minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

FEA's conclusions, based on all information available to FEA, are that since an adequate supply is anticipated, the allocation and pricing of residual fuel oil are not necessary to protect the public health, safety and welfare (section 4(b)(1)(A)); the maintenance of agricultural operations (section 4(b)(1)(B)); or the maintenance of exploration for and production or extraction of fuels (section 4(b)(1)(F)). Adequate supply and the positive effects of increased competition should insure that the exemption is consistent with the preservation of an economically sound petroleum industry (section 4(b)(1)(C)); the equitable distribution of crude oil, residual fuel oil and refined petroleum products (section 4(b)(1)(E)); economic efficiency (section 4(b)(1)(G)); and minimization of economic distortions, inflexibility, and interference with market mechanisms (section 4(b)(1)(H)). The exemption should have no adverse effect on the allocation of suitable crude oil to U.S. refineries (section 4(b)(1)(D)).

Definition of Residual Fuel Oil. Under the proposal, "residual fuel oil" included the fuel commonly known as No. 4, No. 5 and No. 6 fuel, Bunker C, No. 4–D diesel fuel, Navy Special Fuel Oil and all other fuel oils which have a fifty percent boiling point over 700° F in the ASTM D–86 standard distillation test. The Mandatory Petroleum Allocation Regulations include within the definition of residual fuel oil crude oil, when burned directly as a fuel. FEA, however, did not propose that crude oil be exempted from either Subpart C of Part 211 or the Mandatory Petroleum Price Regulations. Consequently, as part of the proposal residual fuel oil was redefined in § 211.51 to exclude crude oil when burned directly as a fuel.

Because no comments raised valid objections to the proposed scope of the exemption, FEA has adopted the definition as proposed. Certain conforming amendments are also made to the Part 212 price regulations, to reflect the exemption of residual fuel oil. The term "residual fuel oil" has been re-defined, to include No. 4–D diesel fuel and No. 4 heating oil, and the term "covered product" has, in turn, been re-defined to exclude residual fuel oil. Also, references to permissible levels of price increases for residual fuel oil to reflect increased marketing costs (for refiners) and increased non-product costs (for resellers and retailers) have been deleted from §§ 212.87 and 212.93.

Allocation of Increased Crude Oil Costs to Residual Fuel Oil. The notice of proposed rulemaking also noted that further amendments to the price regulations applicable to refiners, beyond a simple exemption, might be necessary, depending in part on the precise nature of changes in the entitlements program with respect to residual fuel oil. Pursuant to the refiners' cost allocation formulae of § 212.83(c), the portion of the total increased cost of crude oil of each refiner which is attributable on a proportionate volumetric basis to the quantity of exempt products produced from crude oil is excluded from the amount of increased costs of crude oil which may be passed through in prices charged for covered (i.e., non-exempt) products.

The notice specified that it might be appropriate to modify this general approach to the allocation of increased crude oil costs between exempt and covered products with respect to residual fuel oil, particularly if the entitlements program were modified so that less than a full entitlement would be earned for crude oil runs attributable to production of residual fuel oil for the East Coast market, so as to increase the effective cost to each refiner of crude oil attributable to such residual fuel oil production.

The notice stated that in that event, it might be appropriate to exclude a proportionate share of increased crude oil costs *plus* the total amount of the reduction in entitlement benefits (or increased entitlement obligations) which result from the residual fuel oil modifications to the entitlements program to insure that the impact of the cost adjustments with respect to crude oil attributable to residual fuel oil production would be limited to residual fuel oil, as intended.

In addition, FEA solicited comments on whether the increased costs of crude oil attributable to residual fuel oil (and therefore not eligible for pass through in prices charged for covered products if residual fuel oil is made an exempt product) should be determined on the historical basis of actual cost allocation under price controls rather than on a volumetric basis, or whether it would be more appropriate to accomplish the adjustment based on the percentage of the refiner's actual residual fuel oil production thus eliminating the necessity of including purchases of refined product within the calculation.

With respect to the issue as to how to treat increased costs of crude oil with respect to residual fuel oil, the written comments and oral testimony generally supported the concept as set forth in the notice of proposed rulemaking of treating residual fuel oil as other exempt products under § 212.83. FEA has concluded that this approach is the most appropriate.

Pursuant to § 211.67(m), as amended, the costs or revenues resulting from entitlements transactions other than for residual fuel oil sold in the East Coast market, or any entitlements issued for the importation of residual fuel oil, into the East Coast market, constitute an increase or reduction in the total cost of crude oil for each refiner. Pursuant to § 212.83(c), as recently amended, refiners may allocate the increased total cost of crude oil between products subject to price controls and exempt products on the basis of the volumes of those product categories refined by each refiner. Based on the comments received, this approach is preferable because it appears to be the most equitable and easily administered. It is also consistent with the past treatment of exempt products under FEA price regulations.

Any adjustments to entitlement benefits because of residual fuel oil sold in the East Coast market, or because of imports of residual fuel oil may, pursuant to § 211.67(m), be reflected only in prices charged for residual fuel oil and may not be reflected in prices charged for any other products.

The notice of proposed rulemaking noted that with respect to banked costs, to the extent that any refiner may have recovered less than a proportionate share

of its increased costs of crude oil attributable to residual fuel oil on a volumetric basis, it may be appropriate to reduce that refiner's unrecovered (or "banked") costs for general refinery products by that amount. This would insure that amounts of "banked" costs attributable to the production and sale of residual fuel oil are not passed through on other covered products.

Parties commenting on this issue generally opposed reducing refiners' banked costs. Because refiners have been allowed to allocate a disproportionate amount of increased costs to residual fuel oil and it is very difficult to determine the extent to which this has or has not occurred, FEA has concluded that it would be unduly complex to determine in an equitable manner how much reduction should be made in each refiner's banked costs. Moreover, if controls are removed from other products in the general refined products category soon after the exemption of residual fuel oil, such a reduction even if now justified would no longer serve any purpose. Therefore, FEA has decided not to adopt any reduction in banked costs in connection with this exemption.

Amendments to Part 215. The rule as adopted by FEA also exempts residual fuel oil from the operation of Part 215 of FEA's regulations, which prohibits sale or receipt of petroleum products for use for burning under certain power generators that were not so using a petroleum product on December 7, 1973, and which imposes certain reporting requirements when covered power generators which burn petroleum products switch to petroleum products of a lower specified sulfur content, by weight, than that used during November of 1973. The exemption of residual fuel oil from the definition of petroleum products covered by Part 215 is necessary to make that part technically consistent with exemption of residual fuel oil from the Mandatory Petroleum Allocation and Price Regulations, and takes into account the views expressed in the two comments on Part 215 that were received by FEA in response to the Notice of Public Hearing and Opportunity for Public Comment on Reevaluation of the Mandatory Petroleum Allocation and Price Regulations (41 FR 4727, January 30, 1976).

Effective Date and Standby Authority. Comments and testimony received with respect to the time necessary between the promulgation of the exemption amendment and its implementation generally supported FEA's tentative conclusion that 30 to 45 days would be sufficient for suppliers and purchasers to establish alternative supply arrangements. In order to provide the time required for Congressional review under section 551 of the EPCA and the necessary lead time, FEA has determined that this amendment should be effective June 1, 1976.

Section 12(f) of the EPAA provides that following the exemption of any product from regulation, FEA shall have the authority at anytime to reimpose price and allocation controls if necessary to attain the objectives of the EPAA. For this reason, FEA is adopting amendments which stay the effectiveness of Subpart I of Part 211 and of the general price regulations as they would otherwise apply to residual fuel oil, without deleting those regulations from the Code of Federal Regulations. They are in effect converted to standby status, so that in the event of shortages or other occurrences which might require reimposition of controls, they may be quickly put into effect.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Public L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790 (39 FR 23185)).

In consideration of the foregoing, Parts 210, 211, 212 and 215 of Chapter II, Title 10 of the Code of Federal Regulations, are amended as set forth below, effective June 1, 1976, unless this amendment is disapproved by either House of Congress pursuant to the review procedures set forth in section 551 of the EPCA.

Issued in Washington, D.C., March 29, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

PART 210—GENERAL ALLOCATION AND PRICE RULES

1. Section 210.35 is added to Part 210 as follows:

§ 210.35 Exempted products.

(a) Residual fuel oil is exempt from the provisions of Part 211 and Part 212 of this chapter.

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

2. Section 211.1 is amended in paragraph (b) by revoking subparagraph (2), redesignating subparagraph (4) as subparagraph (2), and by adding a new subparagraph (4) to read as follows:

§ 211.1 Scope.

* * * * *

(b) *Exclusions.* * * *

(2) [Removed] * * *

(4) Notwithstanding the provisions of Subpart I of this part, residual fuel oil is excluded from this part.

§ 211.51 [Amended]

3. Section 211.51 is amended in the definition of "Residual fuel oil" by deleting the phrase "(d) crude oil when burned directly as a fuel;".

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

4. Section 212.31 is revised in the definitions of "covered products," "middle distillates," and "Residual fuel oil" to read as follows:

§ 212.31 Definitions.

* * * * *

"Covered products" means aviation fuels, benzene, butane, crude oil, gas oil, gasoline, greases, hexane, kerosene, lubricant base oil stocks, lubricants, naphthas, natural gas liquids, natural gasoline, No. 1 heating oil and No. 1-D diesel fuel, No. 2 heating oil and No. 2-D diesel fuel, propane, special naphthas (solvents), toluene, unfinished oils, xylene, and other finished products. A blend of two or more particular covered products is considered to be that particular covered product constituting the major proportion of the blend.

* * * * *

"Middle distillates" means Nos. 1 and 2 heating oils, Nos. 1-D and 2-D diesel fuels, kerosene and aviation fuels.

* * * * *

"Residual fuel oil" means No. 4 fuel oil, No. 4-D diesel fuel, those fuel oils commonly known as ASTM Grades No. 5 and No. 6 fuel oils, heavy diesel, Navy Special, Bunker C and all other fuel oils which have a fifty percent boiling point over 700° F. in the ASTM D86 standard distillation test.

* * * * *

5. Section 212.83 is amended by revising paragraph (c)(1)(ii)(B) to read as follows:

§ 212.83 Allocation of refiner's increased costs.

* * * * *

(c) *Allocation of increased product cost—(1) General rule.* * * *

(ii) *General refinery products.* * * *

(B) For purposes of this section, each of the following products or product categories shall constitute "a particular general refinery product": aviation gasoline, benzene, butane, gas oil, greases, hexane, kerosene, lubricant base oil stocks, lubricants, naphthas, natural gas liquids, natural gasoline, No. 1 heating oil and No. 1-D diesel fuel, propane, special naphthas (solvents), toluene, unfinished oils, xylene, and other finished products. A blend of two or more particular covered products is considered to be that particular covered product constituting the major proportion of the blend.

* * * * *

§ 212.87 [Amended]

6. Section 212.87 is amended by deleting paragraph (c)(4)(v) and by redesignating paragraph (c)(4)(vi) as paragraph (c)(4)(v).

PART 215—LOW SULFUR PETROLEUM PRODUCTS REGULATIONS

7. Section 215.2 is amended in the definition of "Petroleum product" to read as follows:

§ 215.2 Definitions.

* * * * *

"Petroleum product" means crude oil, refined petroleum products and petroleum coke as defined in § 211.51 of Part 211 of this chapter.

* * * * *

[FR Doc.76-9339 Filed 3-29-76;3:09 pm]

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Amendments to Old Oil Allocation Program and Further Notice of Proposed Rulemaking

On February 12, 1976, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (41 FR 7125; February 17, 1976), to amend Title 10, Part 211, of the Code of Federal Regulations with respect to the old oil allocation or entitlements program (hereinafter referred to as the "entitlements program") set forth in 10 CFR 211.67. The principal amendments proposed were to modify the entitlements program with respect to residual fuel oil marketed in the East Coast and to expand the coverage of the program to all domestic crude oil, with differing entitlement weights being assigned to old oil and to new and stripper well oil. Various other amendments were also proposed, the most significant of which clarified the treatment of exchanges of crude oil under the program and provided for a special manner of handling reporting errors for the first ten months of the program.

Comments were invited through March 2, 1976, and over 90 written comments were received. A public hearing was held on March 2 and 3, 1976, and 30 persons presented statements at this hearing. The purpose of this final rule is to take action on the amendments set forth in FEA's February 12 proposal and to request further comments as to certain of these amendments.

It should be emphasized, however, that FEA is aware that the amendments to the entitlements program adopted today are very complex and will require further review after the effect of their interaction with other FEA regulations is fully understood. In particular, before the end of this year, FEA intends to reassess the operation and effectiveness of the entitlements program.

FEA is also especially concerned as to the impact of the entitlements program, as amended today, upon new, independent refining capacity in this country, the viability of which FEA considers to be in the national interest. It is recognized that the projections upon which the amendments adopted today are based may not necessarily be fully consistent with the needs of refiners operating such new refinery capacity. These projections may also not hold true for changing market conditions in future periods which may necessitate additional adjustments to the entitlements program. Therefore, FEA will monitor closely the effects of this amendment as to new domestic refiners, and is prepared to take any action warranted to adjust the program so that it will not impact adversely on such firms.

I. Entitlement Program Amendments for East Coast Residual Fuel Oil Market

Introduction. FEA proposed amendments to the entitlements program pertaining to the East Coast residual fuel oil market to adjust the program to the peculiarities of this market. The purpose of FEA's proposal was to place marketers dependent on foreign supplies in an acceptable competitive position vis-a-vis domestic refiners.

Imports of residual fuel oil from foreign refiners into the East Coast account for between 60% and 70% of the total consumption of that product in the region. Domestic residual fuel oil production marketed in the East Coast (the most significant domestic marketer being the Amerada Hess Corporation) receives the cost equalizing benefits of the entitlements program, thus resulting in a significant disparity between the feedstock costs for the various foreign refiners and their affiliates and the crude costs of domestic refiners. This situation has been aggravated in recent months by the removal of the $2 supplemental import fee and the rollback in domestic crude oil prices under the EPCA. In summary, although the entitlements program has generally had the effect of reducing domestic refiners' crude cost disparities and resulting market distortions, it has created competitive imbalances in the East Coast residuel fuel oil market. The structure of the East Coast market is discussed at length in FEA's February 12 proposal, and reference should be made thereto for the agency's rationale for the modifications to the entitlements program in this area.

Regulatory amendments adopted. In the February 12 proposal, FEA set forth two alternative regulatory procedures for modification of the entitlements program pertaining to the residual fuel oil market on the East Coast. The first alternative would have basically reduced the entitlement value for domestic refiners' residual fuel oil production marketed in PAD District I so that domestic refiners would be placed on a higher crude cost basis, relatively equivalent to that of foreign refiners marketing in that District. The second alternative took the opposite approach and provided for the issuance of entitlements to importers of residual fuel oil refined in a foreign refinery so as to reduce their cost to a level equivalent to the cost of residual fuel produced by domestic refiners.

FEA requested that all persons commenting on these alternatives bear in mind that, concurrent with issuance of the entitlements program proposal, FEA also issued a separate notice of proposed rulemaking to exempt residual fuel oil from allocation and price controls. Thus, comments were requested as to the effect of each of these alternative proposals assuming that each such exemption would in fact take place.

FEA received numerous comments on its alternative proposed regulatory amendments. Neither alternative proposed was favored by a clear majority of firms that are actual participants in the East Coast residual fuel oil market. However, the consensus of the comments regarding the first alternative was that FEA's proposed calculations involving the use of imputed selling prices for domestic refiners were unworkable and would not achieve their intended result. As to the second alternative, some firms commenting also expressed concern as to the compatibility of the issuance of entitlements for product imports with FEA's proposal to decontrol residual fuel oil.

Finally, many comments were received with respect to the regional impact of each of the proposals. Numerous comments opposed the second alternative in that it would cause some price increases outside of the East Coast. Comments from interested parties on the East Coast, however, largely opposed the adoption of the first alternative on the grounds that it would cause a price increase for residual fuel oil in that region.

In general, however, the comments received by FEA on its proposal to modify the entitlements program as to the East Coast residual fuel oil market were very detailed and supported FEA's initial conclusions set forth in the proposal as to the need for amendments to the program in this regard. FEA wishes to express its appreciation in particular to the firms from which it requested detailed information on this matter in advance of the public hearing. These latter submissions were of significant value to the agency in its analysis of this problem. The comments received clearly indicated that a continuing advantage for domestic refiners of the type previously in effect was having a significant adverse financial effect on all firms reliant on refineries not eligible for benefits under the entitlements program. In many cases severe operating losses were being experienced, market shares had suffered severe declines and the incentives for continuing operations by certain of these firms were disappearing.

In light of these comments, FEA has concluded that mitigation of the competitive imbalance which exists in the East Coast residual fuel oil market is definitely necessary. FEA is, however, particularly concerned about the regional impact of each of its proposed alternatives. In this regard, FEA concurs with the comments received that the first proposed alternative would result in energy cost increases on the East Coast, whereas the second alternative would lower East Coast energy costs and increase those for other regions of the United States. Because of the adverse impact both alternatives have upon different areas of the country, neither alternative has been adopted. Instead, the amendment adopted hereby combines elements of the two alternatives in a manner which is expected to remove the current market distortions but which assures virtually no changes in the regional impact of the amended entitlements program compared with the program prior to this amendment.

Under the amendment adopted, issuances of entitlements will be reduced by 50% as to a domestic refiner's total production (in excess of the first 5,000 barrels per day) of residual fuel oil for sale in the Bureau of Mines East Coast Refining District. In addition, each importer of residual fuel oil (i.e., the importer of record under the import program) would receive 30% of the entitlement value of

a barrel of crude oil included in a refiner's crude oil runs for each barrel of residual fuel oil imported by it for a particular month into the BOM East Coast Refining District. Imports from the U.S. Virgin Islands would not be eligible for these entitlement issuances.

FEA adopted this amendment, which has certain features of each of the proposed alternatives, after full consideration of all the comments. FEA concluded that a more substantial entitlement deduction as to domestic residual fuel oil production would likely result in price increases for this product on the East Coast and provide incentives for domestic refiners to reduce production of residual fuel oil. Therefore, FEA has provided for an entitlement value reduction of 50% (instead of the maximum 75% reduction proposed as a possible option). FEA, however, agrees with the comments on proposed Alternative No. 1 which suggested that the use of imputed selling prices for domestic refiners was unworkable and would not achieve its intended result. Thus, it has not adopted this complicated method of reducing entitlement benefits and instead has provided for a single flat entitlement value reduction.

FEA has further decided to exempt the first 5,000 B/D of residual fuel oil production for all domestic refiners instead of just exempting firms with production levels under 5,000 B/D. FEA believes that an exemption of the first 5,000 B/D of residual fuel oil production for domestic refiners will serve as an incentive to increased domestic production and also help to maintain stable prices in the East Coast market if decontrol occurs by forcing importers to pass through the maximum amounts of product entitlement benefits in order to remain competitive.

FEA has also provide for an entitlement deduction for residual fuel oil produced for sale into the BOM East Coast District, as opposed to an automatic deduction for production within that District as contemplated by the proposal. FEA believes that the rule adopted in this regard is more in keeping with the overall purpose of this amendment, which is to mitigate market distortions on the East Coast.

The 30% value chosen for entitlement issuances for imports of residual fuel oil is the same utilized for this purpose in the first three months of the entitlements program. FEA believes that adoption of this level of entitlement value will be sufficient (when taken with the entitlement deduction for domestic production) to make the price of residual fuel oil imports competitive with domestic production. At the same time, this valuation for imports would avoid the undesirable results of a situation where world residual fuel oil prices are depressed and a high product import entitlement value is simultaneously in effect.

Finally, although the scope of FEA's proposed Alternative No. 1 was defined as PAD District I excluding Puerto Rico, in response to comments received, FEA has concluded that residual fuel oil production sold in the Bureau of Mines Petroleum Refining District Appalachian No. 1 and the U.S. Virgin Islands should also not give rise to any entitlement deduction because these areas do not generally consume imported residual fuel oil, but are almost entirely supplied by domestic refiners. Similarly, the scope of the product entitlement program has also been limited to the BOM East Coast District since this is the only area of the country experiencing substantial market distortions caused by the operation of the entitlements program.

Decontrol of residual fuel oil. Concurrent with the issuance of this rule, FEA is also transmitting to the Congress under the procedures specified in Section 551 of the EPCA the final rule adopted by the agency providing for the exemption of residual fuel oil from FEA's Mandatory Petroleum Allocation and Price Regulations. FEA has also issued in conjunction with this rule its final findings and views concerning such exemption. As provided in the EPCA, the effectiveness of this exemption is conditioned on its not having been disapproved by either House of Congress within the period specified in the EPCA.

FEA believes that the amendments adopted hereby are eminently compatible with the proposed decontrol of residual fuel oil. As shown below in the analysis of the pricing adjustments expected as a result hereof, it is not expected that there will be any significant residual fuel oil price increases resulting from the entitlement deduction for domestic production on the East Coast in the immediate future due to the combined effect of the entitlement value awarded to product imports and the exemption of the first 5,000 B/D of domestic production for each refiner.

Thus, the amendment adopted should have a stabilizing effect on prices once decontrol is effected. The product entitlement benefits granted to importers should help to hold down prices of domestic refiners while the 5,000 B/D exemption should operate to force importers to pass through the maximum amounts of product entitlement benefits in order to remain competitive. The amendment should also tend to prevent any distortions from arising in the East Coast market for No. 2 heating oil due to the substitution of heating oil for residual fuel oil while prices therein are still subject to price controls.

Projected pricing effects and regional impact. FEA's analysis of the impact on residual fuel oil prices of the adoption of this final rule indicates that the effects of the removal (in December 1975) of the $2 supplemental import fee have not yet materially influenced these prices.

Under the program before its amendment today, the level of entitlement benefits received by domestic refiners per barrel of imported crude oil would increase from approximately $1 to approximately $3 due to the removal of the fee. These benefits will, however, now be reduced by 50%, or approximately $1.50 per barrel with respect to crude oil processed into residual fuel oil for sale on the East Coast. Depending on the amounts of imported crude oil processed, the impact of the first 5,000 barrel per day exemption, and the impact of other FEA regulatory changes, the combined effect of the removal of the $2 import fee and the 50% reduction in entitlement benefits is not expected to result in any material price changes from domestic refiners' current price levels.

Domestic marketers purchasing from foreign refiners will now receive approximately 90 cents in entitlement value per imported barrel (30% of the $3.00 projected entitlement value of a barrel of crude oil). Under the current price control regulations, the full entitlement benefits like any other reduction in product costs are not required to be passed through if a marketer is selling below its maximum allowable selling price. To the extent that some importers have been selling at or below their cost of product, a full passthrough of benefits would therefore not necessarily occur. However, in order to meet competition from domestic refiners which will enjoy approximately a $.60 per barrel competitive advantage over the foreign refiners due to the higher level of entitlement benefits they receive, product importers will be under substantial market pressure to pass through the maximum amount of entitlement benefits received whether or not price controls remain in effect.

Adoption of this final rule should, therefore, at a minimum, effectively prevent any price increases in the East Coast residual fuel oil market. The impact of this amendment is also expected to have little or no effect on prices charged for covered products in other regions of the country, even though product entitlements are granted to East Coast importers. This is principally due to the fact that entitlement benefits which would otherwise have been available for domestic residual fuel oil produced or sold in the East Coast will be reduced by 50%, subject to the first 5,000 B/D exemption. The amount of this reduction is expected to be approximately equal to the amount of the entitlement benefits which will be provided to imports of residual fuel oil. However, it is FEA's belief that had no adjustment been made to the entitlements program as previously in effect, domestic refiners such as the Amerada Hess Corporation would have been in a position to significantly increase their market shares, the result of which would be to increase the entitlement benefits applicable to residual fuel oil sold in the East Coast market. For example, if domestic refiners were to increase their residual fuel oil sales in the East Coast (which would be the likely result if no adjustment to the current program were made) it would have the effect of increasing the prices of other covered products sold in other regions. Consequently, the impact of this modification to the entitlements program is effectively neutral on a regional basis.

II. AMENDMENTS TO REFLECT THREE TIER PRICE SYSTEM

In the proposal FEA provided for modification of the entitlements program to allocate upper tier domestic crude oil

as well as old oil through entitlement transactions, with differing entitlement weights being assigned to possession of supplies of old oil as opposed to those of upper tier crude oil. FEA invited comments as to whether receipts of upper tier crude oil should be given a fixed advantage over receipts of imported crude oil and as to whether the appropriate effective date for these modifications, if adopted, should be February 1 or March 1, 1976.

FEA has concluded that adoption of these proposed amendments is appropriate effective February 1, 1976 to correspond to the effective date of the new crude oil pricing provisions of the EPCA. FEA has further concluded, on the basis of comments solicited and received on this issue, that a fixed advantage of 21¢ per barrel for all domestic crude oil production over receipts of imported crude oil is also appropriate, in that the import program identifies this amount as being necessary to preserve incentives for refining domestic crude oil. Thus, § 211.67(i) has been amended to provide that the entitlement price will be the exact differential between the weighted average costs to refiners of old oil and of imported crude oil less 21¢.

Under the amendments adopted hereby, each refiner will receive entitlements based on the application of the national domestic crude oil supply ratio to the volume of its crude runs. The domestic oil supply ration is based on the national supply levels of old oil and of upper tier crude oil. Essentially, the formulae set forth in the proposal for computing entitlement obligations have been adopted, except that the incorporation of a 21¢ per barrel advantage for domestic crude oil production necessitates revising the fraction which is applied to upper tier crude oil receipts to determine the entitlement value for such receipts so that its numerator is equal to the weighted average cost of imported crude oil less the sum of the weighted average cost of upper tier crude oil and 21¢, and its denominator is the entitlement price. Thus, refiners will account for their excess old oil supplies with a full entitlement for each barrel of excess supplies and for their excess upper tier crude oil supplies with the fractional entitlement value as computed for the particular month. Utilization of a weighted entitlement issuance for upper tier crude oil supplies will allow FEA to continue to administer the program with transactions being limited to one class of entitlements.

III. Miscellaneous Amendments

1. *Crude oil exchanges (§ 211.67(g)).* The amendments set forth in the proposal as to the treatment of crude oil exchanges under the entitlements program have been adopted as proposed, except that as to exchanges not involving an exchange balance delivered abroad, crude oil received in an exchange is to be included in a refiner's crude oil receipts at the time it constitutes a crude oil receipt as defined in § 211.62. As to the proposed amendments generally, most firms commenting supported adoption thereof in the form proposed.

Under the clarifying amendments adopted hereby domestic crude oil which is exchanged (in the type of transaction described in § 211.67(g)(1)) for foreign crude oil delivered and processed outside the United States must be reported in one of two ways, depending on whether the domestic firm exchanging away the domestic crude oil is a refiner or a firm other than a refiner. First, a refiner that exchanges away domestic crude oil and receives in exchange foreign crude oil which is delivered and processed outside the United States is deemed to retain that domestic oil and is required to include the related volumes of domestic crude oil in its crude oil receipts at the time the volumes thereof are so exchanged away. On the other hand, where domestic crude oil is exchanged away by a firm other than a refiner for foreign crude oil which is delivered and processed outside the United States, the provisions of § 211.67(g) do not apply; that is, the volumes of domestic oil subject to the transaction are not deemed to be retained by the firm exchanging away such volumes. Accordingly, the transfer of these domestic volumes within the United States pursuant to an exchange transaction in which other crude oil is also transferred outside the United States is considered to be a sale subject to the certification requirements of § 212.131, and the domestic refiner which ultimately refines that domestic oil must include the volumes thereof as volumes of domestic oil in its crude oil receipts at the appropriate time as provided in § 211.62.

Additional amendments adopted hereby specify that domestic crude oil subject to § 211.67(g) shall be included in a refiner's crude oil receipts generally when the exchange balance in question constitutes a crude oil receipt under § 211.62 to the particular refiner (or refining entity of an integrated company), unless the transaction involves an exchange balance delivered outside the United States, in which case that domestic crude oil is required to be included in the refiner's receipts at the time it is exchanged away. The amendments adopted also make it clear that the provisions of § 211.67(g) apply to all firms engaged in crude oil exchanges, including producers and brokers acting as resellers, as well as refiners.

2. *Corrections for reporting errors (§ 211.67(j)).* FEA is adopting as proposed the amendments with respect to reporting of errors and invoice adjustments and as to the special correction mechanism for the first 10 months for which the entitlements program was in effect. However, FEA has not adopted the provision that would permit firms to report as a correction (by the filing of an amended report) adjustments resulting from an FEA audit pertaining to a period more than 60 days prior to the month in which the related revised invoice was received. Comments received on this particular provision pointed out that in most cases refiners would be unable to identify this type of invoice and that generally all adjustments deriving from revised invoices should be treated as current volumetric adjustments to a refiner's crude oil receipts. However, firms which have received invoices effecting substantial adjustments of this type could apply for exception relief if an especially severe impact is experienced under the program.

Under the special correction procedures adopted in § 211.67(j)(2), FEA will recalculate the proper national old oil supply ratios for each of the first ten months for which the program was in effect and arrive at an aggregate net plus or minus dollar amount for each firm for all of these months. This would be based on the inclusion in the proper month of all amounts reported by May 14, 1976 as errors for this period (whether resulting in favorable or unfavorable corrections) and the calculation of a revised national old oil supply ratio for each of these first ten months. Retroactive invoice adjustments for this period will continue to be reflected in the month in which the invoice was received. Once each refiner's net plus or minus dollar position under the program for this period is arrived at, these amounts will be reflected in the entitlement issuances for the period April through July 1976, substantially equal adjustments to be made in each such month.

The definition of "adjusted crude oil receipts" in § 211.62 has also been clarified to provide that retroactive invoice adjustments include corrections of good faith estimates based on prior experience as to the old or upper tier crude oil content of a particular delivery of crude oil. These adjustments are to be reflected on a current basis in a refiner's crude oil receipts. On the other hand, reporting errors requiring the submission of an amended report include clerical errors and inaccurate estimates as to the domestic crude oil content of a particular delivery where there is no basis in past experience for the estimate. In this regard, FEA has eliminated the provision requiring the filing for exception relief for favorable corrections reported more than two months after the initial report filing for the month in question. Reporting errors require the filing of an amended report and are adjusted by giving effect to differentials in the entitlement price as set forth in § 211.67(j)(1).

These amendments governing the reporting of retroactive invoice adjustments and reporting errors are made effective for refiners' reports to be filed for February 1976 and subsequent months.

Further proposed correction procedures. FEA is soliciting comments with respect to a further proposed modification to account for invoice adjustments and reporting errors. Various refiners have complained of the increasing burdens of amended report filings; of the effect of entitlement price fluctuations on amounts received for invoice adjustments; and of the method of correcting errors to crude oil runs where fluctuations in the national supply ratio dilutes the intended correction.

FEA offers the following proposal as a method for handling, on a prospective basis, invoice adjustments and reporting errors. FEA emphasizes that it is seeking a workable and equitable method of handling these data corrections, but is equally concerned with avoiding greater complexity and administrative burdens on reporting firms.

The proposal would provide for one method of handling of invoice adjustments and reporting errors within 90 days of the original month's report, and another method for handling invoice adjustments and errors reported more than 90 days after the original month's report. FEA believes that most routine invoicing would occur within a 90 day period and that fluctuations in the entitlement price and national supply ratio would be relatively insignificant for this period as compared with the original month, especially in light of recent adjustments to the manner of determination of producers' base production control levels.

Within a 90 day period after the original month's reporting date, FEA proposes that a simple volumetric adjustment to the current month's report would be made as to all revised invoices and reporting errors.

For invoice adjustments or reporting errors prior to the 90 day period, FEA proposes that an entitlement price and domestic oil supply ratio adjustment would be determined by the reporting firm on a worksheet to be filed with FEA using the following procedures. The dollar equivalent (using the original month's entitlement price) of the adjustment or correction would first be determined. For changes to receipts of crude oil, this dollar determination would be based for old oil on the entitlement price, and for upper tier crude oil on the fractional value thereof in effect for the original month. For changes to crude runs, the refiner would calculate the dollar impact for the original month by recalculating its entitlement obligation using the corrected data and the original month's national supply ratio. The dollar difference between the original month's actual entitlement issuance and the corrected issuance for that month would then be determined. These dollar adjustments for each affected month's corrections would be aggregated into a net dollar adjustment and reported to FEA as such. FEA would then convert the net dollar adjustment as reported into an entitlement adjustment based on the current month's entitlement price.

The following brief examples illustrate the procedures described above.

Refiner A has received a revised invoice 120 days after actual receipt of the related crude oil. This invoice indicates that 100 barrels of old oil were erroneously billed as upper tier crude oil. Thus, Refiner A would calculate the additional 100 barrels of old oil at the entitlement price for the original month (assumed to be $8.00) to constitute an increased obligation of $800. The decreased upper tier crude oil volume of 100 barrels that bore an assumed .25 fractional entitlement value in the reporting month would constitute a reduced entitlement obligation of $200 (100×$8×.25). Thus, the net dollar adjustment is $600, which FEA would incorporate as an entitlement purchase obligation of that amount in the current month.

Refiner B erroneously included in its crude runs 1,000 barrels of certain feedstocks not qualifying as crude oil. Refiner B, using the program calculation data for the original month, would recalculate its corrected entitlement purchase or sale obligation, incorporating its new data as it is affected by the national supply ratio for the original month. After recalculating its obligation, and determining that the sale obligation would have been 30 entitlements less, Refiner B would multiply that number of entitlements by the entitlement price in the original month. That dollar adjustment (which reflects an increased current entitlement obligation) would be reflected in its entitlement issuance for the current month.

FEA requests comments on this proposal in accordance with the procedures set forth below in Section IV.

3. *Inclusion of certain condensates in crude runs and receipts* (*§§ 211.62 and 211.67(d)(3)*). FEA is not adopting at this time the proposed amendments to include plant condensate recovered at the inlet side of a gas processing plant in refiners' crude oil runs and receipts. The purpose of this proposal was to conform the coverage of the entitlements program to crude oil as defined in the price regulations. Several comments indicated that it would be inappropriate to include all condensates recovered at the inlet side of a gas processing plant in that only a portion of this material is actually allocated back to the lease and thereafter sold as crude oil. In addition, certain refineries connected with gas processing plants could experience severe difficulties if required to purchase entitlements for these condensates, due to the provisions of the processing agreements under which they operate. Therefore, this particular amendment is not being adopted as this time and FEA is continuing to evaluate how this matter should be most appropriately resolved. In this regard, FEA requests further comments under the procedures set forth below from affected firms as to how this issue should be resolved. However, the clarifying amendment excluding these condensates from the definition of old oil has been adopted and will be effective for all reports under the program until FEA has taken further action on the proposal in this regard.

4. *Timing of program and reporting requirements* (*§ 211.66(h) and (i); § 211.67(i)*). The amendments set forth in the proposal as to the timing of the program and reporting requirements have been adopted as proposed and were supported by substantially all firms commenting thereon.

The reporting requirements set forth in § 211.66(h) in connection with the monthly refiner's report have been amended to clarify and confirm that each refiner is required to certify to FEA the weighted average costs of old oil, upper tier crude oil and imported crude oil, and of stripper well crude oil if specified by FEA, included in that refiner's crude oil receipts and that such costs shall include any transportation or other costs associated with delivery of those crude oils to the refinery. As to imported crude oil, refiners required to file transfer pricing reports shall utilize the landed cost as reported therein. Section 211.66(h) has been amended to extend the date on or prior to which refiners must submit monthly reports to the fifth day of the second month following the month for which the report is filed. The issue date for entitlement notices under § 211.67(i) would be ten days following this later report filing date. These revised filing dates are being made effective immediately.

5. *Export sales deduction* (*§ 211.67(d)(2)*). FEA is adopting as proposed the amendments to § 211.67(d)(2) which clarify that the term "refined petroleum product" includes aviation fuels and which include export sales of residual fuel oil as a deduction from a refiner's crude runs. FEA is making the amendment including residual fuel oil as such a deduction effective on a prospective basis, i.e. for the entitlement transactions which will take place in June 1976 for April crude receipts and runs.

FEA received numerous comments on this particular provision, many of which indicated confusion as to exactly what constitutes an export sale for purposes of the deduction. This point has been clarified by a reference in the regulations to § 212.53, which permits export sales to be made at uncontrolled prices.

FEA wishes further to emphasize that the purpose of the export sales deduction is to not grant cost equalization benefits under the entitlements program for sales made into the world market at uncontrolled prices. FEA has been made aware of the marketing difficulties associated with the production of high sulphur residual fuel oil (especially on the West Coast) and bunker fuel for shipping use; however, FEA has initially determined that the entitlements program is not the appropriate vehicle to subsidize exports of residual fuel oil, or other domestically produced product, to foreign countries.

6. *Inventory averaging* (*§ 211.67(h)*). Section 211.67(h) has been amended to make it clear that refinery shutdowns, whether due to routine required maintenance or to mechanical failures, qualify a refiner for purposes of the provision.

IV. Written Comment Procedures

Interested persons are invited to comment on the further proposals set forth in this rulemaking by submitting data, views, or arguments with respect thereto to Executive Communications, Room 3309, Federal Energy Administration, Box FY, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Further Comments on Amendments to Entitlements Program". Fifteen copies should be submitted. All comments received by April 30, 1976, and all relevant informa-

tion, will be considered by the FEA in any final decisions on these matters. Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

(Emergency Petroleum Allocation Act of 1973, as amended by Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, Parts 211 and 212, Chapter II of Title 10, Code of Federal Regulations, are amended as set forth below, effective immediately, except that the amendment (other than the clarifying amendment) to § 211.67 (d) (2) shall be first effective for refiners' crude oil runs to stills in April 1976.

Issued in Washington, D.C., March 29, 1976.

MICHAEL F. BUTLER,
General Counsel.

1. Section 211.62 is amended in the final sentence of the definition of "crude oil receipts" by deleting the word "old" and inserting in lieu thereof "domestic crude"; to revise the definitions of "adjusted crude oil receipts", "eligible firm", "entitlement" and "old oil"; to delete the definitions of "adjusted national old oil supply ratio", "eligible products", "new crude petroleum", "old oil supply ratio" and "released crude petroleum"; and to add, in appropriate alphabetical sequence, new definitions of "East Coast market", "eligible product", "national domestic crude oil supply ratio", and "upper tier crude oil" to read as follows:

§ 211.62 Definitions.

"Adjusted crude oil receipts" means the crude oil receipts of a refiner in a particular month the composition of which has been adjusted to reflect any invoice which is received in that month for domestic crude oil (including crude oil sold under § 211.65) delivered to that refiner in any previous month (excluding, however, months prior to November 1974), and which has the effect of increasing or decreasing the volume of old or upper tier crude oil reported by that refiner under § 211.66(h) for such previous month, in cases where such previously reported volume was based on either a prior invoice or a good faith estimate (based on that refiner's past experience as to the old and upper tier crude oil content of domestic crude oil of the same origin) as to the old and upper tier crude oil content of that crude oil delivery.

* * * * *

"East Coast market" means the geographical area coextensive with the Bureau of Mines East Coast Petroleum Refining District.

* * * * *

"Eligible firm" means any firm that imports an eligible product into the East Coast market for sale or use in that market area, that is the importer of record under a license issued pursuant to Part 213 of this chapter and that owns the eligible product at the time of importation thereof pursuant to that license. Importation for the purpose hereof shall be as defined in paragraph (j) of § 213.27 of Part 213 of this chapter.

"Eligible product" means residual fuel oil imported into the East Coast market, except that an import of residual fuel oil into United States customs territory from the U.S. Virgin Islands shall not be considered an eligible product.

"Entitlement" means, for a particular month, the right of the refiner owning the entitlement to include one barrel of deemed old oil (as provided in § 211.67 (b)), in its adjusted crude oil receipts in that month. The issuance and transfer of entitlements shall be evidenced on records maintained by the FEA.

* * * * *

"National domestic crude oil supply ratio" means, for a particular month, the volume of deemed old oil (as defined in § 211.67(b)) included in the aggregate adjusted crude oil receipts of all refiners, decreased by a number of barrels of old oil equal to the number of entitlements issuable to small refiners under § 211.67 (e), divided by the sum of the total volume of the crude oil runs to stills for all refiners for that month and thirty (30%) percent of the total volume of imports of eligible products by eligible firms for that month. The calculation of the national domestic crude oil supply ratio for each month shall take into account entitlement purchase or sale requirements resulting from the correction of reporting errors pursuant to paragraph (j) of § 211.67.

* * * * *

"Old oil" means old crude oil as defined in § 212.72 of this chapter, except that old oil included in a refiner's adjusted crude oil receipts shall not include condensate recovered at the inlet side of a gas processing plant.

* * * * *

"Upper tier crude oil" means, effective February 1, 1976, new crude oil as defined in § 212.72 of this chapter and crude oil produced and sold from a stripper well lease as defined in § 212.74 of this chapter, except that upper tier crude oil included in a refiner's adjusted crude oil receipts shall not include condensate recovered at the inlet side of a gas processing plant.

* * * * *

2. Section 211.66 is revised in paragraph (h) and is amended to add a new paragraph (j) to read as follows:

§ 211.66 Reporting requirements.

* * * * *

(h) *Monthly report.* On or prior to the fifth day of each month, commnecing with the month of April 1976, each refiner shall file with the FEA a report certifying the following information as to the second month prior to the month in which the report is filed:

(1) The estimated volume (to the best of the knowledge of the certifying officer) of old oil included in the crude oil receipts of that refiner.

(2) The estimated volume (to the best of the knowledge of the certifying officer) of upper tier crude oil (with separate volumes for stripper well crude oil, if specified by the FEA) included in the crude oil receipts of that refiner.

(3) Any permitted or required adjustments to the estimated volumes of old and upper tier crude oil included in the crude oil receipts of that refiner.

(4) The volume of crude oil runs to stills of that refiner, taking into account, and specifying the amount of, the adjustments provided for in § 211.67(d).

(5) The weighted average costs for that refiner (including transportation costs to the refinery) of old oil, upper tier crude oil (with separate costs for stripper well oil, if specified by the FEA) and imported crude oil included in that refiner's crude oil receipts. For refiners required to file transfer pricing report forms under § 212.84 of this chapter, the weighted average cost of imported crude oil reported under this subparagraph shall be derived from the landed costs set forth in such reports.

(6) Such other information as the FEA may request.

* * * * *

(j) *Monthly report by eligible firms.* On or prior to the fifth day of each month, commencing with the month of April 1976, each eligible firm that has imported an eligible product in the second month preceding that month shall file with the FEA a report certifying the following:

(1) The identity, volumes and ports of origin and entry of any eligible products imported by that eligible firm in that preceding month.

(2) That the eligible product was imported for sale in the East Coast market.

(3) Such other information as the FEA may request.

3. Section 211.67 is revised in all paragraphs except paragraphs (e) and (f) to read as follows:

§ 211.67 Allocation of domestic crude oil.

(a) *Issuance of entitlements.* (1) For each month, commencing with the month of February 1976, each refiner shall be issued a number of entitlements by the FEA equal to the number of barrels of crude oil included in the total volume of that refiner's crude oil runs to stills for that month multiplied by the national domestic crude oil supply ratio for that month, subject to the entitlement adjustment for small refiners set forth in paragraph (e) of this section.

(2) Refiners to which entitlements shall be issued under this section shall include all refiners classified as refiner-buyers or refiner-sellers as of December 1, 1974 for purposes of § 211.65. Any refiner that is not so classified, or the refinery capacity of which is not certified by the FEA for purposes of § 211.65, shall apply to the FEA for certification of its refinery capacity for purposes of qualifying to receive entitlements under this section. With respect to the granting of any such application for certification, the FEA shall consider the factors set forth in § 211.65(b) (v) and (vi).

(3) For each month, commencing with the month of February 1976, each eligible firm that has imported an eligible product in that month shall be issued a number of entitlements equivalent to thirty (30%) percent of the number of

entitlements that would be received by a refiner (without giving effect to the provisions of § 211.67(e)) in that month with respect to inclusion of a number of barrels of crude oil in that refiner's crude oil runs to stills equal to the number of barrels of that eligible product imported by that eligible firm. An eligible product is imported for purposes of this paragraph (a)(3) in the month, as specified on Customs Forms 7501 or 7505, as appropriate, in which importation takes place. For purposes of this paragraph (a)(3), "importation" means that term as defined in paragraph (j) of § 213.27 of Part 213 of this chapter.

(b) *Required purchase of entitlements by refiners.* (1) For each month, commencing with the month of February 1976, each refiner that has been issued fewer entitlements for that month than the number of barrels of deemed old oil (as calculated under paragraph (b)(2) of this section) included in its adjusted crude oil receipts shall purchase a number of entitlements effective for that month equal to the difference between the number of barrels of deemed old oil (as so calculated) included in that refiner's adjusted crude oil receipts for that month and the number of entitlements issued to and retained by that refiner. Entitlement purchases required under this paragraph (b) with respect to a particular month shall be effected by the close of the second month following that month.

(2) To calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for purposes of the definition of national domestic crude oil supply ratio in § 211.62 of this subpart, paragraph (b)(1) of this section and paragraph (c) of this section, each barrel of old oil shall be equal to one barrel of deemed old oil and each barrel of upper tier crude oil shall constitute that fraction of a barrel of deemed old oil the numerator of which is equal to the reported weighted average cost per barrel to refiners of imported crude oil for that month, less the sum of 21 cents and such weighted average cost per barrel to refiners of upper tier crude oil, and the denominator of which is the entitlement price for that month.

(c) *Refiners and other firms with excess entitlements.* For each month, commencing with the month of February 1976, each refiner that has been issued a greater number of entitlements for that month than the number of barrels of deemed old oil (as calculated under paragraph (b)(2) of this section) included in its adjusted crude oil receipts shall sell such excess entitlements and any eligible firm (other than a refiner) that has been issued entitlements shall sell such entitlements.

(d) *Adjustments to volume of crude oil runs to stills.* (1) A refiner's volume of crude oil runs to stills shall (i) include (A) the volume of crude oil processed by another refiner for that refiner pursuant to a processing agreement and (B) the volume of crude oil processed by that refiner for a person other than a refiner pursuant to a processing agreement, and (ii) exclude the volume of crude oil processed by that refiner for another refiner pursuant to a processing agreement.

(2) The volume of a refiner's crude oil runs to stills in a particular month for purposes of the calculations in paragraph (a)(1) of this section and the calculations for the national domestic crude oil supply ratio shall be reduced by that refiner's volume of export sales under § 212.53 of Part 212 of this chapter in that month of refined petroleum products (including aviation fuels as defined in § 211.142 of this part, but excluding refined lubricating oils) and residual fuel oil, including sales to a domestic purchaser which certifies the product is for export.

(3) The volume of a refiner's crude oil runs to stills in a particular month for purposes of the calculations in paragraph (a)(1) of this section and the calculations for the national domestic crude oil supply ratio shall include the total number of barrels of plant condensate and the total number of barrels of synthetic crude oil made from tar sands which are imported from Canada and are utilized in that month as inputs to distillation units by a refiner, measured in accordance with the Bureau of Mines Form 6–1300–M. Neither plant condensate nor synthetic crude oil made from tar sands which are imported from Canada shall be eligible for inclusion in the volume of a refiner's crude oil runs to stills under this subparagraph (3) unless payment has been made in accordance with Presidential Proclamation No. 3279, as amended, of any import license fees applicable to crude oil as defined for purposes of this section, which is imported for refining.

(4) For purposes of the calculations in subparagraph (a)(1) of this section and the calculations for the national domestic crude oil supply ratio (but not for purposes of paragraph (e) of this section), the volume in excess of the first 5,000 barrels per day of a refiner's crude oil runs to stills for a particular month attributable to production of residual fuel oil for sale (whether directly for consumption or for resale) by that refiner in or into the East Coast market shall be reduced by fifty (50%) percent. Any export sales of residual fuel oil giving rise to a deduction under paragraph (d)(2) above shall not be considered as residual fuel oil production for purposes of this paragraph (d)(4).

* * * * *

(g) *Exchanges of crude oil.* (1) Subject to the provisions of paragraph (a)(3) below, in any exchange of crude oil in which only quality and location differentials are given effect in the calculation of the exchange ratio, or in any matching purchase and sale transaction which has the same effect as such an exchange, no volumes of domestic crude oil shall be deemed to have been transferred. Any volumes of domestic crude oil exchanged away or sold pursuant to any such exchange or matching purchase and sale transaction shall be considered as having been retained by the refiner or other firm that has so exchanged away or sold such volumes, regardless of the volume of crude oil received or purchased by that refiner or other firm in such exchange or transaction.

(2) Subject to the provisions of paragraph (g)(3) below, volumes of domestice crude oil deemed to be retained by a refiner under the provisions of paragraph (g)(1) above shall be (i) included in that refiner's crude oil receipts at the time the crude oil acquired pursuant to the related exchange or purchase and sale transaction constitutes a crude oil receipt under § 211.62 of this subpart to that refiner, or (ii) certified as old oil or upper tier crude oil, as the case may be, under the provisions of § 212.131 of Part 212 when the crude oil acquired pursuant to the related exchange or purchase and sale transaction is sold to another firm.

(3) Where a refiner exchanges away or sells volumes of domestic crude oil in an exchange or matching purchase and sale transaction of the type described in paragraph (g)(1) above and receives in exchange or purchases in the transaction foreign crude oil that is delivered and processed outside the United States, that refiner shall include any domestic crude oil so exchanged away or sold by it in its crude oil receipts as of the date that domestic crude oil is so exchanged away or sold.

(4) The provisions of paragraph (g)(1) above shall not apply to transactions involving domestic crude oil which is exchanged away by a firm other than a refiner for foreign crude oil that is not processed in a refinery located in the United States. Any firm other than a refiner that has exchanged away or sold domestic crude oil within the United States pursuant to an exchange transaction in which other crude oil is also transferred outside the United States shall comply with the certification requirements of § 212.131 of Part 212 as to any volumes of old oil or upper tier crude oil, as the case may be, so exchanged away or sold. Any domestic crude oil delivered to a refiner in the United States pursuant to a transaction of the type described in this paragraph (g)(4) shall be included in the crude oil receipts of the refiner that receives, directly or indirectly through further sales or exchanges, the volumes of domestic crude oil that are the subject of the transaction, as provided in § 211.62 of this subpart.

(5) For purposes of this paragraph (g), "refiner" means any firm that owns, operates or controls the operations of one or more refineries, and includes any entity that is a part of or affiliated with, or that controls or is controlled by (whether directly or indirectly), a refiner.

(h) *Averaging of crude oil receipts.* Upon application by a refiner in accordance with the procedures established under Subpart G of Part 205 of this chapter within thirty (30) days following the close of a month, the FEA may adjust the crude oil receipts of that refiner for that month to permit the portion of such crude oil receipts specified by the FEA to be included in the crude oil receipts of that refiner for one or more subsequent months, if the volume of crude oil receipts in that month is significantly disproportionate to the volume of that refiner's crude oil runs to stills for that month due to a shutdown (by reason of either a mechanical failure or

normal maintenance procedures) resulting in a fifty (50%) percent or greater portion of that refiner's refinery capacity not having been operable for the duration of that month.

(i) *Issuance and transfer of entitlements.* (1) The FEA shall issue entitlements for each month (effective for the month of February 1976 and subsequent months) pursuant to a notice issued on the fifteenth day of the second month following that month.

(2) Each notice published by the FEA evidencing the issuance of entitlements under this section shall specify as to a particular month the national domestic crude oil supply ratio, the name of each refiner and other eligible firm to which entitlements have been issued, the number of barrels of deemed old oil included in each refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, the number of entitlements required to be purchased or sold by each such refiner or other firm, and the price at which entitlements shall be purchased and sold.

(3) No transfer of an entitlement shall be effective if made to any firm that is not purchasing such entitlement to fulfill such firm's obligations under this section.

(4) The price at which entitlements shall be sold and purchased shall be fixed by the FEA for each month and shall be the exact differential between the weighted average cost per barrel to refiners of old oil and of imported crude oil, less 21 cents, such costs to be equivalent to the delivered costs to the refinery.

(j) *Reporting errors.* (1) Refiners and eligible firms shall correct any errors contained in reports filed pursuant to § 211.66 by filing an amended report for the particular month. Based on any reporting errors so corrected, the FEA in its discretion may adjust entitlement issuances to the refiner or eligible firm in one or more months subsequent to the month in which the amended report is filed with the FEA, by issuing fewer entitlements than the number otherwise issuable, by requiring the refiner or eligible firm to purchase entitlements in order to correct for excess entitlements issued in a prior month or by issuing entitlements over and above the number otherwise issuable to compensate for too few entitlements having been issued in such prior month. All entitlement issuances or purchase requirements under this subparagraph shall give effect to any differential between the entitlement price for the month in which any correction is reflected as compared with the entitlement price for the month as to which the reporting error was made (except with respect to corrections to volumes of crude oil runs to stills where a corresponding adjustment to crude oil receipts was made as contemplated by the term "adjusted crude oil receipts" in § 211.62) and such other factors as the FEA deems appropriate.

(2) Notwithstanding the provisions of paragraph (j)(1) of this section, corrections of reporting errors for the months November 1974 through August 1975 shall be made as follows. FEA shall recalculate for those months the purchase and sale obligations (giving effect to any applicable relief under decisions and orders issued by FEA's Office of Exceptions and Appeals and to the provisions of Special Rule No. 3 for Subpart C) of all refiners and eligible firms based on inclusion in each month of each refiner's and eligible firm's corrected volume (as reported to the FEA) of crude oil runs to stills, volume of old oil included in its crude oil receipts (other than adjustments effected as contemplated by the term "adjusted crude oil receipts" in § 211.62) and eligible product imports. No entitlement price adjustment as contemplated by paragraph (j)(1) of this section shall be made in the calculations under this paragraph (j)(2). FEA shall then aggregate for each refiner and eligible firm its net purchase or sale amount (in dollars) for these months (giving effect to the published purchase and sale obligations for these months) and apply these amounts in substantially equal portions (translated into current entitlement values) to that refiner's or eligible firm's entitlement purchase or sale obligations for the months of April through July 1976.

(3) For purposes of this paragraph, errors required to be corrected by the filing of amended reports include (i) clerical errors, and (ii) inaccurate estimates as to the domestic crude oil pricing composition of a particular volume of crude oil where the refiner had no basis, in prior experience or otherwise, on which to make that estimate.

(k) *Failure to consummate transactions.* The FEA may direct refiners or eligible firms that have not purchased the required number of entitlements under this section for a particular month to purchase such required number of entitlements at a price specified by the FEA from any refiner or eligible firm that has entitlements for such month available for sale. The FEA may direct refiners or eligible firms that have entitlements available for sale to sell such entitlements at a price specified by the FEA to refiners or eligible firms that have not purchased their required number of entitlements under this section.

(l) *Certification of old and upper tier crude oil by non-refiners.* Within twenty-eight (28) days following each month, commencing with the month of February 1976, each firm other than a refiner that has delivered crude oil to a refiner for processing for the account of such firm pursuant to a processing agreement in that month shall certify to that refiner the volumes of old oil and upper tier crude oil contained in the crude oil so delivered to that refiner.

(m) *Adjustments to crude oil and product costs.* (1) *Refiners.* (i) *Entitlements purchased.* (A) The cost of entitlements purchased in a particular month pursuant to this section by refiners, which shall be calculated exclusive of any reduction in such costs in a particular month because of entitlements issued for the importation of eligible products, and exclusive of the cost of entitlements purchased in a particular month pursuant to adjustments to a refiner's crude oil runs to stills under paragraph (d)(4) of this section, shall be added to the cost of crude oil purchased or landed in that month (which is the period "t" (the month of measurement), for purposes of calculating the increased cost to be applied to product prices in the following month under the "A'" factor of the general formulae of § 212.83(c)(2) of this chapter); provided, that, to the extent that the obligation of a refiner to purchase entitlements is reduced by volumes of crude oil processed by a refiner for a firm other than that refiner pursuant to a processing agreement, and that the monetary value of that reduced purchase obligation is used to reduce the processing fee otherwise payable by that firm under the processing agreement, or is otherwise passed on to that firm, such monetary value may also be added by that refiner to its cost of crude oil purchased or landed in that month, but shall be subtracted from the cost of crude oil purchased or landed in that month by the firm to which the monetary value of the reduced purchase obligation is passed on pursuant to this paragraph.

(B) The reduction in the cost of entitlements purchased in a particular month because of entitlements issued for the importation of eligible products shall be subtracted from the total cost of the product concerned, purchased or landed in that month (which is the period "t" (the month of measurement), for purposes of calculating the increased costs to be applied to prices of that product under the "B_tt" factor of the appropriate formula for that product of § 212.83(c) of this chapter).

(C) The cost of entitlements purchased in a particular month pursuant to the adjustments to a refiner's crude oil runs to stills under paragraph (d)(4) of this section shall be a cost of crude oil purchased or landed in that month which shall not be applied to product prices pursuant to the "A'" factor of the general formulae of § 212.83(c)(2) of this chapter, but which shall instead be applied only to prices for residual fuel oil.

(ii) *Entitlements sold.* (A) The sales revenues from entitlements sold in a particular month pursuant to this section by refiners, which shall be calculated exclusive of any reduction in such sales revenues in a particular month pursuant to adjustments to a refiner's crude oil runs to stills under paragraph (d)(4) of this section, and exclusive of any sales revenues from the sale of entitlements issued for the importation of eligible products, shall be subtracted from the cost of crude oil purchased or landed in that month (which is the period "t" (the month of measurement), for purposes of calculating the increased costs to be applied to all product prices in the following month under the "A'" factor of the general formulae of § 212.83(c)(2) of this chapter); provided, that, to the extent that the sales revenues from entitlements which are issued for volumes of crude oil processed by a refiner for a firm other than that refiner pursuant to a processing agreement are used to reduce the processing fee otherwise payable by that firm under the processing agreement, or are otherwise passed on to that firm, such sales revenues shall not be subtracted by that refiner from its cost of crude oil purchased or landed in that month, but shall be subtracted from the cost of crude oil purchased or landed in that month by the firm to which the entitlement sales

revenues are passed on pursuant to this paragraph.

(B) The sales revenues from entitlements issued for the importation of eligible products which are sold in a particular month shall be subtracted from the total cost of the product concerned, purchased or landed in that month (which is the period "t" (the month of measurement), for purposes of calculating the increased costs to be applied to prices of that product under the "B;t" factor of the appropriate formula for that product of § 212.83(c)(2) of this chapter).

(C) The reduction in sales revenues from entitlements sold in a particular month pursuant to the adjustments to a refiner's crude oil runs to stills under paragraph (d)(4) of this section shall be a cost of crude oil purchased or landed in that month which shall not be applied to product prices pursuant to the "A" factor of the general formulae of § 212.83 (c)(2) of this chapter, but shall instead be applied only to prices for residual fuel oil.

(2) *Resellers and retailers.* The sales revenues from entitlements sold pursuant to this section by resellers or retailers shall be subtracted from the cost of the product in inventory for which the entitlements were issued, so as to reduce the weighted average unit cost of that product in inventory computed pursuant to § 212.92 of this chapter.

(3) *Sales of eligible products to eligible firms.* The total amount of any reductions in the cost of eligible products to the seller because of entitlements issued for the importation of such products, which are required by paragraphs (m)(1) and (m)(2) of this section, shall be applied exclusively to the determination of maximum lawful prices charged in sales in which the purchaser does not receive entitlements for the importation of an eligible product. Separate price calculations shall be made for sales of eligible products in which the purchaser receives entitlements for the importation of eligible products, which shall comply in all respects with the regulations of Subparts E or F of Part 212 of this chapter, except that the amount of increased product cost used to compute such prices shall not be reduced because of entitlements issued for the importation of eligible products.

(4) *Timing.* The date of purchase or sale of entitlements for purposes of determining the date on which a cost or a cost reduction is incurred under § 212.83 (c) or § 212.93 of this chapter shall be the date on which the transaction is reported to have taken place on the monthly transaction report filed with the FEA under paragraph (i) of § 211.66.

4. Section 212.83 is amended by revising paragraph (e)(8) to read as follows:

§ 212.83 Allocation of refiner's increased costs.

* * * * *

(e) *Carryover of costs.* * * *

(8) *Equal application among classes of purchaser.* With respect to each covered product other than crude oil, when a firm calculates the amount of increased product cost not recouped that may be added to May 15, 1973 selling prices to compute base prices in a subsequent month, it shall calculate its revenues as though the greatest amount of increased product costs actually added to any May 15, 1973 selling price of that covered product and included in the price charged to any class of purchaser, had been added, in the same amount, to the May 15, 1973 selling prices of such product and included in the price charged to each class of purchaser; except that, where an equal amount of increased product cost is not included in the price charged to a purchaser because of a price term of a written contract covering the sale of such product that was entered into on or before September 1, 1974, that portion of the increased product costs not included in the price charged to such a purchaser need not be included in the calculation of revenues, and except to the extent that § 211.67(m) of this chapter specifically requires certain costs and revenues resulting from entitlements transactions to be applied exclusively to determine maximum lawful prices in sales in which purchasers do not receive entitlements for the importation of an eligible product.

* * * * *

5. Section 211.51 is amended in the definition of "importer" to read as follows:

§ 211.51 General definitions.

* * * * *

"Importer" means any firm (excluding the Department of Defense) that owns at the first place of storage any allocated product or crude oil brought into the United States, but not necessarily the importer of record under a license issued pursuant to Part 213 of this chapter.

* * * * *

[FR Doc.76-9337 Filed 3-29-76;3:07 pm]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-EA-92; Amdt. 39-2564]

PART 39—AIRWORTHINESS DIRECTIVE

Air Cruisers

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Air Cruisers emergency slides.

There has been a report that the girt bar on one of the slides has yielded, causing disengagement of the slide from the aircraft. It was determined that this resulted from the use of bar material of less than minimum strength.

Since this deficiency can exist or develop in slides of similar design, an airworthiness directive is being issued which will require an inspection and replacement, when necessary, of the girt bar.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new airworthiness directive, as follows:

AIR CRUISERS COMPANY. Applies to emergency evacuation systems having P/Ns 19D-22368-2 through -9 inclusive, with serial numbers prior to 161261275, and designed for use on DC-9 aircraft, and to emergency evacuation systems having P/Ns 22D30022-1 through -4 inclusive, with serial numbers prior to 161261275, and design for use on Convair 240, 340, 440, 580, and 600 aircraft.

Compliance is required within the next 30 days after the effective date of this AD, unless already accomplished.

To detect girt bars having material strength below the minimum specified value, accomplish the following:

(a) For DC-9 aircraft, comply with paragraph 2 Accomplishment Instructions, of Air Cruisers Company Service Bulletin 114-75-2, dated December 18, 1975, or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) For Convair 240, 340, 440, 580 and 600 aircraft, comply with paragraph 2 Accomplishment Instructions, of Air Cruisers Company Service Bulletin 114-76-1, dated January 12, 1976, or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective April 6, 1976.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 [49 USC 1354(a), 1421 and 1423], and sec. 6(c) of the Department of Transportation Act [49 USC 1655(c)].

Issued in Jamaica, N.Y., on March 22, 1976.

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.76-9139 Filed 3-31-76;8:45 am]

[Docket No. 76-GL-6; Amdt. 39-2560]

PART 39—AIRWORTHINESS DIRECTIVES

Enstrom F28A, F28C, 280 and 280C

There have been failures of the swashplate bearing located in the upper swashplate assembly which could result in failure of the control system. These failures occurred between 205 and 586 hours of helicopter operation. In two instances, the probable cause was determined to be corrosion of the balls and race after loss of lubricant. Since this condition may exist in other helicopters of the same type design, an Airworthiness Directive is being issued to require an inspection of the upper swashplate bearings on the Enstrom Models F28A, F28C, 280 and 280C helicopters.

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

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

ENSTROM. Applies to all Enstrom Model F28A, F28C, 280, and 280C helicopters certificated in all categories.

Compliance required as indicated unless already accomplished.

(a) Within the next ten (10) hours time in service after the effective date of this AD and thereafter, at intervals not to exceed 100 hours time in service since the last inspection perform a visual inspection of the upper swashplate bearing for corrosion as follows:

1. Lower swashplate to lowest position with the collective stick.

2. Remove plastic bearing seal using a blunt scribe.

3. Using an inspection mirror, visually inspect bearing for grease lubricant and any evidence of corrosion. The bearing and housing must be rotated to reposition balls and race for complete inspection.

Bearings found free of corrosion or defects shall be repacked with Exxon ANDOK-B grease or any MIL-G-18709A grease or an equivalent approved by the Chief, Engineering Branch of the Federal Aviation Administration, Great Lakes Region and the plastic bearing seal reinstalled.

(b) Defective bearings shall be replaced with an airworthy part of the same part number Z993L13XR3B.

NOTE.—For replacement of bearing refer to instructions contained in the latest revision of the Enstrom Maintenance Manual. Enstrom Service Directive Bulletin No. 0035 pertains to the same subject.

This amendment becomes effective April 2, 1976.

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

Issued in Des Plaines, Illinois, on March 19, 1976.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.76-8976 Filed 3-31-76;8:45 am]

[Docket No. 76-EA-2; Amdt. 39-2565]

PART 39—AIRWORTHINESS DIRECTIVE

Fairchild Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Fairchild FH-227 type airplanes.

A report has indicated the inadvertent opening of the large cargo door, incorporated into the FH-227 airplanes, during flight. Since this deficiency can develop in airplanes of similar type design, an airworthiness directive is being issued which will require a more positive means of lock engagement and retention.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new airworthiness directive, as follows:

FAIRCHILD. Applies to all FH-227 airplanes incorporating the outward opening large cargo door per STC SA2246WE.

Compliance required within the next 300 hours time in service after the effective date of this AD, unless already accomplished.

(a) To prevent inadvertent opening of the large cargo door in flight, accomplish the alteration in paragraph 2, Accomplishment Instructions, in Fairchild Service Bulletin FH-227-52-17, dated October 27, 1975, for FH-227 airplanes, or an equivalent alteration approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective April 6, 1976.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 [49 USC 1354(a), 1421 and 1423], and section 6(c) of the Department of Transportation Act [49 USC 1655(c)].

Issued in Jamaica, N.Y., on March 22, 1976.

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.76-9140 Filed 3-31-76;8:45 am]

[Airspace Docket No. 76-GL-12]

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

Revocation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Kokomo, Indiana, control zone.

On March 31, 1976, Air Wisconsin Airlines will discontinue service at Kokomo weather reporting service at Kokomo Municipal Airport, Kokomo, Indiana. With the discontinuance of the weather service, the control zone cannot meet the criteria for continued operation.

Since this revocation will not impose any additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 GMT, March 31, 1976, as hereinafter set forth:

§ 71.171 [Amended]

In § 71.171 (41 FR 355), the following control zone is revoked:

Kokomo, Indiana

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 USC 1348), and sec. 6(c) of the Department of Transportation Act (49 USC 1655(c)).

Issued in Des Plaines, Illinois, on March 16, 1976.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.76-9179 Filed 3-31-76;8:45 am]

[Docket No. 15520; Amdt. No. 1014]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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

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

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, SW, Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

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

§ 97.23 [Amended]

1. Section 97.23 is amended by originating, amending or canceling the following VOR-VOR/DME SIAPs, *effective May 20, 1976.*

St. Charles, MO—St. Charles Smartt Airfield, VOR-A, Amdt. 1
St. Louis, MO—Arrowhead Arpt., VOR Rwy 2, Amdt. 2
St. Louis, MO—Arrowhead Arpt., VOR-A, Original
St. Louis, MO—Arrowhead Arpt., VOR-A, Original, cancelled
St. Louis, MO—Creve Coeur Arpt., VOR-A, Original
St. Louis, MO—Creve Coeur Arpt., VOR-A, Original, cancelled
St. Louis, MO—Lambert-St. Louis Int'l Arpt., VOR Rwy 12L, Amdt. 6
St. Louis, MO—Lambert-St. Louis Int'l Arpt., VOR Rwy 12R, Amdt. 15
St. Louis, MO—Spirit of St. Louis Arpt., VOR Rwy 7, Original
St. Louis, MO—Spirit of St. Louis Arpt., VOR-A, Amdt. 4, cancelled
St. Louis, MO—Spirit of St. Louis Arpt., VOR/DME Rwy 7, Amdt. 5, cancelled
St. Louis, MO—Weiss Arpt., VOR-A, Original
St. Louis, MO—Weiss Arpt., VOR/DME-A, Original, cancelled

... *effective May 13, 1976*

Valdosta, GA—Valdosta Muni. Arpt., VOR Rwy 35, Amdt. 23
Elgin, IL—Elgin Arpt., VOR Rwy 36, Amdt. 2

. . . effective April 22, 1976

Hobbs, NM—Lea County (Hobbs) Arpt., VOR Rwy 3 (TAC), Amdt. 15
Hobbs, NM—Lea County (Hobbs) Arpt., VORTAC Rwy 21, Amdt. 2

. . . . effective April 8, 1976

Page, AZ—Page Arpt., VOR-A, Original

. . . . effective March 23, 1976

Amarillo, TX—Amarillo Air Terminal, VOR Rwy 21, Amdt. 21

§ 97.25 [Amended]

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective May 20, 1976.*

East St. Louis, IL—Bi-State Parks, LOC Rwy 30, Amdt. 1
St. Louis, MO—Lambert-St. Louis Int'l Arpt., LOC(BC) Rwy 6, Amdt. 21
Seattle, WA—Boeing Field (King County Int'l Arpt.), LOC(BC) Rwy 31L, Amdt. 4

. . . . effective May 13, 1976

Elkhart, IN—Elkhart Muni. Arpt., SDF(BC) Rwy 9, Original

. . . . effective April 22, 1976

Hobbs, NM—Lea County (Hobbs) Arpt., LOC/DME(BC) Rwy 21, Original

. . . . effective March 23, 1976

Amarillo, TX—Amarillo Air Terminal, LOC (BC) Rwy 21, Amdt. 11

. . . . effective March 16, 1976

Grand Junction, CO—Walker Field, LOC Rwy 11, Amdt. 1

§ 97.27 [Amended]

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective May 20, 1976.*

East St. Louis, IL—Bi-State Parks, NDB Rwy 30, Amdt. 9
St. Louis, MO—Lambert-St. Louis Int'l Arpt., NDB Rwy 12R, Amdt. 6
St. Louis, MO—Lambert-St. Louis Int'l Arpt., NDB Rwy 24, Amdt. 29
St. Louis, MO—Spirit of St. Louis Arpt., NDB Rwy 7, Amdt. 3
Seattle, WA—Boeing Field (King County Int'l Arpt.), NDB-A, Amdt. 3
Seattle, WA—Boeing Field (King County Int'l Arpt.), NDB-B, Amdt. 3

. . . . effective May 13, 1976

Angola, IN—Tri-State Arpt., NDB Rwy 5, Amdt. 1

. . . . effective April 22, 1976

Corsicana, TX—Corsicana Muni. Arpt., NDB Rwy 32, Original

. . . . effective April 8, 1976

Ft. Myers, FL—Page Field, NDB Rwy 5, Original
Ft. Myers, FL—Page Field, NDB Rwy 5, Amdt. 7, cancelled
West Union, OH—Alexander Salamon Arpt., NDB Rwy 23, Original

. . . . effective March 16, 1976

Grand Junction, CO—Walker Field, NDB Rwy 11, Amdt. 14

§ 97.29 [Amended]

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective May 20, 1976.*

Sterling Rockfalls, IL—Whiteside County-Joseph H. Bittorf Field, ILS Rwy 25, Amdt. 2
St. Louis, MO—Lambert-St. Louis Int'l Arpt., ILS Rwy 12R, Amdt. 9
St. Louis, MO—Lambert-St. Louis Int'l Arpt., ILS Rwy 24, Amdt. 33
St. Louis, MO—Lambert-St. Louis Int'l Arpt., ILS Rwy 30L, Amdt. 1
St. Louis, MO—Spirit of St. Louis Arpt., ILS Rwy 7, Amdt. 3
Seattle, WA—Boeing Field (King County Int'l Arpt.), ILS Rwy 13R, Amdt. 17

. . . . effective May 13, 1976

Valdosta, GA—Valdosta Muni. Arpt., ILS Rwy 35, Amdt. 1

. . . . effective April 22, 1976

Hobbs, NM—Lea County (Hobbs) Arpt., ILS Rwy 3, Original

. . . . effective April 8, 1976

Ft. Myers, FL—Page Field, ILS Rwy 5, Amdt. 1

. . . . effective March 23, 1976

Amarillo, TX—Amarillo Air Terminal, ILS Rwy 3, Amdt. 15

§ 97.31 [Amended]

5. Section 97.31 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective May 20, 1976.*

St. Louis, MO—Lambert-St. Louis Int'l Arpt., RADAR-1, Amdt. 18
Seattle, WA—Boeing Field (King County Int'l Arpt.), RADAR-1, Amdt. 5

. . . . effective May 13, 1976

Columbus, GA—Columbus Metro. Arpt., RADAR-1, Amdt. 3
Detroit, MI—Detroit Metro. Arpt.-Wayne County, RADAR-1, Amdt. 7

§ 97.33 [Amended]

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs. *effective May 20, 1976.*

St. Louis, MO—Lambert-St. Louis Int'l Arpt. RNAV, Rwy 30L, Amdt. 3

. . . . effective May 13, 1976

Elgin, IL—Elgin Arpt., RNAV Rwy 18, Amdt. 3
Wilmington, NC—New Hanover County Arpt., RNAV Rwy 23, Amdt. 1

. . . . effective March 23, 1976

Amarillo, TX—Amarillo Air Terminal, RNAV Rwy 21, Amdt. 2

CORRECTION

In Docket Number 15426, Amendment 1011 to Part 97 of the Federal Aviation Regulations published in the FEDERAL REGISTER dated March 11, 1976, on Page 10418 . . . Under § 97.23, effective April 22, 1976, Phoenix, AZ—Phoenix Sky Harbor Int'l Arpt., VOR Owy 26L, Amdt. 18 . . . the effective date of this procedure is changed to May 20, 1976.

These amendments are made effective under the authority of secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 USC 1438, 1354, 1421, 1510, and sec. 6(c) Department of Transportation Act, 49 USC 1655(c).

Issued in Washington, D.C., on March 25, 1976.

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

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.76-9178 Filed 3-31-76;8:45 am]

[Airspace Docket No. 75-SW-80]

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

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Area

On January 30, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 4601) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 and 73 of the Federal Aviation Regulations that would designate a temporary restricted area to contain launched missiles within the proposed area from May 1 through June 30, 1976. This restricted area would also be included in the continental control area for the duration of its time of designation.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. We received one response to the NPRM in which the commentator posed no objection to the proposal.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 GMT, May 1, 1976, as hereinafter set forth.

1. In § 71.151 (41 FR 345) the following restricted area is included for the duration of its time of designation from 0001 CDT, May 1, 1976, through 2400 CDT, June 30, 1976: R-5114 Fort Wingate, New Mexico.

2. In § 73.51 (41 FR 684) the following restricted area is added:

R-5114 FORT WINGATE, NEW MEXICO

Boundaries. Beginning at Lat. 35°26'00" N., Long. 108°35'00" W.; to Lat. 35°08'30" N., Long. 108°12'00" W.; to Lat. 35°01'00" N., Long. 108°24'30" W.; to Lat. 35°25'00" N., Long. 108°37'00" W.; to point of beginning.

Designated altitudes. Surface to unlimited.

Time of designation. May 1 through June 30 with specific dates/times to be published by NOTAM at least 24 hours in advance.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. Deputy for Air Force, White Sands Missile Range.

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

Issued in Washington, D.C., on March 24, 1976.

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

[FR Doc.76-8977 Filed 3-31-76;8:45 am]

[Airspace Docket No. 76-SO-5]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route

On February 6, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 5406) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations so that would realign a jet route between New Orleans, La., and Memphis, Tenn.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. We received one response to the NPRM in which the commentator posed no objection to the proposal.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 GMT, May 20, 1976, as hereinafter set forth.

§ 75.100 [Amended]

§ 75.100 (41 FR 704) is amended as follows:

In J-35 "the INT of the New Orleans 357° and the Jackson, Miss., 184° radials; Jackson;" is deleted and "McComb, Miss.; Greenwood, Miss.; is substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 USC 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 USC 1655(c)).

Issued in Washington, D.C., on March 24, 1976.

B. KEITH POTTS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-9138 Filed 3-31-76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 8947-o]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Carpets "R" Us, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.73 Formal regulatory and statutory requirements; 13.73–90 Textile Fiber Products Identification Act; § 13.75 Free goods or services; § 13.135 Nature of product or service; § 13.155 Prices; 13.155–5 Additional charges unmentioned; 13.155–10 Bait; 13.155–35 Discount savings; 13.155–40 Exaggerated as regular and customary; 13.155–70 Percentage savings; 13.155–75 Product or quantity covered; 13.155–100 Usual as reduced, special, etc.; § 13.160 Promotional sales plans; § 13.180 Quantity; 13.180–35 Offered; § 13.200 Sample, offer or order conformance; § 13.205 Scientific or other relevant facts; § 13.260 Terms and conditions; § 13.270 Trademark registration or use. Subpart—Contracting for sale in any form binding on buyer prior to specified time period: § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(k) Records, in general. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 Disparaging products, merchandise, services, etc. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records. Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely; 13.1108–80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1200 Content; § 13.1212 Formal regulatory and statutory requirements; 13.1212–80 Textile Fiber Products Identification Act; § 13.1320 Scientific or other relevant facts. Subpart—Misrepresenting oneself and goods—Goods: § 13.1605 Content: § 13.1623 Formal regulatory and statutory requirements; 13.1623–80 Textile Fiber Products Identification Act; § 13.1625 Free goods or services; § 13.1685 Nature; § 13.1720 Quantity; § 13.1735 Sample, offer, or order conformance; § 13.1740 Scientific or other relevant facts; § 13.1760 Terms and conditions; 13.1760–50 Sales contract.—Prices: § 13.1778 Additional costs unmentioned; § 13.1779 Bait; § 13.1805 Exaggerated as regular and customary; § 13.1825 Usual as reduced or to be increased.—Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1850 Content: § 13.1852 Formal regulatory and statutory requirements; 13.1852–70 Textile Fiber Products Identification Act; § 13.1855 Identity; § 13.1870 Nature; § 13.1882 Prices; 13.1882–10 Additional prices unmentioned; § 13.1886 Quality, grade or type; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.1905–50 Sales contract. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 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; 72 Stat. 1717; 15 U.S.C. 45, 70)

In the Matter of Carpets "R" Us, Inc., a corporation, and Paul W. Ferrone and Homer Bandy, individually and as officers of said corporation.

Order requiring a Lanham, Md., distributor and installer of carpeting and floor coverings, among other things to cease using bait and switch tactics; misrepresenting free goods and services; misrepresenting exaggerated prices as regular and customary; misrepresenting the amount of carpeting offered for sale, i.e., square feet vs. square yards; failing to disclose to customers their right to a three-day cooling-off period during which they may cancel their sales contract with full refund of monies paid; and misbranding and falsely invoicing their textile fiber products in violation of the Textile Fiber Products Identification Act.

The Final Order, including further order requiring report of compliance therewith, is as follows: [1]

FINAL ORDER

This matter having been considered by the Commission upon appeal of Respondents from the Initial Decision, and the Commission, for the reasons stated in the accompanying Opinion, having granted the appeal in part:

It is ordered, That the following portions of the Initial Decision of the Administrative Law Judge be, and they hereby are, adopted as the Findings of Fact and Conclusions of Law of the Commission: pp. 3–9 (except for findings 18, p. 9); pp. 9–7 (except for the second full sentence on p. 17); pp. 17–20 (except for the last full paragraph on p. 19 and the carryover paragraph, pp. 19–20).

Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion.

It is further ordered, That the following Order to cease and desist be, and it hereby is entered:

ORDER

A. *It is ordered*, That respondents Carpets "R" Us, Inc., a corporation, its successors and assigns, and its officers, and Paul W. Ferrone and Homer Bandy, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of carpeting and floor coverings, or any other article of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme, or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of carpeting or other merchandise or services.

2. Making representations, directly or indirectly, orally or in writing, purporting to offer merchandise or services for sale when the purpose of the representation is not to sell the offered merchandise or services but to obtain leads or prospects for the sale of other merchandise or services at higher prices.

3. Disparaging in any manner, or discouraging the purchase of any merchandise or services which are advertised or offered for sale.

4. Representing, directly or indirectly, orally or in writing, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services.

5. Failing to maintain and produce for inspection and copying, for a period of three (3) years following the date of publication of any advertisement, adequate records to document for the entire period during which each advertisement was run and for a period of six (6) weeks after the termination of its publication in press or broadcast media:

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

(a) The cost of publishing each advertisement including the preparation and dissemination thereof;

(b) The volume of sales made of the advertised product or service at the advertised price; and

(c) A computation of the net profit from the sales of each advertised product or service at the advertised price.

6. Advertising the price of carpet, either separately or with padding and installation included, for specified areas of coverage without disclosing in immediate conjunction and with equal prominence the price for additional quantities of such carpet under the same conditions.

7. Using the words "Sale", "Savings Now", "Clearance", or any other word or words of similar import or meaning not set forth specifically herein, unless the price of such merchandise or service being offered for sale constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such merchandise or service was sold or offered for sale to the public on a regular basis by respondents for a reasonably substantial period of time in the recent regular course of their business or, if the merchandise or service is being newly introduced, from the actual bona fide price respondents in good faith plan to establish when the temporary period of the opening sale is ended.

8. Representing, directly or indirectly, orally or in writing, that any amount is respondents' regular price for any article of merchandise or service unless said amount is the price at which such merchandise or service has been sold or offered for sale by respondents for a reasonably substantial period of time in the recent regular course of their business and not for the purpose of establishing fictitious higher prices upon which a deceptive comparison or a "free" or similar offer might be based.

9. Representing, orally or in writing, directly or by implication, that, by purchasing any of said merchandise or services, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless such merchandise or services has been sold or offered for sale in good faith at the former price by respondents for a reasonably substantial period of time in the recent, regular course of their business.

10. Representing, orally or in writing, directly or by implication, that, by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared price for said merchandise in respondents' trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said merchandise at the compared price or some higher price.

11. Representing, orally or in writing, directly or by implication, that, by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable merchandise, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with merchandise of like grade and quality.

12. Failing to maintain and produce for inspection or copying, for a period of three (3) years following the date on which any savings claims, sales claims, or other similar representations are made, adequate records (a) which disclose the facts upon which any savings claims, sale claims, price or value claims and other similar representations as set forth in Paragraph 7, 8, 9, 10, and 11 of this Order are based, and (b) from which the validity of any such representations can be determined.

13. Representing, directly or indirectly, orally or in writing, that any merchandise or service is furnished "free" or at no cost to the purchaser of advertised merchandise or services when, in fact, the cost of such merchandise or service is regularly included in the selling price of the advertised merchandise or service.

14. Representing, directly or indirectly, orally or in writing, that merchandise or service is being offered "free" with the sale of merchandise or service which is usually sold at a price arrived at through bargaining (rather than at a regular price) or where, although there may be a regular price, but other material factors such as quantity, quality, or size are arrived at through bargaining.

15. Representing, directly, or indirectly, orally or in writing, that a "free" offer is available in a trade area for more than six (6) months in any twelve (12) month period. At least thirty (30) days shall elapse before another such "free" offer is made in the same trade area. No more than three (3) such "free" offers shall be made in the same area in any twelve (12) month period. In such period, respondents' sales in that area of the product or service in the amount, size, or quality promoted with the "free" offer shall not exceed fifty percent (50%) of the total volume of its sales in that area of the product or service in the same amount, size, or quality.

16. Advertising any carpeting or floor covering using as the unit of measurement square feet, unless the unit of measurement square yards is also employed in immediate conjunction therewith and with equal prominence, or using any spatially descriptive term or terms, such as "three rooms", if those terms tend to exaggerate the size of quantity of carpeting being offered at the advertised price.

17. Contracting for any sale, whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise, which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of execution.

18. Failing to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language, e.g., Spanish, as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and address of the seller, and, in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used, and in bold face type of a minimum size of ten points, a statement in substantially the following form:

"You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right."

19. Failing to furnish each buyer, at the time he signs the sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form in duplicate, captioned "NOTICE OF CANCELLATION", which shall be attached to the contract or receipt and easily detachable, and which shall contain in ten point bold face type the following information and statements in the same language, *e.g.*, Spanish, as that used in the contract:

NOTICE OF CANCELLATION

(enter date of transaction)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the Seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may, if you wish, comply with the instructions of the Seller regarding the return shipment of the goods at the Seller's expense and risk.

If you do make the goods available to the Seller and the Seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If if you fail to make the goods available to the Seller, or if you agree to return the goods to the Seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram, to _____,

(Name of seller)

at _____

(address of seller's place of business)

not later than midnight of _____.

(date).

I hereby cancel this transaction.

_____

(Date)

_____

(Buyer's signature)

20. Failing, before furnishing copies of the "Notice of Cancellation" to the buyer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by

which the buyer may give notice of cancellation.

21. Including in any sales contract or receipt any confession of judgment or any waiver of any of the rights to which the buyer is entitled under this Order including specifically his right to cancel the sale in accordance with the provisions of this Order.

22. Failing to inform each buyer orally, at the time he signs the contract or purchases the good or services, of his right to cancel.

23. Misrepresenting, directly or indirectly, orally or in writing, the buyer's right to cancel.

24. Failing or refusing to honor any valid notice of cancellation by a buyer and, within ten (10) business days after the receipt of such notice, to (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by the seller; (iii) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

25. Negotiating, transferring, selling, or assigning any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.

26. Failing, within ten (10) business days of receipt of the buyer's notice of cancellation, to notify him whether the seller intends to repossess or to abandon any shipped or delivered goods.

Provided, however, That nothing contained in Part I of this Order shall relieve respondents of any additional obligations respecting contracts required by federal law or the law of the state in which the contract is made. When such obligations are inconsistent with the provisions of this Order, the Commission, upon proper showing, shall make such modifications as may be warranted.

B. *It is further ordered* That respondents Carpets "R" Us, Inc., a corporation, its successors and assigns, and its officers, and Paul W. Ferrone and Homer Bandy, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale, in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

a. Misbranding textile fiber products by falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

b. Falsely and deceptively advertising textile products by:

1. Making any representations, by disclosure or by implication, as to fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly, in the sale, or offering for sale, of such textile fiber product unless the same information required to be shown on the stamp, tag, label or other means of identification under Sections 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to set forth, in advertising the fiber content of floor covering containing exempted backings, fillings or paddings, that such disclosure relates only to the face, pile or outer surface of such textile fiber products and not to the exempted backings, fillings or paddings.

3. Using a fiber trade-mark in advertising textile fiber products without a full disclosure of the required fiber content information in at least one instance in said advertisements.

4. Using a fiber trade-mark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

It is further ordered, That respondents shall maintain, for at least a one (1) year period, copies of all advertisements, including newspaper, radio, and television advertisements, direct mail and in-store solicitation literature, and any other such promotional material utilized for the purpose of obtaining leads for the sale of carpeting or floor coverings, or utilized in the advertising, promotion, or sale of carpeting or floor coverings and other merchandise, and make such materials available to the Commission staff for inspection and copying upon reasonable notice.

It is further ordered, That respondents shall provide each advertising agency utilized by respondents to obtain leads for the sale of carpeting or floor coverings, or to advertise, promote, or sell carpeting or floor coverings and other merchandise, with a copy of this Order.

It is further ordered, That respondents shall forthwith distribute a copy of this Order to each of their operating divisions, if any.

It is further ordered, That respondents deliver a copy of this Order to all present and future personnel of respondents engaged in the sale or offering for sale of any product, in the consummation of any extension of consumer credit, or in any aspect of the preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said Order from each such person.

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 this Order.

It is further ordered, That, for ten years following the effective date of this Order, each individual respondent named herein promptly notify the Commission of every discontinuance of the respondent's business or employment and of every affiliation with a new business or employment. Each such notice shall include the respondent's new business address and a statement as to the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with that business or employment.

Opinion of the Commision by Commissioner Nye.

The Final Order was issued by the Commission Feb. 26, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-9209 Filed 3-31-76;8:45 am]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1207—SAFETY STANDARD FOR SWIMMING POOL SLIDES

Establishment of Standards

Correction

In FR Doc. 76-8618 appearing at page 12638 in the FEDERAL REGISTER of Friday, March 26, 1976, in § 1207.5(d) (2) (ii) in the second column, 2nd line, insert a comma after the word "steps".

In the 8th line of (d) (2) (ii) the letter, in quotes following the word "distance", should be the letter "l" in italics.

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950.....)

Deductions; Reductions; Nonpayments; Increases Contribution and Benefit Base

Section 230 of the Social Security Act (42 U.S.C. 430) requires the Secretary to publish in the FEDERAL REGISTER, on or before November 1 of each calendar year in which he increases benefits effective with the month of June, the new contribution and benefit base with respect to remuneration paid in, and taxable years beginning in, the following calendar year. Therefore, on October 30, 1975, there was published in the FEDERAL REGISTER (40 FR 50556) a notice setting

the contribution and benefit base for calendar year 1976 at $15,300. The proposed amendment to § 404.429(c), which defines "earnings" for purposes of deductions because of post-retirement-work, is only to reflect in the regulations this revised contribution and benefit base. Amendments to §§ 404.1027, 404.1068, and 404.1410, which relate to amount of earnings creditable for benefit purposes, are under consideration and proposed revisions to these sections will be published soon. Although § 404.429(c) makes clear that all of an individual's wages are to be considered in retirement test computations it is not reflective of the exempt amount of earnings allowed prior to reduction of benefits because of excess earnings.

Inasmuch as the purpose of the amendment set forth below is merely to update the regulations by including therein this amount which is mandated by the statute, the Secretary finds that publication with notice of proposed rulemaking under 5 U.S.C. 553(b) and publication not less than 30 days prior to the effective date under 5 U.S.C. 553(d), are unnecessary.

Effective date. This amendment becomes effective upon April 1, 1976.

(Secs. 205, 230, and 1102 of the Social Security Act, 53 Stat. 1368, as amended, 86 Stat. 416, as amended, and 49 Stat. 647, as amended; 42 U.S.C. 405, 430, and 1302.)

(Catalog of Federal Domestic Assistance Program No. 13.802, Social Security-Disability Insurance; 13.803, Social Security-Retirement Insurance; 13.805, Social Security-Survivors Insurance.)

Dated: March 12, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 26, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is further amended as follows:

Paragraph (c)(1) of § 404.429 is revised to read as follows:

§ 404.429 Earnings; defined.

* * * * *

(c) *Wages defined.* Wages include the gross amount of an individual's wages rather than the net amount paid after deductions by the employer for items such as taxes and insurance. For purposes of this section, an individual's wages are determined under the provisions of Subpart K of this part, except that, notwithstanding the provisions of Subpart K, wages also includes:

(1) Remuneration of over $15,300 in the calendar year 1976, or over $14,100 in the calendar year 1975, or over $13,200 in the calendar year 1974, or over $10,800 in the calendar year 1973, or over $9,000 in the calendar year 1972, or over $7,800 in a calendar year 1968 through 1971, or over $6,600 in calendar years 1966 and 1967, or over $4,800 in a calendar year 1959 through 1965, or over $4,200 in a calendar year 1955 through 1958, or over $3,600 in a calendar year 1951 through 1954; and

* * * * *

[FR Doc.76-9344 Filed 3-31-76;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.720]

PART 16—FOREIGN SERVICE GRIEVANCE SYSTEM

Foreign Service Grievance Regulations

A new Part 16 is added to Title 22 of the Code of Federal Regulations to implement Foreign Service grievance procedures as established under Title VI of the Foreign Service Act of 1946, as amended by Pub. L. 94-141 (89 Stat. 765) and section 10 of Executive Order 11636 (36 FR 24901, December 17, 1971).

This part establishes grievance procedures for Foreign Service employees of the Department of State, the Agency for International Development, and the U.S. Information Agency.

In view of the imminence of the present compliance date, and since these regulations relate to internal Departmental and Foreign Affairs agency organization, personnel procedures and practices, notice and public procedure thereon are found impractical and unnecessary and they may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

The new Part 16 of Title 22 of the Code of Federal Regulations will read as set forth below:

Sec.

16.1 Definitions.
16.2 General provisions.
16.3 Access to records.
16.4 Time limits for grievance filing.
16.5 Relationship to other remedies.
16.6 Security clearances.
16.7 Agency procedures.
16.8 Agency review.
16.9 Records.
16.10 Foreign Service Grievance Board.
16.11 Grievance Board consideration of grievances.
16.12 Hearing.
16.13 Decisions.
16.14 Reconsideration of a grievance.
16.15 Judicial review.
Appendix A—Statutory Appeals Procedures for Foreign Service Personnel

AUTHORITY: Sec. 4 of the Act of May 26, 1949, as amended (63 Stat. 111; 22 U.S.C. 2658); Pub. L. 94-141 (89 Stat. 765); 22 U.S.C. 1037; sec. 10 of E.O. 11636 (36 FR 24901).

§ 16.1 Definitions.

(a) "Act" means the Foreign Service Act of 1946, as amended.

(b) "Grievant" means any officer or employee of the Service who is a citizen of the United States; or for purposes of paragraphs (c) (7) and (8) of this section, a former officer or employee of the Service; or in the case of death of the officer or employee, a surviving spouse or dependent family member of the officer or employee.

(c) "Grievance" means any act or condition subject to the control of the Foreign Affairs agencies (the Department of State, the Agency for International Development, or the U.S. Information Agency) which is alleged to deprive the grievant of a right or benefit authorized by law or regulation or is otherwise a source of concern or dissatisfaction to the grievant, including, but not limited to the following:

(1) Complaints against separation of an officer or employee allegedly contrary to law or regulation or predicated upon alleged inaccuracy (including inaccuracy resulting from omission or any relevant and material document), error, or falsely prejudicial character of any part of the grievant's official personnel record;

(2) Other alleged violation, misinterpretation, or misapplication of applicable law, regulation, or published policy affecting the terms and conditions of the grievant's employment or career status;

(3) Allegedly wrongful disciplinary action against an employee constituting a reprimand or suspension from official duties;

(4) Dissatisfaction with any matter subject to the control of the agency with respect to the grievant's physical working environment;

(5) Alleged inaccuracy, error, or falsely prejudicial material in the grievant's official personnel file;

(6) Action alleged to be in the nature of reprisal or other interference with freedom of action in connection with an employee's participation under these grievance procedures;

(7) When the grievant is a former officer who was involuntarily retired pursuant to sections 633 and 634 of the Act within 6 years prior to December 1, 1975, "grievance" shall mean a complaint that such involuntary retirement violated applicable law or regulation effective at the time of the retirement or that the involuntary retirement was predicated directly upon material contained in the grievant's official personnel file alleged to be erroneous or falsely prejudicial in character; and

(8) When the grievant is a former officer or employee or a surviving spouse or dependent family member of a former officer or employee, "grievance" shall mean a complaint that an allowance or other financial benefit has been denied arbitrarily, capriciously or contrary to applicable law or regulation.

(d) Grievance does not include the following:

(1) Complaints against individual assignment or transfers of Foreign Service officers or employees, which are ordered in accordance with law and regulation (see also paragraph (c) (2) of this section);

(2) Judgments of Selection Boards rendered pursuant to section 623 of the Act, or of equivalent bodies, in ranking Foreign Service officers and employees for promotion on the basis of merit, or judgments in examinations prescribed by the Board of Examiners pursuant to sections 516 or 517 of the Act (see also paragraph (c) (2) of this section);

(3) Termination of time-limited appointments pursuant to 22 U.S.C. 929 and 1008, and the pertinent regulations prescribed by the employing agency (see also paragraph (c)(2) of this section);

(4) Any complaints or appeals for which a specific statutory appeals procedure exists (see Appendix A for examples).

A grievance filed under these procedures may be based on matters for which there is a specific statutory appeals procedure which is applicable to the Foreign Service grievant. Should the jurisdiction of the Grievance Board over a specific grievance be placed into question on grounds that the basis of the grievance is not encompassed within the Board's authority (§ 16.1(d)(4) and Appendix A), the Board shall consult with the other statutory body concerned, transmitting the views of the parties concerned before determining whether it has jurisdiction.

(e) "Employee organization" means any employee organization accorded recognition as the exclusive employee representative pursuant to Executive Order 11636 dated December 17, 1971.

(f) "Grievance Board" or "Board" means the full Foreign Service Grievance Board, or a Panel or member thereof, as appropriate.

(g) "Party" means the grievant or the Foreign Affairs agency having control over the act or condition forming the subject matter of the grievance.

(h) "Bureau" means equivalent organizational elements in State and USIA, and includes offices in AID.

(i) "Days" means calendar days.

§ 16.2 General provisions.

(a) *Statement of purpose.* These regulations establish procedures as required by law to provide Foreign Service officers and employees (and their survivors) of the Foreign Affairs agencies, a grievance procedure to insure a full measure of due process, and to provide for the just consideration and resolution of grievances of such officers, employees, and survivors. No regulation promulgated in this part shall be interpreted or applied in any manner which would alter or abridge the provisions of the due process established by the Congress in Pub. L. 94-141, 22 U.S.C. 1037, section 691.

(b) *Discussion of complaints.* (1) Every effort should be made to settle any employee complaint informally, promptly, and satisfactorily.

(2) Supervisors and other responsible officers should encourage employees to discuss complaints with them and should respond in a timely manner to resolve the complaints.

(3) An employee initially should discuss a complaint with the employee's current supervisor or with the responsible officer who has immediate jurisdiction over the complaint to give that person an opportunity to resolve the matter, before further steps are taken under these procedures.

(c) *Guidance.* Nothing in these procedures prevents a grievant from seeking guidance from any official who might be helpful respecting the submisston of a grievance or its resolution.

(d) *Freedom of action.* (1) Any grievant, witness, representative or other person involved in a proceeding hereunder shall be free from any restraint, interference, coercion, harassment, discrimination, or reprisal in those proceedings or by virtue of them. The Foreign Affairs agencies recognize their obligation to insure compliance with this section. Any person involved or having immediate knowledge of any alleged breach of this section should call it to the attention of the pertinent foreign affairs agency through appropriate channels for corrective action as necessary. Normally such allegations should be brought to the attention of the senior agency official at the post; and at Washington, D.C., to the Director, Grievance Staff for State; Chief, Employee Relations Branch for AID and Chief, Employee-Management Relations Division for USIA.

(2) The grievant has the right to a representative of the grievant's own choosing at every stage of the proceedings. The grievant and representative(s) who are under the control, supervision, or responsibility of the Foreign Affairs agencies shall be granted reasonable periods of administrative leave to prepare, to be present, and to present the grievance.

(3) Any witness under the control, supervision, or responsibility of a Foreign Affairs agency shall be granted reasonable periods of administrative leave to appear and testify at any such proceeding.

(4) The Foreign Service Grievance Board established hereunder shall have authority to ensure that no copy of the determination of the agency head or designee to reject a Grievance Board recommendation, no notation of the failure of the Grievance Board to find for the grievant, and no notation that a proceeding is pending or has been held, shall be entered in the personnel records of the grievant (unless by order of the Grievance Board as a remedy for the grievance) or those of any other officer or employee connected with the grievance. The Foreign Affairs agencies shall maintain grievance records under appropriate safeguards to preserve confidentiality (§ 16.9).

§ 16.3 Access to records.

(a) *Grievance Board records.* The grievant and the grievant's representative shall have access to the record of proceedings, including the decision of the Board.

(b) *Agency records.* (1) In considering the validity of a grievance, the Grievance Board shall have access, to the extent permitted by law, to any agency record considered by the Board to be relevant to the grievant and the subject matter of the grievance.

(2) The agency shall, subject to applicable law, promptly furnish the grievant any agency record which the grievant requests to substantiate the grievance and which the agency or the Grievance Board determines is relevant and material to the proceeding. When deemed appropriate by the agency or the Board, a grievant may be supplied with only a summary or extract of classified material. If a request by a grievant for a document is denied prior to or during the agency's consideration of a grievance, such denial may be raised by the grievant as an integral part of the grievance before the Board.

(3) These regulations do not require disclosure of any official agency record to the Grievance Board or a grievant where the head of agency or deputy determines in writing that such disclosure would adversely affect the foreign policy or national security of the United States.

§ 16.4 Time limits for grievance filing.

(a) A grievance concerning a continuing practice or condition may be presented at any time if its adverse effect is presently continuing. Documents contained in official employee personnel files, for example, shall be deemed to constitute a continuing condition.

(b) Subject to paragraph (a) of this section, a grievance under these regulations is forever barred, and the Grievance Board shall not consider or resolve the grievance, unless the grievance is presented within a period of 3 years after the occurrence or occurrences giving rise to the grievance, except that if the grievance arose earlier than 2 years prior to the effective date of these regulations, the grievance shall be so barred, and not considered and resolved, unless it is presented within a period of 2 years after the effective date of these regulations. There shall be excluded from the computation of any such period any time during which the grievant was unaware of the grounds which are the basis of the grievance and could not have discovered such grounds if the grievant had exercised, as determined by the Grievance Board, reasonable diligence.

(c) A grievance shall be deemed presented to the responsible official (§ 16.7(b)), transmitted to post or bureau (§ 16.7(c)) submitted for agency review (§ 16.8) or filed with the Grievance Board § 16.11(a):

(1) On the date of its dispatch by telegram, registered or certified mail, or receipted mail, in a diplomatic pouch;

(2) On the date of its arrival at the appropriate office, if delivered by any other means.

§ 16.5 Relationship to other remedies.

(a) A grievant may not file a grievance under these procedures if the grievant has formally requested, prior to filing a grievance, that the matter or matters which are the basis of the grievance be considered or resolved and relief be provided, under another provision of law, regulation, or Executive Order, and the matter has been carried to final decision thereunder on its merits or is still under consideration.

(b) If a grievant is not prohibited from filing a grievance under these regulations by paragraph (a) of this section, the grievant may file under these regulations notwithstanding the fact that such griev-

ance may be eligible for consideration, resolution, and relief under a regulation or Executive Order other than under these regulations, but such election of remedies shall be final upon the acceptance of jurisdiction by the Board.

§ 16.6 Security clearances.

The agencies shall use their best endeavors to expedite security clearances whenever necessary to ensure a fair and prompt investigation and hearing.

§ 16.7 Agency procedures.

(a) *Initial consideration.* (1) Grievances shall be considered through the steps provided in this section before they are filed with the Grievance Board.

(2) During the pendency of agency procedures under this section, the grievant may request a suspension of the proposed action of the character of separation or termination of the grievant, disciplinary action against the grievant, or recovery from the grievant of alleged overpayment of salary, expenses or allowances, which is related to the grievance. The request must be in writing and addressed to the responsible official of the agencies, as designated in § 16.8(a)(2) stating the reasons for such suspension. If the request is related to separation or termination of the grievant, and the agency considers that the grievance is not frivolous and is integral to the proposed action, the agency shall suspend its proposed action until completion of agency procedures, and for a period thereafter if necessary, consistent with paragraph (a) of § 16.11, to permit the grievant to file a grievance with the Board, and to request interim relief under paragraph (c) of § 16.11. If a request is denied, the agency shall provide the grievant in writing the reason for denial. Nothing in these regulations shall be deemed to preclude an employee from requesting the suspension of any proposed action.

(b) *Consideration by responsible officer.* (1) While every effort should be made to resolve a complaint by an initial discussion between an employee and the supervisor or responsible officer, an employee may present the complaint as a grievance by submitting it in writing, to that person. (The term "responsible officer" as used herein includes any appropriate officer who has immediate jurisdiction over the complaint.) The presentation shall include a description of the act or condition which is the subject of the grievance; its effect on the grievant; any provision of law, regulation, or agency policy which the grievant may believe was violated or misapplied; any documentary evidence readily available to the grievant on which the grievance rests; the identity of individuals having knowledge of relevant facts; and a statement of the remedial action requested.

(2) The responsible officer, whenever possible, shall use independent judgment in deciding whether the grievance is meritorious and what the resolution of it should be. Within 15 days from receipt of the written grievance, the responsible officer shall provide the grievant with a written response, which shall include a statement of any proposed resolution of the grievance.

(3) If the response denies in whole or in part the remedial action requested, such response shall notify the grievant of the time within which to appeal the decision, and the identity of the senior official, or designee, to whom the appeal should be addressed. In those cases in which the senior official, or designee, is the responsible officer to whom the grievance was initially presented or has participated in the decision process and has formally approved the written response of the responsible officer, the grievant shall be so notified and advised that the grievance may be submitted directly to the agency for review under § 16.8.

(c) *Bureau or post review.* (1) If the responsible officer's written response does not resolve the grievance to the grievant's satisfaction, within 10 days of receiving it (or, if no response is received, within 25 days after first presenting the grievance), the grievant may pursue the grievance by transmitting it in writing to the senior official, or the designee in the bureau or post which has authority to resolve the grievance. The written transmission shall include all the information required by § 16.7(b)(1) and copies of any correspondence under § 16.7(b)(2) and (3).

(2) Within 15 days from receipt of the grievance that official shall provide the grievant with a written decision, including any proposed resolution of the grievance. If the decision denies in whole or in part the remedial action requested, the communication shall notify the grievant of the time within which to submit the grievance for agency review and the identity of the appropriate agency official to whom the grievance should be addressed.

§ 16.8 Agency review.

(a) *Submission.* (1) An employee may submit the grievance for agency review if the grievance (a) is not within the jurisdiction of a post or bureau, or (b) the grievance has been considered but not resolved to the grievant's satisfaction within the post or bureau as provided in § 16.7(c) within 10 days after receipt of the post's or bureau's decision (or, if no response is received, within 25 days after presenting it to the senior official or the designee). The grievant shall submit it in writing to the responsible official of the agency which has control of the act or condition which is the subject of the grievance.

(2) *Responsible officials.* The responsible officials of the agencies are the Deputy Assistant Secretary for Personnel (State), the Director of Personnel and Manpower (AID), and the Chief, Employee-Management Relations Division (USIA).

(3) *Contents.* (i) A request for agency review shall include a description of the act or condition which is the subject of the grievance; its effect on the grievant; any provision of law, regulation or agency policy which the grievant may believe was violated or misapplied; copies of any correspondence under § 16.7(a), any documentary evidence readily available to the grievant on which the grievance rests; the identity of individuals having knowledge of relevant facts; and a statement of the remedial action requested.

(ii) The responsible official shall review the grievance on the basis of available documentary evidence, and, in that official's discretion, interview persons having knowledge of the facts. The agency review shall be completed and its decision dispatched within 90 days from the date of the initial written presentation of the grievance. The grievant shall be informed in writing of the findings of the responsible official and any proposed resolution of the grievance. The communication shall also include the time within which the grievant may file a grievance with the Grievance Board and the appropriate procedure to be followed in this respect.

§ 16.9 Records.

All official records concerning agency consideration of grievances, except those appropriate to implementation of decisions favorable to grievants, shall be kept separate from the official personnel record of the grievant and any other individuals connected with the grievance, and shall not be accessible to agency personnel other than the grievant, the grievant's representative, and those responsible for consideration of grievances.

§ 16.10 Foreign Service Grievance Board.

(a) *Establishment and composition.* There is hereby established a Foreign Service Grievance Board for the Department of State, the Agency for International Development and the U.S. Information Agency to consider and resolve grievances under these procedures.

(b) The Grievance Board shall consist of not less than 5 members nor more than 15 members (including a chairperson) who shall be independent, distinguished citizens of the United States, well known for their integrity, who are not active officers, employees, or consultants of the Foreign Affairs agencies (except consultants who served as public members of the Interim Grievance Board previously established under section 660, Volume 3, Foreign Affairs Manual) but may be retired officers or employees. On its initial establishment, the Board shall consist of 15 members including the chairperson.

(c) The Board may act by or through panels or individual members designated by the chairperson, except that hearings within the continental United States shall be held by panels of at least three members unless the parties agree otherwise. Reference in these regulations to the Grievance Board shall be considered to be reference to a panel or member of the Grievance Board where appropriate. All members of the Grievance Board shall act as impartial individuals in considering grievances.

(d) The members of the Grievance Board, including the chairperson, shall be appointed by the Secretary of State after being designated by the written

agreement of the Foreign Affairs agencies and the employee organization.

(e) The Board chairperson and other members shall be appointed for terms of 2 years, subject to renewal upon the agreement of the Foreign Affairs agencies and the employee organization; except that the terms of 7 of the initially appointed members shall expire at the end of one year.

(f) Any vacancies shall be filled by the Secretary of State upon the nomination by the Board following the agreement of the agencies and the employee organization.

(g) *Compensation.* Members, including the chairperson, who are not employees of the Federal Government shall receive compensation for each day they are performing their duties as members of the Grievance Board (including travel time) at the daily rate paid an individual at GS–18 level of the General Schedule under section 5332 of Title 5 of the United States Code.

(h) *Removal.* Grievance Board members shall be subject to removal by the Secretary of State for corruption, other malfeasance, or the demonstrated incapacity to perform their functions. No member shall be removed from office until after the Board of the Foreign Service has conducted a hearing and made its recommendations in writing to the Secretary of State, except where the right to a hearing is waived in writing. The Board of the Foreign Service shall provide a member with full notice of the charges against that member, and afford a member the right to counsel, to examine and cross-examine witnesses, and to present documentary evidence.

(i) *Grievance Board procedures.* In accordance with Part J, Title VI of the Act, the Board may adopt regulations concerning the organization of the Board and such other regulations as may be necessary to govern its proceedings.

(j) *Board facilities and staff support.* The Grievance Board may obtain facilities, services, and supplies through the general administrative services of the Department of State. All expenses of the Board, including necessary costs of the grievant's travel and travel-related expenses, shall be paid out of funds appropriated to the Department for obligation and expenditure by the Board. At the request of the Board, officers and employees on the rolls of the Foreign Affairs agencies may be assigned as staff employees to the Grievance Board. Within the limit of appropriated funds, the Board may appoint and fix the compensation of such other employees as the Board considers necessary to carry out its functions. The officers and employees so appointed or assigned shall be responsible solely to the Grievance Board and the Board shall prepare the performance evaluation reports for such officers and employees. The records of the Grievance Board shall be maintained by the Board and shall be separate from all other records of the Foreign Affairs agencies.

§ 16.11 Grievance Board consideration of grievances.

(a) *Filing of grievance.* A grievant whose grievance is not resolved statisfactorily under agency procedures (§ 16.7) shall be entitled to file a grievance with the Grievance Board no later than 60 days after receiving the agency decision. In the event that an agency has not provided its decision within 90 days of presentation, the grievant shall be entitled to file a grievance with the Grievance Board no later than 150 days after the date of presentation to the agency. The Board may extend or waive, for good cause, the time limits stated in this section.

(b) *Exhaustion of agency procedures.* In the event that the Grievance Board finds that a grievance has not been presented for agency consideration or that a grievance has been expanded or modified to include materially different elements, the Board shall return the grievance to the official responsible for final agency review unless the agency waives any objection to Board consideration of the grievance without such review.

(c) *Prescription of interim relief.* If the Grievance Board determines that the agency is considering any action of the character of separation or termination of the grievant, disciplinary action against the grievant, or recovery from the grievant of alleged overpayment of salary, expenses, or allowances, which is related to a grievance pending before the Board, and that such action should be suspended, the agency shall suspend such action until the Board has ruled upon the grievance. *Notwithstanding* such suspension of action, the head of the agency concerned or a chief of mission or principal officer may exclude an officer or employee from official premises or from the performance of specified duties when such exclusion is determined in writing to be essential to the functioning of the post or office to which the officer or employee is assigned.

(d) *Inquiry into grievances.* The Board shall conduct a hearing at the request of a grievant in any case which involves disciplinary action, or a grievant's retirement from the Service under sections 633 and 634 of the Act, or which in the judgment of the Board can best be resolved by a hearing or by presentation of oral argument. In those grievances in which the Board holds no hearing, the Board shall offer to each party the opportunity to review and to supplement, by written submission, the record of proceedings prior to its decision.

§ 16.12 Hearing.

(a) *Appearances and representation.* The grievant, a reasonable number of representatives of the grievant's own choosing, and a reasonable number of agency representatives, are entitled to be present at the hearing. The Grievance Board may, after considering the views of the parties and any other individuals connected with the grievance, decide that a hearing should be open to others.

(b) *Conduct of hearing.* (1) Testimony at a hearing shall be given by oath or affirmation which any Board member or person designated by the Board shall have authority to administer.

(2) Each party shall be entitled to examine and cross-examine witnesses at the hearing or by deposition, and to serve interrogatories upon another party and have such interrogatories answered by the other party unless the Board finds such interrogatory irrelevant or immaterial. Upon request of the Board, or upon a request of the grievant deemed relevant and material by the Board, an agency shall promptly make available at the hearing or by deposition any witness under its control, supervision or responsibility, except that if the Board determines that the presence of such witness at the hearing is required for just resolution of the grievance, then the witness shall be made available at the hearing, with necessary costs and travel expenses provided by the agency.

(3) During any hearings held by the Board, any oral or documentary evidence may be received but the Board shall exclude any irrelevant, immaterial, or unduly repetitious evidence normally excluded in hearings conducted under the Administrative Procedures Act (5 U.S.C. 556).

(4) A verbatim transcript shall be made of any hearing and shall be part of the record of proceedings.

§ 16.13 Decisions.

(a) Upon completion of the hearing or the compilation of such record as the Board may find appropriate in the absence of a hearing, the Board shall expeditiously decide the grievance on the basis of the record of proceedings. In each case the decision of the Board shall be in writing, shall include findings of fact, and shall include the reasons for the Board's decision.

(b) If the Grievance Board finds that the grievance is meritorious, the Board shall have the authority within the limitations of the authority of the head of the agency, to direct the agency:

(1) To correct any official personnel record relating to the grievant which the Board finds to be inaccurate, erroneous, or falsely prejudicial;

(2) To reverse an administrative decision denying the grievant compensation including related within-class salary increases pursuant to section 625 of the Act or any other perquisite of employment authorized by law or regulation when the Board finds that such denial was arbitrary, capricious, or contrary to law or regulation;

(3) To retain in service an employee whose termination would be in consequence of the matter by which the employee is aggrieved;

(4) To reinstate with back pay, under applicable law and regulations, an employee where it is clearly established that the separation or suspension without pay of the employee was unjustified or unwarranted;

(5) To order an extension of the time of an employee's eligibility for promotion to a higher class where the employee suffered career impairment in consequence of the matter by which the employee is aggrieved;

(6) To order that an employee be provided with facilities relating to the physical working environment which the employee has been denied arbitrarily, capriciously or in violation of applicable regulation.

(c) Such orders of the Board shall be final, subject to judicial review as provided for in section 694 of the Act, except that reinstatement of former officers who have filed grievances under § 16.1(c)(7) shall be presented as Board recommendations, the decision on which shall be subject to the sole discretion of the agency head or designee, who shall take into account the needs of the Service in deciding on such recommendations, and shall not be subjected to judicial review under section 694 of the Act. The reason(s) for the agency head's (or designee's) decision will be conveyed in writing to the Board and the grievant.

(d) If the Board finds that the grievance is meritorious and that remedial action should be taken that directly relates to promotion or assignment of the grievant, or to other remedial action, including additional step increases, not provided for in paragraph (b) of § 16.13, or if the Board finds that the evidence before it warrants disciplinary action against any officer or employee, it shall make an appropriate recommendation to the head of the agency, and forward to the head of the agency the record of the Board's proceedings, including the transcript of the hearing, if any. The head of the agency (or designee, who shall not have direct responsibility for administrative management) shall make a written decision to the parties and to the Board on the Board's recommendation within 30 days from receipt of the recommendation. A recommendation of the Board may be rejected in part or in whole if the action recommended would be contrary to law, would adversely affect the foreign policy or security of the United States, or would substantially impair the efficiency of the Service. If the decision rejects the Board's recommendation in part or in whole, the decision shall state specifically any and all reasons for such action. Pending the decision, there shall be no ex parte communications concerning the grievance between the agency head, or designee, and any person involved in the grievance proceeding.

§ 16.14 Reconsideration of a grievance.

A grievant whose grievance is found not to be meritorious by the Board may obtain reconsideration by the Board only upon presenting newly discovered or previously unavailable material evidence not previously considered by the Board and then only upon approval of the Board.

§ 16.15 Judicial review.

Any aggrieved party may obtain judicial review of these regulations, and revisions thereto, and final actions of the agency head (or designee) or the Grievance Board hereunder, in the District Courts of the United States, in accordance with the standards set forth in chapter 7 of Title 5 of the United States Code. Section 706 of Title 5 shall apply without limitation or exception.

Effective date. This Part became effective March 26, 1976.

Dated: March 26, 1976.

For the Secretary of State.

LAWRENCE S. EAGLEBURGER,
Deputy Under Secretary for Management.

Statutory appeals procedures for Foreign Service personnel [1]

Action or decision	Taken by—	Appealable to—	Statutory reference	Hearing	Implementing regulations
1. Separation for cause	Agency	Agency	22 U.S.C. 1007. (See also item 3.)	Yes [2]	State: 3 FAM 760; AID: M.O. 474.3, 478.3; USIA: MOA V-B-770.
2. Separation for performance—AID	AID	do	22 U.S.C. 2385(c)	Yes [2]	AID Handbook 30, ch. 2.
3. Adverse action against FSR and FSS preference eligibles who have completed 1 year of current continuous employment.	Agency	FEAA	5 U.S.C. 7701	Yes	5 CFR 752.203.
4. Adverse action for political activity	do	Civil Service Commissioners.	5 U.S.C. 7321, 7325	Yes	5 CFR 733.201-733.204.
5. Discrimination	do	Agency/then ARB.	29 U.S.C. 633a, 42 U.S.C. 2000e-16.	Yes	5 CFR 713.221, 713.521.
6. Denial of life insurance coverage	do	ARB	5 U.S.C. 8716(a)	No	5 CFR 870.205.
7. Denial of Federal employee benefits coverage:					
a. Employees/annuitants	Agency or CSC carrier.	ARB	5 U.S.C. 8913(a)	No	5 CFR 890.103.
b. Retirees	do	ARB	5 U.S.C. 8913(a)	No	5 CFR 891.105.
c. Claims review	do	CSC (BRIOH)	5 U.S.C. 8902(j)	No	5 CFR 890.105.
8. Reduction in force, FSR, FSRU, FSS	Agency	FEAA	5 U.S.C. 1302, 3502	Yes (preference eligibles only).	5 CFR 351.901.
9. Restoration after injury on job	do	FEAA	5 U.S.C. 8151	No	5 CFR 353.401.
10. Restoration after military duty	do	FEAA	62 Stat. 614; 50 U.S.C. App. 459.	No	5 CFR 353.401.
11. Reemployment/reinstatement eligibility:					
a. After removal for security		CSC (BPI)	5 U.S.C. 3301, 3302, 7312	No	5 CFR 732.401.
b. After removal for suitability		FEAA	5 U.S.C. 3301, 3302, 7301	No	5 CFR 731.401.
12. Denial of reemployment or reinstatement rights:					
a. Executive agency transfer	Agency	FEAA	5 U.S.C. 3101; note, 3301	No	5 CFR 352.209.
b. International organization transfer	do	FEAA	5 U.S.C. 3584	No	5 CFR 352.313(a).
c. Foreign Assistance Act transfer	do	FEAA	22 U.S.C. 2385	No	5 CFR 352.508.
13. Civil service retirement	CSC		5 U.S.C. 8347D		
a. Disability		FEAA		Yes	5 CFR 831.1205.
b. Forfeiture of annuities and retired pay		ALJ		Yes [2]	5 CFR 831.1111.
c. Other		ARB		No	5 CFR 831.107.

[1] Included are appeals procedures established in regulations or appropriate authorities outside the agencies to implement or administer responsibilities assigned by statute.

[2] Hearing held before initial decision, not during appellate process.

NOTE.—Abbreviations: ALJ—Administrative Law Judge; ARB—Appeals Review Board; BPI—Bureau of Personnel Investigations, CSC; BRIOH—Bureau of Retirement, Insurance, and Occupational Health; CFR—Code of Federal Regulations; FAM—Foreign Affairs Manual; MOA—Manual of Operations and Administration (USIA); and FEAA—Federal Employees Appeals Authority.

[FR Doc.76-9233 Filed 3-29-76;8:45 am]

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-350]

PART 16—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

Final Rule

This amendment revises Department of Housing and Urban Development Regulations, Subtitle A of Title 24 of the Code of Federal Regulations in order to implement Section 552a of Title 5, United States Code, known as the Privacy Act of 1974, enacted December 31, 1974, as P.L. 93-579, (hereinafter referred to as the "Privacy Act").

On August 28, 1975, the Department published in the FEDERAL REGISTER (40 FR 39729) an Interim Rule creating Part 16 of Subtitle A of Title 24 of the Code of Federal Regulations. This Rule implemented the Privacy Act by establishing policies and procedures to assure the protection of individual privacy and the accuracy of records in accordance with the requirements of the Act and included provisions regarding an individual's access to and right to seek correction or amendment of such records. Provisions were made for administrative review of certain decisions to deny access to records and decisions to deny correction or amendment thereof.

Although no public comments were received, comments from personnel within the Department suggested the necessity for certain refinements. The Interim Rule, therefore, has been adopted with the following changes:

Section 16.1(e) has been amended by adding language that will allow agency personnel to determine in specific circumstances set forth in this Subsection whether processing under HUD Privacy Act Regulations, Freedom of Information Act Regulations, or both is most appropriate, notwithstanding the requester's characterization of the request.

Section 16.2(b)(2) has been revised to allow departmental Privacy Officers to delegate their authority to receive and act upon inquiries, requests for access, and requests or correction for amendment.

Section 16.2(b)(3) substitutes the General Counsel for the Assistant Secretary for Administration as the "Privacy Appeals Officer" under HUD Privacy Act Regulations and Procedures. Since decisions on appeal essentially constitute legal review of initial denials, this change will enable the Department to expedite processing.

A Finding of Inapplicability respecting the National Environment Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the following address:

Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C.

Therefore, Part 16 of Subtitle A of Title 24 of the Code of Federal Regulations is adopted with amendments, as follows:

1. Section 16.1(e) is revised to read as follows:

* * * * *

§ 16.1 Purpose and statement of policy.

(e) Requests involving information pertaining to an individual which is in a record or file but not within the scope of a System of Records Notice published in the FEDERAL REGISTER are outside the scope of this Part. Requests for departmental records will be considered to determine whether processing under this Part, Part 15, or both is most appropriate, notwithstanding the requester's characterization of the request, as follows:

(1) *A Privacy Act request from an individual for records about that individual and not contained in a Privacy Act Records System* shall be considered a Freedom of Information Act request and processed under HUD Freedom of Information Act regulations (24 CFR Part 15) to the extent that the requester has provided the Department a reasonable description of the documents requested. When a request for records is so considered as a Freedom of Information Act request, the Privacy Act Officer shall promptly refer it to the head of the appropriate organizational unit in accordance with HUD FOIA Regulations and shall advise the requester that time of receipt for processing purposes will be the time when it is received by the appropriate official.

(2) *A Freedom of Information Act request from an individual for records about that individual contained in a Privacy Act Records System* shall be processed as follows:

(i) If the request in whole or in part contains a reasonable description of any HUD document, processing shall be be carried out pursuant to HUD FOIA Regulations.

(ii) If the request in whole or in part does not contain a reasonable description of any HUD document, but does provide sufficient information under HUD Privacy Act Regulations to undertake a Privacy Act Records System search, the Department will provide full access under HUD Privacy Act Regulations. In this situation, the Department will comply with the deadlines for response set forth in the Privacy Act and HUD implementing regulations. In that event, an explanation will be provided to the requester advising that the request did not contain a reasonable description of a particular document as required under the FOIA and offering to process the request under FOIA procedures upon receipt of additional information sufficient to constitute a "reasonable description."

(3) *A Freedom of Information Act request from an individual for records about another individual contained in a Privacy Act Records System* shall be processed as follows:

When an exemption under subsection (b) of FOIA is available, the Privacy Act governs the public interest determination under HUD FOIA Regulations (24 CFR § 15.21) and compels the withholding of such documents unless (1) the subject of those records consents to their release or (2) disclosure comes within one of the subsections of 5 U.S.C. § 552a(b).

(4) *A Privacy Act request from an individual for records about another individual* shall be processed as follows:

Except as expressly permitted in this Part, requests by persons who are not the subject of a record contained in a Privacy Act Records System shall be outside the scope of this Part. If the request satisfies the Freedom of Information Act requirement that requested records be reasonably described, the Privacy Act Officer shall consider the requests as a Freedom of Information Act request and shall proceed as in § 16.1(e)(1) above.

2. Section 16.2(b)(2) and (b)(3) are revised to read as follows:

§ 16.2 Definitions.

* * * * *

(b) As used in this Part:

(2) "Privacy Officer" means those officials, identified in Appendix A to this Part, or their designees, who are authorized to receive and act upon inquiries, requests for access, and requests for correction or amendment.

(3) "Privacy Appeals Officer" means the General Counsel.

* * * * *

(5 U.S.C. 552a, 88 Stat. 1896, P.L. 93-579; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d), P.L. 89-174.)

Effective date. This rule shall be effective April 1, 1976.

JOHN B. RHINELANDER,
Acting Secretary of Housing and Urban Development.

[FR Doc.76-9431 Filed 3-30-76;9:42 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7414]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Passive Investment Income of Electing Small Business Corporations

By a notice of proposed rule making appearing in the FEDERAL REGISTER for Monday, April 21, 1975 (40 F.R. 17588), amendments to the Income Tax Regulations (26 CFR Part 1) under section 1372 (e)(5) of the Internal Revenue Code of 1954 were proposed in order to conform such regulations to the amendments made to the Code by the Act of January 12, 1971 (Pub. Law 91-683, 84 Stat. 2067). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as proposed are adopted by this document without change.

Section 1372(e) of the Internal Revenue Code relates to the termination of an election by a small business corporation under section 1372. Paragraph (5) of section 1372(e) provides generally for termination of the election if, for any taxable year for which the election is in effect, the corporation has gross receipts more than 20 percent of which is passive investment income (as defined in paragraph (5)(C) of section 1372(e)). The Act amended paragraph (5)(C) of section 1372(e) to exclude from the definition of passive investment income amounts which are treated under section 331 of the Code (relating to corporate liquidations) as payments in exchange for stock where the electing small business corporation owned more than 50 percent of each class of the stock of the liquidating corporation.

The amendment to paragraph (5)(C) is effective for taxable years of electing small business corporations ending after January 12, 1971 (the date of enactment of the Act). The amendment is also effective for taxable years ending before October 7, 1970, but only (1) if the making of a refund or the allowance of a credit is not barred on that date by any law or rule of law, and (2) if within one year after January 12, 1971, the corporation elects to have the amendment apply and all persons who were shareholders at any time during the period beginning with the first taxable year to which the amendment applies and ending on or before January 12, 1971, consent to this election and to the application of the amendment. The amendment is not effective for taxable years of corporations ending between October 7, 1970, and January 12, 1971, inclusive.

The Act provided special rules for two situations to prevent the denial of subchapter S status to a corporation where its election under section 1372(a) would have terminated because of the passive investment income limitation (before the amendment made by this Act). First: Subchapter S status is not to be denied because the passive investment income limitation caused a corporation to file its income tax return on a Form 1120 (corporate tax return) instead of a Form 1120S (subchapter S corporation tax return) for any year beginning before January 12, 1971. Second: Subchapter S status in not to be denied because the passive investment income limitation caused a new shareholder of the corporation not to file a timely consent to the subchapter S election. Of course, these special rules apply only with respect to taxable years for which an election has been made.

Adoption of amendments to the regulations. On April 21, 1975, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under section 1372 (e)(5) of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (40 F.R. 17588). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as proposed are hereby adopted.

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: March 25, 1976.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

Section 1.1372 is amended by revising subsection (e)(5)(C) of section 1372 and the historical note. These revised provisions read as follows:

§ 1.1372 Statutory provisions; election by small business corporation.

SEC. 1372. *Election by small business corporation.* * * *

(e) *Termination.* * * *

(5) *Passive investment income.* * * *

(C) For purposes of this paragraph, the term "passive investment income" means gross receipts derived from royalties, rents, dividends, interest, annuities, and sales or exchanges of stock or securities (gross receipts from such sales or exchanges being taken into account for purposes of this paragraph only to the extent of gains therefrom). Gross receipts derived from sales or exchanges of stock or securities for purposes of this paragraph shall not include amounts received by an electing small business corporation which are treated under section 331 (relating to corporate liquidations) as payments in exchange for stock where the electing small business corporation owned more than 50 percent of each class of the stock of the liquidating corporation.

* * * * *

[Sec. 1372 as added by sec. 64(a), Technical Amendments Act 1958 (72 Stat. 1650); amended by sec. 2, Act of May 4, 1961 (Pub. Law 87-29, 75 Stat. 64); secs. 2(b)(2) and 3(a), Act of Apr. 14, 1966 (Pub. Law 89-389, 80 Stat. 114); sec. 1(a), Act of Jan. 12, 1971 (Pub. Law 91-683, 84 Stat. 2067)]

2. Paragraph (b) of § 1.1372-4 is amended by revising so much of subparagraph (1) as precedes subdivision (i) thereof, by revising subdivisions (iv)(*a*) and (x) of subparagraph (5), and by adding a new subdivision (xi) immediately after subdivision (x) of subparagraph (5). These revised and added provisions read as follows:

§ 1.1372-4 Termination of election.

* * * * *

(b) *Methods of termination*—(1) *Failure of new shareholder to consent.* An election under section 1372(a) shall terminate if any person who was not a shareholder on the first day of the first taxable year for which the election is effective, or on the day on which the election is made (if such day is later than the first day of the taxable year), becomes a shareholder and does not consent to the election under section 1372(a) within the time prescribed by paragraph (b) of § 1.1372-3. However, see paragraph (c) of § 1.1372-3 for extension of time for filing consents in general, and subparagraph (5) (iii)(*e*) and (xi)(*c*) of this paragraph for exceptions under certain circumstances. In addition, an election which would not have terminated except for the failure of any new shareholder to file a timely consent or except for the fact that the consent of any such new shareholder was defective in any manner is not terminated if—

* * * * *

(5) *Passive investment income.* * * *

(iv) *Gross receipts.* (*a*) The term "gross receipts" as used in section 1372(e) is not synonymous with "gross income". The test under section 1372(e) (4) and (5) shall be made on the basis of total gross receipts, except that, for purposes of section 1372(e)(5), gross receipts from the sales or exchanges of stock or securities shall be taken into account only to the extent of gains therefrom. The term "gross receipts" means the total amount received or accrued under the method of accounting used by the corporation in computing its taxable income. Thus, the total amount of receipts is not reduced by returns and allowances, cost, or deductions. For example, gross receipts will include the total amount received or accrued during the corporation's taxable year from the sale or exchange (including a sale or exchange to which section 337 applies) of any kind of property, from investments, and for services rendered by the corporation. However, gross receipts does not include (*1*) amounts received in nontaxable sales or exchanges (other than those to which section 337 applies), except to the extent that gain is recognized by the corporation, (2) amounts received as a loan, as a repayment of a loan, as a contribution to capital, or on the issuance by the corporation of its own stock, or (3) certain amounts which are treated under section 331 (relating to corporate liquidations) as payments in exchange for stock (see subdivision (xi) of this subparagraph).

* * * * *

(x) *Gross receipts from the sale of stock or securities.* For purposes of section 1372(e)(5), gross receipts from the sales or exchanges of stock or securities are taken into account only to the extent of gains therefrom. Thus, the gross receipts from the sale of a particular share of stock will be the excess of the

amount realized over the adjusted basis of such share. If the adjusted basis should equal or exceed the amount realized on the sale or exchange of a certain share of stock, bond, etc., there would be no gross receipts resulting from the sale of such security. Losses on sales or exchanges of stock or securities do not offset gains on the sales or exchanges of other stock or securities for purposes of computing gross receipts from such sales or exchanges. Gross receipts from the sale or exchange of stock and securities include gains received from such sales or exchanges by a corporation even though such corporation is a regular dealer in stocks and securities. However, gross receipts do not include certain amounts which are treated under section 331 (relating to corporate liquidations) as payments in exchange for stock (see subdivision (xi) of this subparagraph). For the meaning of the term "stock or securities", see paragraph (b)(5)(i) of § 1.543–1.

(xi) *Amounts which are treated under section 331 as payments in exchange for stock—(a) In general.* (*1*) For purposes of section 1372(e)(5), gross receipts derived from sales or exchanges of stock or securities shall not include amounts received by an electing small business corporation which are treated under section 331 (relating to corporate liquidations) as payments in exchange for stock where the electing small business corporation was, on the date of the first distribution or transfer of such amounts to the small business corporation with respect to such liquidation, the owner of more than 50 percent of each class of the stock of the liquidating corporation. For purposes of this subdivision, the 50-percent requirement shall apply with respect to a class of stock whether or not the class of stock has voting rights. Shares of stock of the liquidating corporation held by a shareholder of the electing small business corporation shall not be attributed to the electing corporation.

(*2*) The provisions of (*a*)(*1*) of this subdivision shall apply to—

(*i*) taxable years of the corporation ending after January 12, 1971, and

(*ii*) any taxable year of the corporation ending before October 7, 1970, with respect to which an election is made under (*b*)(*2*) of this subdivision to apply the rules of (*a*)(*1*) of this subdivision, provided that the requirements of (*b*) (and (*c*) if applicable) of this subdivision are satisfied.

The provisions of (*a*)(*1*) of this subdivision shall not apply to taxable years of corporations ending between October 7, 1970, and January 12, 1971, inclusive.

(*b*) *Taxable years ending before October 7, 1970.* The provisions of (*a*)(*1*) of this subdivision shall apply with respect to any taxable year of an electing small business corporation ending before October 7, 1970, if—

(*1*) On October 7, 1970, the making of a refund or the allowance of a credit to the corporation is not prevented by any law or rule of law, and

(*2*) On or before January 12, 1972, the corporation elects to have the provisions of (*a*)(*1*) of this subdivision apply, and all persons (or their personal representatives) who were shareholders of such corporation at any time during any taxable year beginning with the first taxable year to which this (*b*) of this subdivision applies and ending on or before January 12, 1971, consent to such election and to the application of the provisions of (*a*)(*1*) of this subdivision.

If the assessment of any deficiency in income tax resulting from an election under (*b*)(*2*) of this subdivision for a taxable year ending before the date of the election is prevented before the expiration of one year after the date of the election by any law or rule of law, the deficiency may be assessed at any time prior to the expiration of such one-year period notwithstanding any law or rule of law which would otherwise prevent the assessment. The deficiency assessment is not to be barred by any statute of limitations, even if the period of limitations has expired at the time the election is made, or by a prior court decision as to the taxpayers' income tax liability for that year, or by a prior binding agreement entered into for that year between the taxpayer and the Internal Revenue Service. If, but for the application of this (*b*) of this subdivision, such deficiency year would have been closed, then the deficiency may not exceed the amount attributable to an election under this subdivision.

(*c*) *Special rules.* An election by a corporation under section 1372(a) shall not be treated as terminated for any taxable year of the corporation beginning before January 12, 1971, merely because such corporation filed its income tax return on a Form 1120 instead of Form 1120S, or because a new shareholder failed to file a timely consent under section 1372(e)(1), if the corporation's election under section 1372(a) would have been treated as terminated for such taxable year because of the application of section 1372(e)(5), as in effect prior to January 12, 1971, but for an election made by the corporation under (*b*)(*2*) of this subdivision to have the provisions of (*a*)(*1*) of this subdivision apply.

(*d*) *Election and consents are binding.* The election and consents under this subdivision are binding and may not be revoked.

* * * * *

[FR Doc.76–9351 Filed 3–31–76;8:45 am]

Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

PART 11—RESPIRATORY PROTECTIVE DEVICES; TESTS FOR PERMISSIBILITY; FEES

Respiratory Protection Against Exposure to Vinyl Chloride; Extension of Time

On December 30, 1974, the Secretary of the Interior and the Secretary of Health, Education, and Welfare adopted special procedures for testing and approval of respirators used against exposure to vinyl chloride (39 FR 45012). Also adopted, with a delayed effective date, was a requirement that any canister or cartridge used to protect employees against exposure to this substance have an end-of-service-life indicator. Section 11.205(a) of Title 30, Code of Federal Regulations, provides that after December 31, 1975, a cartridge or canister without an end-of-service-life indicator will not be considered approved for use by employees exposed to vinyl chloride.

The purpose of the amendment set forth below is to extend the December 31, 1975, deadline date until September 30, 1976. This action is considered necessary because there are no respirators with an end-of-service-life indicator presently approved for use against exposure to vinyl chloride, and it is essential that the currently approved respiratory devices continue to be available for this purpose. While the indicator is an additional safety feature, the extension is not expected to adversely affect worker health provided currently approved respiratory equipment is used as directed.

The Government has received only one application for approval of a respirator with an end-of-service-life indicator. When approval is issued, the manufacturer will require, and the extension will provide, sufficient lead time for the production of the respirators necessary to supply exposed workers.

The Occupational Safety and Health Administration of the Department of Labor, which is charged with the enforcement of occupational standards, has advised that it concurs with the granting of this extension of time.

Under the circumstances, the Department finds that good cause exists for omitting notice of proposed rulemaking and opportunity for public participation in the rulemaking which extends the date. Therefore, § 11.205 is amended as set forth below, effective December 31, 1975.

Dated: March 26, 1976.

WILLIAM L. FISHER,
Assistant Secretary of the Interior.

Dated: January 28, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

§ 11.205 [Amended]

In the last sentence of paragraph (a) of § 11.205, the date reading "December 31, 1975", is changed to read "September 30, 1976."

(Secs. 202(h), 204, 508, 83 Stat. 763, 764, 803 (30 U.S.C. 842(h), 844, 957); secs. 2, 3, 5, 36 Stat. 370, as amended; 37 Stat. 681 (30 U.S.C. 3, 5, 7); sec. 8(g), 84 Stat. 1600 (29 U.S.C. 657(g)).)

[FR Doc.76–9295 Filed 3–31–76;8:45 am]

Title 32—National Defense

CHAPTER XII—DEFENSE SUPPLY AGENCY

SUBCHAPTER A—DEFENSE SUPPLY PROCUREMENT REGULATION (DSAR 4105.1)

PART 1250—SUPPLEMENTAL PROCEDURES

Revision of Regulations

Correction

Federal Register Document Volume 41—Number 43, published at page 9093 in the issue of Wednesday, March 3, 1976, is corrected by adding Sections 1250.702 through 1250.708–3 and Appendix E.

J. J. McALEER, Jr.,
Colonel, USA,
Staff Director, Administration.

§ 1250–702 Scope.

Master solicitations may be tailored in scope according to the needs and judgments of each purchasing activity. If it is advantageous to utilize separate Master Solicitations for large and small purchases, geographic regions or major commodities, a purchasing activity may wish to use several Master Solicitation documents rather than one. The Program may be applied to any appropriate solicitation process as determined by the purchasing activity. It is applicable to both large and small purchases.

§ 1250–703 Definitions.

(a) *Master Solicitation (MS)* is a document containing provisions repetitively used in any type of solicitation. It is prepositioned with all potential sources.

(b) *Individually Numbered Solicitation (INS)* covers specific requirements of a particular solicitation. It includes only those required provisions which are not in the MS and incorporates applicable provisions of the MS by reference.

(c) Change to the MS is an alteration of, addition to, or deletion from the clauses of the MS for one particular solicitation only.

(d) *Incorporation by Reference (IBR)* is the inclusion of the clauses of one document in another by stating the proper reference numbers of those clauses in the second document.

§ 1250–704 Format.

(a) The preferred format (print size, numbering system and two column display) for MS documents is that of the SF 33A. If in-house capability does not exist and time or monetary considerations dictate a departure, this format is optional as determined by the purchasing activity.

(b) Clauses shall be segregated to conform with the Uniform Contract Format Sections. However, the most frequently used clauses shall be placed at the beginning of each section.

§ 1250–705 Policy.

§ 1250–705–1 The Master Solicitation.

(a) The MS shall include essential and frequently used material as determined by individual Centers on the basis of the cost effectiveness of inclusion in the MS rather than the INS. Convenience to industry and to DSA shall also be a consideration. There shall be no interim changes, revisions or amendments to the master solicitation itself. The only approved method of revising the master solicitation is by reissuing the entire master solicitation or by interim changes contained in the individually numbered solicitations. All interim changes must be entitled: "FOR THIS SOLICITATION ONLY, the following changes are hereby made to D( )SC Master Solicitation, (Date)." Large numbers of interim changes will indicate a need for reissuance of the master.

(b) All new and or revisions to Master Solicitations and copies of local implementing amplifying instructions, including revisions thereto, shall be submitted to this Headquarters, ATTN: DSAH–PPR, for review and approval prior to implementation. The Headquarters review will concentrate primarily on solicitation format and the appropriateness/legality of local clauses. The correct usage of ASPR clauses is a responsibility of the field activity.

(c) The master solicitation should be kept as brief as possible (typically not exceeding 25 or 30 pages). Local clauses should be combined, condensed, or eliminated wherever possible. Locally developed manuals, packing/consignment instructions, etc., should be included in the master solicitation when such documents are used repetitively.

§ 1250–705–2 The Individually Numbered Solicitations.

The INS shall contain all information pertinent to a specific solicitation. It shall incorporate the appropriate provisions of the MS by reference and shall be prepared in a manner which provides for award to be made without physically attaching the MS.

§ 1250–706 Incorporation by Reference (IBR).

§ 1250–706–1 Incorporation of ASPR Provisions.

(a) Mandatory UCF Section L, ASPR Section VII clauses shall be incorporated by reference in either the MS or the INS, as decided by each buying activity.

(b) Clauses other than mandatory UCF Section L, ASPR Section VII clauses which are not fill-in clauses shall be incorporated by reference by title, number, and date, or in full text in either the MS or the INS, according to the judgments of each Center.

(c) Fill-in clauses shall be placed in full text in either the MS or the INS at the discretion of each Center.

§ 1250–706–2 Incorporation of Standard Forms 32 and 33A.

Standard Forms 32 and 33A shall be incorporated by reference in either the MS or INS as deemed appropriate by each Center. The SF 33A shall be incorporated by reference by including in Section B Uniform Contract Format a notification substantially as follows:

§ 1250–707 Termination for Convenience Clause.

ASPR Deviation No. 73–14 with respect to ASPR 3–608.2(b)(1)(ix) permits the Termination for Convenience Clause to be included in the schedule of the purchase order at the time of issuance so that additional paperwork involved in obtaining the contractor's signature may be avoided. The clause may either be set forth verbatim or incorporated by reference.

§ 1250–708 Distribution.

§ 1250–708–1 Copies to DCAS.

Three (3) copies of the appropriate MS shall be forwarded to DCAS with the usual six (6) copies of an award document.

§ 1250–708–2 Copies to Suppliers.

All potential suppliers shall be provided with copies of the appropriate MS.

§ 1250–708–3 Copies to GAO.

Copies of contracts sent to the GAO shall include a copy of the Master Solicitation.

APPENDIX E—DSA CONTRACT FINANCING REGULATIONS

Sec.

E–001 Purpose.
E–003 Implementation.

SUBPART B—BASIC POLICIES

E–200 Scope of Part.
E–200.50 Submission of Contractual Instruments for Audit by the U.S. General Accounting Office.
E–218 Deviations—Amendments.
E–218.50 Submission of Request for Deviations.
E–219 Interpretations.
E–220 Foreign Procurement.
E–220.50 Use of Foreign Currencies.

SUBPART C—GUARANTEED LOANS

E–303 Procedure on Application of a Private Financing Institution.
E–303.50 Submission of Applications and Supporting Documents.
E–306 Guaranteeing Agency.
E–306.50 Account, Accounting Office, Disbursing Office.

SUBPART D—ADVANCE PAYMENTS

E–412 Action by Contracting Officer—Approval.
E–412.50 Transmittal of Documents.
E–412.51 Accounting and Disbursing Procedures.

SUBPART E—PROGRESS PAYMENTS BASED ON COSTS

E–505 Unusual Progress Payments—Standards—Procedures.
E–505.50 Submission of Requests.
E–506 Accounting System and Controls.
E–506.50 Accounting and Disbursing Procedures.

SUBPART F—CONTRACT DEBTS—INTEREST—DEFERRED PAYMENTS

E–001 Purpose. This appendix outlines the methods by which the provisions of ASPR Appendix E will be applied in DSA (other than DCASRs).

E–003 Implementation. Changes and additions to, as well as interpretations of, this appendix will be developed within the Accounting and Finance Division, Office of the Comptroller, HQ DSA.

SUBPART B—BASIC POLICIES

E–200 Scope of Part.

E–200.50 *Submission of Contractual Instruments for Audit by the U.S. General Accounting Office.* DSA contractual instruments required by the U.S. General Account-

ing Office for audit purposes must be submitted to one of the Military Service finance centers. The appropriate center for a specific DSA contractual instrument can be determined by reference to the accounting and finance (disbursing) office designated to make payment under the basic contractual instrument, e.g., if the disbursing office operates under an Army disbursing station number, the contractual instruments should be transmitted to Indianapolis. The addresses of these centers are as follows:

ARMY

Processing and Disposal Branch, Retained Accounts Division, Settlement Operations, Finance Center, U.S. Army, Indianapolis, Indiana 46249.

NAVY

Navy Finance Center, Administrative Services Department, Code SSP, Federal Office Building, 1240 East QM Street, Cleveland, Ohio 44199.

MARINE CORPS

Commandant, Marine Corps, Headquarters, Washington, D.C. 20380.

AIR FORCE

Air Force Accounting and Finance Center, ATTN: SAA, 3800 York Street, Denver, Colorado 80205.

E-218 Deviations—Amendments.

E-218.50 Submission of Request for Deviations. Request for authority to deviate from the provisions of ASPR Appendix E will be submitted (in an original and four copies) to HQ DSA, ATTN: DSAH-CF.

E-219 Interpretations. Problems of interpretations and applications of the type indicated in ASPR E-219 should be transmitted to HQ DSA, ATTN: DSAH-PP. This office will effect any necessary coordination with the DSA Contract Financing Officer and determine whether dissemination to the other procuring activities is appropriate.

E-220 Foreign Procurement.

E-220.50 *Use of Foreign Currencies.* Foreign currencies owned by the United States Government shall be used, when feasible, to make payments under contracts in foreign countries. The provisions of DSAR 7000.2, Use of United States-owned Foreign Currencies for Payment of Contracts in Foreign Countries, will govern.

SUBPART C—GUARANTEED LOANS

E-303 Procedure on Application of a Private Financing Institution.

E-303.50 *Submission of Applications and Supporting Documents.* Any application based on a contract which cites or will cite DSA funds will be transmitted to HQ DSA, ATTN: DSAH-CF. This address will be used regardless of the office responsible for administration of or payment under the contract.

E-306 Guaranteeing Agency.

E-306.50 Account, Accounting Office, Disbursing Office.

(a) The following revolving fund account has been established on the books of the Treasury for receipts and expenditures under the DSA guaranteed loan program: Symbol, 97X4080; title, defense production guarantees, DSA.

To assure proper processing through accounting and finance reporting channels of the Military Departments, the subhead .5149 will be added to the symbol.

(b) The single central accounting office responsible for maintaining the accounting records of the DSA's guaranteed loan program is the Office of the Comptroller (Contract Financing Office), HQ DSA.

(c) The single disbursing office which shall be responsible for taking up all collections and making all disbursements incident to DSA's guaranteed loan program is the Accounting and Finance Office, Disbursing Symbol 5016, DSASC, Cameron Station, Alexandria, Virginia 22314.

SUBPART D—ADVANCE PAYMENTS

E-412 Action by Contracting Officer—Approval.

E-412.50 *Transmittal of Documents.* The contracting officer's report should be forwarded in original and two copies in the format and outline indicated by ASPR E-412. Unless otherwise requested, the contracting officer should furnish the items indicated by ASPR E-412(v) and (vi); this action will normally obviate the need for the separate comments required by ASPR E-412(vii). If the contracting Officer recommends disapproval (ASPR E-412.1) he should include suggestions as to alternate financing methods. The documents should be transmitted to HQ DSA, ATTN: DSAH-CF, if the contract cites DSA funds; the office administering or making payments under the contracts or maintaining the allotment records to which the payment will finally be charged are not pertinent.

E-412.51 *Accounting and Disbursing Procedures.* Each of the three Military Departments employs different accounting and disbursing procedures for making and recouping advance payments. The prescribed procedures of each Department meet the requirements for advance payments and recoupments made under contracts citing DSA funds; therefore, the paying office designated in the contract and/or the allottee or suballottee, depending upon the local arrangement, should utilize the procedures outlined by the Military Department under which paying office operates.

SUBPART E—PROGRESS PAYMENTS BASED ON COSTS

E-505 Unusual Progress Payments—Standards—Procedures.

E-505.50 *Submission of Requests.* The documents indicated in the third subparagraph ASPR E-505, if the request concerns a contract which cites DSA funds, will be submitted for coordination and approval to HQ DSA, ATTN: DSAH-CF. The command jurisdiction of the office administering the contract, making payments on the contract or maintaining accounting records of the allotment or suballotment which will be charged for the payment is not pertinent.

E-506 Accounting System and Controls.

E-506.50 *Accounting and Disbursing Procedures.* Each of the three Military Departments employs different accounting and disbursing procedures for making progress payments. The prescribed procedures of each Department meet the requirements for progress payments made under contracts citing DSA funds; therefore, the paying office designated in the contract and/or the allottee or suballottee should utilize the procedures outlined by the Military Department under which the paying office operates. Allottees and suballottees of DSA funds, whose allotments or suballotments are charged with progress payments, will render the same type of report to the allottor or suballottor as are required by the Military Department procedures under which the disbursing office, which services the allottee or suballottee, operates. The "same type report" means the same format, form, content and due dates prescribed by the appropriate Military Department directive. Allottees may consolidate the reports of suballottees or transmit them as received. Reports on progress payments should be submitted to the HQ DSA, ATTN: DSAH-CF.

SUBPART F—CONTRACT DEBTS—INTEREST—DEFERRED PAYMENTS

Follow directions contained in DSAM 7000.1, Chapter 12, Sections I and II and Figures 12-1, 12-2, 12-3, 12-4, and 12-11.

[FR Doc.76-9207 Filed 3-31-76;8:45 am]

[DSAR 5400.14: RCS DD-PA(A)1365]

PART 1285—AVAILABILITY TO THE PUBLIC OF OFFICIAL INFORMATION

MARCH 25, 1976.

Pursuant to the provisions of Pub. L. 93-502, enacted November 21, 1974; DSA Regulation 5400.14 is amended. This document was published in FEDERAL REGISTER, Volume 40, Number 34, at page 7282 in the issue dated Wednesday, February 19, 1975. This amendment is concerned with administrative changes only. Notice and public procedure is not required.

Effective date: January 29, 1976.

By order of the Director, Defense Supply Agency.

J. J. MCALEER, Jr.,
Colonel, USA,
Staff Director, Administration.

Part 1285 of 32 CFR, Chapter XII, Subchapter B, is amended as follows:

1. Under title, substitute "(RCS DD-PA(Q&A) 1365)" for "(RCS DD-PA (A) 1365)".

§ 1285.3 [Amended]

2. Paragraph (b)(2)(*i*), line 1, insert "in writing" after "describes".

3. Paragraph (d)(2)(*ii*)(*a*), line 4, insert "certain" after "and".

4. Paragraph (d)(2)(*iii*)(*c*), substitute "18 U.S.C. 1905 (Confidential Trade Information)" for "Privacy Act of 1974".

5. Paragraph (d)(2)(*iv*)(*a*), substitute "secrets, inventions, discoveries, or other proprietary data." for "secrets, and inventions and discoveries."

6. Paragraph (d)(2)(*iv*), add new paragraph (*e*) after (*d*) as follows:

(*e*) Data provided in confidence by private employers in connection with locality wage surveys which are used to fix and adjust pay schedules applicable to prevailing rate employees within Department of Defense.

7. Paragraph (d)(2)(*v*), reletter subparagraphs (*c*) and (*d*) to (*d*) and (*e*) and insert subparagraph (*c*) as follows:

(*c*) Intra- or inter-agency memorandums or letters which are factual or those reasonably segregable portions which are factual should be made available to a requester unless the factual is otherwise exempt from release under paragraph (d)(1) above.

§ 1285.4 [Amended]

8. Section 1285.4(a)(2), line 8, substitute "current" for "contemporaneous"

§ 1285.6 [Amended]

9. Paragraph 1285.6(a)(2)(*iii*) is revised to read as follows:

(a) * * *

(*iii*) Determine Office of Primary Interest (OPI) and forward request for records received under the provisions of

§ 1285.7(a)(1) below to appropriate principal staff element within HQ DSA or to appropriate primary level field activities (PLFAs) for direct response to requester.

* * * * *

§ 1285.7 [Amended]

10. Paragraph (b)(3), line 10, add "for determination regarding the release of the record under this DSAR." after "appropriate,".

11. Paragraph (b)(15)(*i*)(*b*) is revised to read as follows:

(*b*) The requester will be advised of his optional right to seek review by the Interagency Classification Review Committee of a final denial. This review is in accordance with Executive Order 11652, 9 Mar 72, and is in lieu of immediate judicial review.

12. Paragraph (b)(15)(*i*)(*c*) is revoked.

13. Paragraph (b)(15)(*i*)(*d*) is relettered (c) and "Appendix A" is substituted for 1285.8.

14. Paragraph (b)(15)(*iv*), line 4, add (*i*) after "paragraph 1285.3(d)(2)".

15. Paragraph (c)(2)(*iv*) is revised to read as follows:

* * * * *

(*iv*) To other Federal agencies, both executive and administrative, as consistent with efficient administration and in accordance with law, including Pub. L. 93–579, 5 U.S.C. 552a, The Privacy Act of 1974.

§ 1285.8 [Amended]

16. Section 1285.8(b)(6) is renumbered 1285.8(c) and revised to read as follows:

(c) The Reports Control Symbol for these annual reports will be DD–PA (Q&A) 1365.

17. Appendix A, Schedule of Fees, is revised to read as follows:

APPENDIX A

Uniform Agency Fees for Search and Duplication Under the Freedom of Information Act Amendments Pub. L. 93–502

INTRODUCTION

This enclosure describes fees for search and duplication. It is not intended to substitute for any schedule of fees or a policy or not to charge a fee established in connection with the issuance of publications or other materials in the routine course of business of a component.

Schedule of fees

Duplication

Publications, forms, and reports

Shelf stock of printed or microfiche medium (requesters may be furnished more than one copy of a publication or form if it does not deplete stock levels below projected planned usage).

Minimum fee, per request plus	$2.00
Forms, per copy	.05
Publications, per printed page	.01
Microfiche, per fiche	.06
Reports, per printed page	.05

(Examples: Cost of 20 forms, $3.00; cost of printed publication with 100 pages, $3.00; cost of a microfiche publication consisting of 10 fiche, $2.60).

Office of copy reproduction (when shelf stock is not available)

Minimum charge up to six reproduced pages	$2.00
Minimum charge, first fiche	5.00
Each additional page	.05
Each additional fiche	.10

Other issuances

Minimum charge up to six pages	$2.00
Each additional page	.05

Search

Clerical search, per hour	$5.50
Minimum charge	2.75
Professional search (includes computer programmer time and review to determine whether a record comes within the scope of a request) per hour	11.00
Minimum charge	5.50

Computer service charges

Computer service charges will be based on actual computer configuration used and be based on direct cost only of the Central Processing Unit, plus Input/Output Devices, plus Memory Capacity. Transportation costs of records and personnel arising from searches for requesting reports will be charged at actual cost.

Audiovisual documentary material

Service charges for audiovisual documentary materials will include clerical and professional search fees as listed above as well as the direct costs of reproducing the photography or tape and shipping or mailing charges. Audiovisual materials provided a requester under provisions of this regulation need not be in reproducible format or quality.

Waiver of fees

1. In general, charges shall be waived or reduced when it is determined that release of a requested record primarily benefits the general public and, therefore, is in the public interest. Examples of common situations in which such a determination may be made include:

a. The recipient of the benefits is engaged in a nonprofit activity designed for public safety, health, or welfare;

b. Payment of the full costs or fee by a state, local government or nonprofit group would not be in the interest of the program;

c. The incremental cost of collecting the fees would be an unduly large part of the receipts from the activity;

d. The request emanates from a representative of the public information media seeking a reasonable number of records.

2. A refusal to waive charges by the official responsible for the initial decision on the request for the record may be appealed to the Director, DSA for purposes of final approval.

Collections

1. Normally, collection of charges and fees will be made in advance of rendering the service. In some instances, it may be more practical to collect charges and fees at the time of conveying the service or property to the recipient, but only in those instances where the request specifically states that whatever cost involved will be acceptable or acceptable up to specified limit that covers anticipated costs.

2. Collection of scheduled fees and charges will normally be deposited to Miscellaneous Receipts of the Treasury.

3. Search fees are assessable even when no records responsive to the request, or no records not exempt from disclosure are found, provided the requester is advised of the requirement at the time the estimated charges are presented to the requester for approval and he agrees to incur the costs of search.

* * * * *

18. Appendix A, Judicial Action, paragraph 2, line 3, substitute "refusal" for "denial".

[FR Doc.76–9208 Filed 3–31–76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75–231]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Dutch Kills, N.Y.

This amendment changes the regulations for the Hunters Point Avenue drawbridge across Dutch Kills, Queens, New York, to require at least 6 hours notice at all times. This amendment was circulated as a public notice dated December 30, 1975, by the Commander, Third Coast Guard District and was published in the Federal Register as a notice of proposed rule making (CGD 75–231) on December 22, 1975 (40 F.R. 59219). No comments were received.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.162 immediately after § 117.161 to read as follows:

§ 117.162 Dutch Kills; City of New York highway bridge at Hunters Point Avenue, Queens.

The draw shall open on signal if at least 6 hours notice is given to the New York City Highway Department's Radio (Hotline) Room.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2) 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4).)

Effective date. This revision shall become effective on May 3, 1976.

Dated: March 22, 1976.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.76–9363 Filed 3–31–76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 14H—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

PART 14H–1—GENERAL

Designation of Contracting Officer Positions

MARCH 19, 1976.

Chapter 14H of 41 CFR was published beginning on page 13659 of the August 26, 1969, FEDERAL REGISTER (34 FR 13659). Chapter 14H contains the Bureau of Indian Affairs Procurement Regulations (BIAPR). Section 14H–1.451–2 of Chapter 14H was subsequently amended, most recently on page 33454 of the August 8, 1975, FEDERAL REGISTER (40 FR 33454).

Pursuant to the authority contained in the Act of November 2, 1921, Ch. 115, 42

Stat. 208 (25 U.S.C. 13) and 41 CFR 14–1.008, 41 CFR 14H–1.451–2 is being amended to reflect organization and title changes. The positions of Contract Administrator, Juneau Area Office and Supervisory Contract Specialist, Minneapolis Area Office are added to the list of Area Contracting Officer positions.

Since this amendment involves internal Bureau procedures, advance notice and public procedure thereon have been deemed unnecessary and are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (1970).

Since delay in the amendment becoming effective could delay the internal processing of contracts in the Bureau with resultant delay in providing services to the Indian and Alaskan Native people, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective April 1, 1976.

As amended, 41 CFR 14H–1.451–2 reads as follows:

§ 14H–1.451–2 Designation of contracting officer positions.

(a) Each of the following organizational titles is designed as a contracting officer position:

(1) Headquarters Office Officials:

(i) Commissioner.

(ii) Deputy Commissioner.

(iii) Director, Office of Administration.

(iv) Chief, Contracting Staff.

(v) Chief, Division of Property Management.

(vi) Chief, Branch of Contracts and Grants.

(vii) Chief, Division of Facilities Engineering, Albuquerque, New Mexico.

(viii) Chief, Indian Technical Assistance Center, Denver, Colorado.

(ix) Property and Supply Officer, Field Administrative Office, Albuquerque, New Mexico.

(2) Area Office Officials:

(i) Area Director.

(ii) Area Administrative Officer.

(iii) Area Property and Supply Officer except the Navajo Area Property and Supply Officer.

(iv) Director, Seattle Liaison Office, Seattle, Washington.

(v) Contract Administrator, Aberdeen and Juneau Area Offices.

(vi) Chief, Branch of Contracting and Procurement Services, Navajo Area Office.

(vii) Supervisory Contract Specialist, Minneapolis Area Office.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76–9210 Filed 3–31–76;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75–009]

PART 78—OPERATIONS

Fire and Boat Drills on Passenger Vessels

On December 17, 1975, there was published in the FEDERAL REGISTER (40 FR 58457), a notice of proposed rulemaking to amend the regulations for fire and boat drills on passenger vessels to delete the provision which excludes female crew members from participating in the drills. Interested persons were given the opportunity to submit, not later than January 26, 1976, comments concerning the proposed amendment.

Two comments were received which supported the proposal. Therefore, the proposed amendment is adopted without change, as set forth below.

Effective date: This amendment is effective on May 1, 1976.

Dated: March 29, 1976.

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

Part 78 of Title 46 of the Code of Federal Regulations is amended as follows:

§ 78.17–50 [Amended]

In § 78.17–50(c), by deleting the words "except female members" in the first sentence.

(R.S. 4488, as amended; (46 U.S.C. 481; 49 U.S.C. 1655(b); 49 CFR 1.46(b)).)

[FR Doc.76–9364 Filed 3–31–76;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76–1; Notice 2]

PART 567—CERTIFICATION

PART 575—CONSUMER INFORMATION

Consumer Information Labeling

This notice amends 49 CFR 567 and 575 to allow manufacturers an alternative method of referring purchasers to appropriate consumer information tables.

On January 22, 1976, the National Highway Traffic Safety Administration issued in the Federal Register (40 FR 3315) a notice which proposed amending 49 CFR 575, Consumer Information and 49 CFR 567, Certification to allow the consumer information document provided to the purchaser of a vehicle to refer the reader to the vehicle's certification label to determine which information applied to that vehicle. This information, which relates to the performance characteristics of the vehicle, is required to be made available to purchasers by 49 CFR 575.6(a). Currently, if the document containing this information also contains information relating to other vehicles, the document itself must clearly indicate which information is applicable to the vehicle purchased. The NHTSA proposal was made in response to a petition from the General Motors Corporation which suggested that the proposed alternative procedure would for some companies be a more efficient and less costly method of accomplishing the purposes of the regulation.

Comments in support of the proposal were received from General Motors Corporation, American Motors Corporation, Chrysler Corporation and Ford Motor Company. No comments in opposition were received.

Based on the petition of General Motors and the comments concerning the notice of proposed rulemaking, the NHTSA concludes that allowing an alternative method of designating the appropriate consumer information tables would reduce the possibility of error and lessen the cost to the manufacturer.

In consideration of the foregoing, Parts 567 and 575 of Title 49, Code of Federal Regulations, are amended as follows:

§ 567.4 [Amended]

1. Section 567.4 is amended by the addition of a new paragraph (j) following paragraph (h), to read:

* * * * *

(j) A manufacturer may, at his option, provide information concerning which tables in the document that accompanies the vehicle pursuant to § 575.6(a) of this chapter apply to the vehicle. This information may not precede or interrupt the information required by paragraph (g) of this section.

§ 575.6 [Amended]

2. The second sentence of § 575.6(a) is revised to read:

(a) * * * The document provided with a vehicle may contain more than one table, but the document must either (1) clearly and unconditionally indicate which of the tables apply to the vehicle with which it is provided, or (2) contain a statement on its cover referring the reader to the vehicle certification label for specific information concerning which of the tables apply to that vehicle. If the manufacturer chooses option (a)(2), the vehicle certification label shall include such specific information.

* * * * *

Effective date: April 1, 1976. Because the procedures established herein are optional and impose no increased burden on any party, it is found for good cause shown that an immediate effective date is in the public interest.

(Secs. 103, 112, 114, 119, Pub. L. 80–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1403, 1407); delegation of authority at 49 CFR 1.50.)

Issued on: March 26, 1976.

JAMES B. GREGORY,
Administrator.

[FR Doc.76–9243 Filed 3–31–76;8:45 am]

[Docket No. 73–9; Notice 10]

PART 570—VEHICLE IN USE INSPECTION STANDARDS

Response to Petitions

This notice amends 49 CFR Part 570, Subpart B, Vehicle in Use Inspection Standards for Vehicles With GVWR of More Than 10,000 Pounds, and responds to a petition to amend 49 CFR Part 570, Subpart A, Vehicle in Use Inspection Standards for Vehicles With GVWR of 10,000 Pounds or Less.

On December 17, 1974, the Illinois Department of Transportation on behalf of the American Association of Motor Vehicle Administrators petitioned the National Highway Traffic Safety Administration (NHTSA) to revise the toe-in alignment tolerances found in § 570.7(d)

of the Vehicle in Use Inspection Standards (49 CFR 570.7(d)). In support of its petition, Illinois forwarded a report written by the Amerco Technical Center, a wholly-owned subsidiary of the firm which also owns the U-Haul rental system and Kar-Go manufacturing, service, and vehicle repair centers. The report recommended that the Vehicle in Use Inspection Standards should be amended to establish maximum toe-in readings based on vehicle type rather than vehicle model and manufacturer.

Section 570.7(d), Steering systems alignment, requires that toe-in and toe-out measurements for motor vehicles with a GVWR of 10,000 pounds or less shall not be greater than 1.5 times the values listed in the vehicle manufacturer's service specifications for alignment settings. This tolerance was established to allow for the degradation that occurs in the vehicle alignment system due to wear, while maintaining a reasonable safety standard for wheel alignment.

Toe-in settings are established by and are available through vehicle manufacturers for the specific vehicle under consideration. For ease of usage, these specifications have also been summarized in chart form by manufacturers of test and alignment equipment, and are readily available to inspection stations, service stations, wheel alignment centers, and other businesses or agencies that perform toe-in inspection or wheel alignment adjustment services. Applying a factor of 1.5 times the manufacturer's toe-in specifications is relatively simple and should not lead to confusion on the part of persons performing vehicle inspections or adjustment services.

The NHTSA concludes that the recommendation of Amerco to establish one specification for all American made passenger cars (1960–1974), one specification for all light duty trucks under 10,000 pounds GVWR (1962–1974), and one specification for the majority of all foreign made vehicles would be unreasonable in light of the wide variations in toe-in specifications for these vehicles.

Each vehicle manufacturer tailors the wheel alignment specifications to obtain optimum vehicle handling characteristics. Although standardization in the area of toe-in alignment tolerances might be desirable, the wide variance of specific toe-in settings required for the different makes, models, and years of manufacture of vehicles covered under this section preclude standardization by regulatory fiat. Therefore, the petition of the Illinois Department of Transportation is denied.

On February 4, 1975, amendments to Part 570, Subpart B, Vehicle in Use Inspection Standards for Vehicles With GVWR of More Than 10,000 Pounds, were published in the FEDERAL REGISTER (40 FR 5159). Request for clarification, the correction of clerical errors and petitions for reconsideration were received from Midland-Ross Corporation (Midland), Bendix Corporation (Bendix), American Trucking Association (ATA) and Mack Truck Co. (Mack).

Petitions for reconsideration of § 570.57, *Air brake system and air-over-hydraulic brake subsystem*, were received from ATA, Bendix, Mack, and Midland-Ross. The petitioners were concerned with the air brake system pressure build-up time requirements and the associated inspection procedures.

The ATA petition pointed out the problems involved with inspector identification of the number and type of brake chambers and the size of the air reservoir used with existing air brake systems on certain vehicles. It suggested that it may be difficult for an inspector to obtain the required reference information prior to his being able to use Table 1, "Air Brake System Pressure Build-Up Time." Placarding truck units with this information would be difficult, inasmuch as there are no existing standards relative to the placement of or requirements for placards. Retrofitting older vehicles with placards is equally difficult. Combination vehicles would pose additional problems because a tractor manufacturer could not anticipate the type of trailer that might be coupled to his tractor, thus making it difficult to label it with the information necessary to utilize Table 1 and Table 2.

Bendix and Mack petitioned for clarification of the values used in the calculation of Table 2, "Chamber Volumes for Representative Brake Chambers," as well as the use of the values from Table 2 in calculating the build-up time values in Table 1. The petitioners were concerned with the values used because the chamber volumes utilized in Table 2 were developed for use with air reservoir systems using an 8:1 ratio of air reservoir volume to brake chamber volume, rather than the present 12:1 ratio required by Standard No. 121 for vehicles manufactured on or after March 1, 1975. The petitioners were also concerned with the problems in inspection of brake systems, caused by the fact that the majority of trucks on the road were built prior to March 1, 1975, and would not have adequate reservoir capacity in relation to brake chamber volume.

The ATA suggested adoption of the industry accepted procedure of combining the pressure drop test with the pressure recovery test, thereby eliminating all questions concerning reservoir size, compressor capacity, and the number and size of brake chambers. By doing this, the inspection procedure will be greatly simplified without sacrificing the effectiveness of the inspection. With the elimination of the requirement for the determination of brake chamber volumes and reservoir capacities, the necessity for Table 1 and Table 2 no longer exists in the determination of air brake system build-up time.

For the reasons discussed, the petitions from ATA, Bendix, Mack, and Midland-Ross are hereby granted. In addition, other subparagraphs of § 570.57(a) are reworded to clarify their meaning.

In consideration of the foregoing, 49 CFR Part 570, Subpart B, Vehicle in Use Inspection Standards for Vehicles With GVWR of More Than 10,000 Pounds, is amended as follows:

1. Tables 1 and 2 in Part 570, Subpart B, are deleted.

2. Paragraph 570.57(a) is amended to read:

§ 570.57 Air brake and air-over-hydraulic brake subsystem.

* * * * *

(a) *Air brake system integrity.* The air brake system shall demonstrate integrity by meeting the following requirements:

(1) With the vehicle in a stationary position, compressed air reserve shall be sufficient to permit one full service brake application, after the engine is stopped and with the system fully charged, without lowering reservoir pressure more than 20 percent below the initial reading.

(2) The air brake system compressor shall increase the air pressure in the reservoir(s) from the level developed after the test prescribed in § 570.57(a)(1) to the initial pressure noted before the full brake application, with the engine running at the manufacturer's maximum recommended number of revolutions per minute with the compressor governor in the cut-off position, in not more than 30 seconds for vehicles manufactured prior to March 1, 1975. For vehicles manufactured on or after March 1, 1975, the time allowed for air pressure buildup shall not exceed 45 seconds.

(3) The warning device (visual or audible) connected to the brake system air pressure source shall be activated when air pressure is lowered to an activating level that is not less than 50 psi. For vehicles manufactured to conform to Federal Motor Vehicle Safety Standard No. 121, the low-pressure indicator shall be activated when air pressure is lowered to an activating level that is not less than 60 psi.

(4) The governor cut-in pressure shall be not lower than 80 psi, and the cut-out pressure shall be not higher than 135 psi, unless other values are recommended by the vehicle manufacturer.

(5) Air brake pressure shall not drop more than 2 psi in 1 minute for single vehicles or more than 3 psi in 1 minute for combination vehicles, with the engine stopped and service brakes released. There may be an additional 1 psi drop per minute for each additional towed vehicle.

(6) With the reservoir(s) fully charged, air pressure shall not drop more than 3 psi in 1 minute for single vehicles or more than 4 psi in 1 minute for combination vehicles, with the engine stopped and service brakes fully applied. There may be an additional 1 psi drop per minute for each additional towed vehicle.

(7) The compressor drive belt shall not be badly worn or frayed and belt-tension shall be sufficient to prevent slippage.

Inspection procedure. With the air system charged, open the drain cocks in the service and supply reservoir on the truck or truck-tractor. Note the pressure at which the visual or audible warning device connected to the low-pressure indicator is activated. Close the drain cocks, and, with the trailer(s) uncoupled, check air pressure build-up at the

manufacturer's recommended engine speed. Observe the time required to raise the air pressure from 85 to 100 psi. Continue running the engine until the governor cuts out and note the pressure. Reduce engine speed to idle, couple the trailer(s), if applicable, and make a series of brake applications. Note the pressure at which the governor cuts in. Increase engine speed to fast idle and charge the system to its governed pressure. Stop the engine and record the pressure drop in psi per minute with brakes released and with brakes fully applied.

3. Paragraph 570.57(c)(1) is amended to read:

§ 570.57 Air brake system and air-over-hydraulic brake subsystem.

* * * * *

(c) * * *

(1) The air brake system compressor shall increase the air pressure in the reservoir(s) from the level developed after the test prescribed in § 570.57(a)(1) to the initial pressure noted before the full brake application, with the engine running at the manufacturer's recommended number of revolutions per minute and the compressor governor in the cut-out position, in not more than 30 seconds for vehicles manufactured prior to March 1, 1975. For vehicles manufactured on or after March 1, 1975, the time for air pressure build up shall not exceed 45 seconds.

Effective date: April 1, 1976. Because the amendments create no additional burden on any person, it is found for good cause shown that an immediate effective date is in the public interest.

(Sec. 103, 108, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1397, 1407); delegation of authority at 49 CFR 1.50)

Issued on March 29, 1976.

JAMES B. GREGORY,
Administrator.

[FR Doc.76-9362 Filed 3-31-76;8:45 am]

CHAPTER VIII—NATIONAL TRANSPORTATION SAFETY BOARD

PART 840—RULES PERTAINING TO NOTIFICATION OF RAILROAD ACCIDENTS

On February 5, 1976, the National Transportation Safety Board published in the FEDERAL REGISTER (41 FR 5298) a notice of proposed rulemaking to establish Part 840 to be effective April 1, 1976. Interested persons were invited to participate in this rulemaking process by submitting comments on or before March 15, 1976. After consideration of the comments received, the following changes and clarifications are made in the final rule:

1. The statement in the preamble to the proposal that the Board plans to receive notifications of transportation accidents in all modes is withdrawn. The Board does not intend to increase or duplicate the accident reporting requirements of other Federal agencies, except where earlier notifications may be required to carry out the Board's investigative responsibilities. Any future proposal will be coordinated with the regulatory agency directly concerned, as with the Federal Railroad Administration in this instance, to avoid dual reporting requirements wherever possible.

2. A note is added to § 840.3 which references the Federal Railroad Administration's requirements for immediate reporting of certain accidents/incidents (49 CFR 225.9). The Administration has agreed to amend its regulation to provide for telephonic reporting to the Board's accident notification center. This arrangement will permit the first report of certain railroad accidents to serve the purposes of both agencies. However, it should be noted that the Administration has additional reporting requirements.

3. The definition of "accident" in § 840.2(2) is modified for greater specificity as follows: " 'Accident' means any collision, derailment, or explosion involving railroad trains, locomotives, or cars; or any other loss-causing event involving the operation of such railroad equipment that results in a fatality or the emergency evacuation of persons."

4. In § 840.3(a)(3), the reporting criterion for property damage in passenger train accidents is increased to $10,000 for damage to railroad and nonrailroad property. This change is intended to avoid the reporting of equipment failures that are inconsequential in terms of transportation safety.

5. With respect to joint operations, the rule in § 840.3(b) is changed to read as follows: "Accidents involving joint operations must be reported by the railroad that controls the track and directs the movement of trains where the accident occurs." This change is intended to place the reporting responsibility in each accident on the railroad which is in the best position to furnish the information required.

In response to other comments, the Board's notification rule contemplates the reporting of all fatalities related to the operation of trains, locomotives, and cars. Where there is no evidence that the accident is related to the operation of a railroad, the accident need not be reported.

The Board recognizes that the property damage reported will necessarily be gross estimates based on the best information available from a preliminary survey made on the scene immediately after an accident. Accidents occurring on railroad trackage located inside an installation which is not part of the general railroad system of transportation, such as an industrial plant site, are not contemplated within the Board's notification rule.

The reporting of railroad accidents involving hazardous materials is required where such accidents meet the specified criteria in § 840.3 of the Board's notification rule. The Board has no intention to preempt any State or local requirements for accident reporting.

Accordingly, the National Transportation Safety Board has adopted 49 CFR 840 as set forth below:

PART 840—RULES PERTAINING TO NOTIFICATION OF RAILROAD ACCIDENTS

Sec.
840.1 Applicability.
840.2 Definitions.
840.3 Notification of railroad accidents.
840.4 Information to be given in notification.

§ 840.1 Applicability.

This part contains the notification requirements for certain railroad accidents which are to be investigated by the National Transportation Safety Board (Board) under the authority of section 304(a)(1)(C) of the Independent Safety Board Act of 1974 (49 U.S.C. 1903).

§ 840.2 Definitions.

As used in this part, the following words or phrases are defined as follows:

(a) "Railroad" means any system of surface transportation of persons or property over rails. It includes, but is not limited to, line-haul freight and passenger-carrying railroads, and rapid transit, commuter, scenic, subway, and elevated railways.

(b) "Accident" means any collision, derailment, or explosion involving railroad trains, locomotives, and cars; or any other loss-causing event involving the operation of such railroad equipment that results in a fatality or the emergency evacuation of persons.

(c) "Joint operations" means rail operations conducted on a track used jointly or in common by two or more railroads subject to this part, or operation of a train, locomotive, or car by one railroad over the track of another railroad.

(d) "Fatality" means the death of a person either at the time an accident occurs or within 24 hours thereafter.

§ 840.3 Notification of railroad accidents.

(a) A railroad shall notify the Board in the manner prescribed by paragraph (c) at the earliest practical moment after the occurrence of an accident which results in—

(1) A fatality; or

(2) Damages of $500,000 or more to railroad and nonrailroad property; or

(3) Involvement of a passenger train and damages of $10,000 or more to railroad and nonrailroad property.

(b) Accidents involving joint operations must be reported by the railroad that controls the track and directs the movement of trains where the accident has occurred.

(c) Each notification required by paragraph (a) of this section shall be made by (toll-free) telephone to the Board at Area Code 800-424-0201.

NOTE—The Federal Railroad Administration authorizes use of this telephone number to comply with its requirements for immediate reporting of certain railroad accidents/incidents under 49 CFR 225.9.

§ 840.4 Information to be given in notification.

The notice required by § 840.3 shall include the following information:

(a) Name and title of person reporting.
(b) Name of railroad.
(c) Location of accident (relate to nearest city).
(d) Time and date of accident.
(e) Description of accident.
(f) Casualties—
(1) Fatalities.
(2) Injuries.
(g) Property damage (estimate).
(h) Name and telephone number of person from whom additional information may be obtained.

Approved by the National Transportation Safety Board on March 26, 1976.

Effective date: April 1, 1976.

Signed at Washington, D.C., March 26, 1976.

[SEAL] WEBSTER B. TODD, Jr., *Chairman.*

[FR Doc.76-9352 Filed 3-31-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Amdt. No. 3 to S.O. No. 1202]

PART 1033—CAR SERVICE

Missouri-Kansas-Texas Railroad Company Authorized To Operate Over Tracks of the Chicago, Rock Island and Pacific Railroad Company

MARCH 26, 1976.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of March, 1976.

Upon further consideration of Service Order No. 1202 (39 F.R. 40765 and 40 F.R. 14318 and 43914), and good cause appearing therefor:

It is ordered, That:

§ 1033.1202 Missouri - Kansas - Texas Railroad Company authorized to Operate over tracks of the Chicago, Rock Island and Pacific Railroad Company.

Service Order No. 1202 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 31, 1976.

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

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

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

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-9360 Filed 3-31-76;8:45 am]

[Ex Parte No. 55 (Sub-No. 20)]

PART 1003—LIST OF FORMS

New Applications To Effect Transfers or Changes

● Purpose: The purpose of this notice is to inform the public of the issuance of the new application form to be used to effect transfers or changes in control arising under Sections 206, 211 and 212 of the Interstate Commerce Act, which will be effective on May 1, 1976, and that after such date filings using the old forms may have to be returned for insufficiency. ●

In the matter of the revision and consolidation of application forms designated OP-M-100 and OP-M-110 (formerly BF-200 and BF-201), and the issuance of new application form OP-FC-1 in lieu thereof, for the transfer or lease of motor carrier operating authorities and brokers' licenses, and for the change in control of corporations or associations holding brokers' licenses.

This notice is directly related to notices in Ex Parte No. 55 (Sub-Nos. 20A, 20B and 20C) previously published in the FEDERAL REGISTER on January 8, 1976, wherein the Interstate Commerce Commission uniformly amended its rules and regulations governing (1) the filing of applications for certain transfers of operating rights and stock control, (2) the procedures under which such matters are disposed of, and (3) the fees to be charged in the filing of multiple applications related to a proposed transfer of operating authority.

The consolidation of forms OP-M-100 and OP-M-110 is necessary because much duplicative information is required in both forms, and the Commission, its field offices, and attorneys regularly engaged in such filings were required to maintain separate supplies. Also, parties filing such applications frequently filed on the wrong form, or neglected in some instances to file both forms.

Revision of the forms is mandatory because this Commission has determined that notice to the public of proposed transfers under Sections 206, 211, 212, as well as those under Sections 312 and 410 of the Act will be published in the FEDERAL REGISTER, and consequently the policy of publishing synopses of affirmative orders has been discontinued. Moreover, the revised form permits applicants to seek and demonstrate a need for tacking the operating rights sought to be transferred with those of the acquiring carrier, pursuant to the rules and regulations promulgated in *Gateway Elimination,* 119 M.C.C. 562 (1974), and to afford interested parties an opportunity to protest proceedings pending with the Commission before a decision is reached. It is anticipated that this procedure will result in more informed and equitable decisions of first impression by the Motor Carrier Board.

Upon this Commission's request the United States General Accounting Office, pursuant to Section 409 of Public Law 93-153, reviewed and gave clearance for the use of Form OP-FC-1 on March 12, 1976.

Issued in Washington, D.C.

It is ordered, That application forms OP-M-100 and OP-M-110, formerly BF-200 and BF-201, respectively, be and they are hereby, superseded by form OP-FC-1 as set forth in the Appendix[1] hereto.

(Secs. 204, 206, 207, 209, 211, and 212(b), 49 U.S.C. 304, 306, 307, 309, 311, and 312).

It is further ordered, That § 1003.1 of Subchapter A of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby modified by deleting therefrom the paragraphs headed OP-M-100 and OP-M-110, and substituting therefor the following:

§ 1003.1 [Amended]

(a) * * *

OP-FC-1

Applications arising in proceedings other than Section 5 of the Interstate Commerce Act (A) for transfer or lease of (1) motor carrier Certificates of Registration issued pursuant to section 206 of the Act, (2) motor common and contract carrier operating rights issued pursuant to Sections 207 and 209 of the Act, and (3) brokers' licenses issued pursuant to Section 211 of the Act; and (B) for approval of a change in control of a company holding a broker's license.

CROSS REFERENCES: Parts 1045, 1132 and 1133 of this chapter.

* * * * *

And it is further ordered, That this order shall become effective May 1, 1976, and notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., for inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-9488 Filed 3-31-76;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Snail Darter

Background. On December 16, 1975, the United States Fish and Wildlife

[1] Filed as part of the original document.

Service proposed to amend 50 CFR Part 17 by designating critical habitat for the snail darter and five other species (40 FR 58308). The snail darter, *Percina (Imostoma)* sp., (now known as *Percina tanasi*) was listed as an endangered species, pursuant to Section 4 of the Endangered Species Act of 1973 (16 USC 1533), on October 9, 1975 (40 FR 47505). This amendment adds a new subpart and a new section to Part 17 relative to the critical habitat of the snail darter. Action on the critical habitats of the five other species covered in the proposal will be forthcoming later.

The Endangered Species Act of 1973 conserves endangered and threatened species in several ways. One of those ways is by authorizing the Secretary to determine that the habitat of a species is critical. When such a determination is made, any Federal agency which might authorize, fund, or carry out an action which could result in the modification or destruction of such habitat must take whatever steps are necessary to avoid the modification or destruction.

In the FEDERAL REGISTER of April 22, 1975, 40 FR 17764–17765, the Fish and Wildlife Service and the National Marine Fisheries Service published the following interpretation:

The term "habitat" could be considered to consist of a special environment in which a species lives and all elements of that environment including, but not limited to, land and water area, physical structure and topography, flora, fauna, climate, human activity, and the quality and chemical content of soil, water and air.

"Critical habitat" for any endangered or threatened species could be the entire habitat or any portion thereof, if, and only if, any constituent element is necessary to the normal needs or survival of that species.

Also, in the FEDERAL REGISTER of April 22, 1975, the Fish and Wildlife Service and the National Marine Fisheries Service published the following statement:

Actions by a Federal agency which result in the destruction or modification of a habitat considered "critical habitat" for a given Endangered or Threatened species would not conform with Section 7 of the Endangered Species Act of 1973, if such action might be expected to result in a reduction in the numbers or distribution of that species of sufficient magnitude to place the species in further jeopardy, or restrict the potential and reasonable expansion or recovery of that species. It must be emphasized that because of the primary intention of the Fish and Wildlife Service and the National Marine Fisheries Service under that Act is to protect, maintain, and restore presently Endangered and Threatened species, application of the term "critical habitat" may not be restricted to the habitat necessary for a minimum viable population.

The Director is preparing, in consultation with the affected agencies, guidelines for Federal agencies for the application of section 7 of the Act. In the future, regulations will be published regarding section 7.

The snail darter critical habitat proposal as it appeared in the FEDERAL REGISTER (Vol. 40, No. 242, pp. 58308–58312) is as follows:

BASIS FOR DETERMINATION

SNAIL DARTER (*Percina (Imostoma)* SP.)

Tennessee. Critical habitat for the snail darter extends from river mile 0.5 to river mile 17 of the Little Tennessee River, Loudon County, Tennessee. River miles 0.5 through 17 are shown on a map entitled "Tellico Project," prepared by the Tennessee Valley Authority (TVA), Bureau of Water Control Planning, August 1965 (map 65–MS–453 K 501). River mile 17 is two river miles below the U.S. Highway 411 bridge over the Little Tennessee River, and is near Rose Island; river mile 0.5 on the Little Tennessee River is one half mile upstream from its confluence with the Tennessee River. Presently, this section of river is the only known existing habitat of the snail darter. In portions of this area, certain conditions exist which are required by the species, and the disruption of these conditions would lead to decline or extinction of the snail darter.

At the time of publication the snail darter had not been assigned a specific scientific name in the scientific literature. However, on January 22, 1976, Dr. David A. Etnier described and assigned a specific scientific name to the snail darter in the Proceedings of the Biological Society of Washington, Vol. 88, No. 44, pp. 469–488 in a paper entitled "*Percina (Imostoma) tanasi*, a new percid fish from the Little Tennessee River, Tennessee." In the future, reference to the scientific name of the snail darter should be *Percina tanasi*. Also when the proposal was published the snail darter was not known to occur below river mile 0.5 on the Little Tennessee River; however, it has recently been found between river mile 0.1 and 0.4, below Tellico Dam. Based on this discovery, the present known existing habitat would be between river mile 0.1 and 17 on the Little Tennessee River.

Summary of Comments. A total of 19 comments were received relative to the proposal to determine a portion of the Little Tennessee River as critical habitat for the snail darter, *Percina tanasi*, which was published in the FEDERAL REGISTER, Vol. 40, No. 242, Tuesday, December 16, 1975, pages 58308–58312. These comments are summarized as follows:

(1) Seventeen of the 19 comments received completely supported the proposal to delineate a portion, river mile 0.5 to 17, of the Little Tennessee River as critical habitat for the snail darter. These include professional biological societies, national and State conservation associations and a national sportsman organization. The State of Tennessee, through the Tennessee Wildlife Resources Agency, supported the critical habitat designation as proposed. In addition, several citizens from the area submitted letters in support of the proposal.

(2) One letter opposing the proposal was received from an individual living in the area. There was no factual information presented by this inidvidual to warrant any change of the proposed critical habitat.

(3) A letter with attached appendices was received from the Tennessee Valley Authority, the agency sponsoring the construction of the Tellico Dam Project. The Tennessee Valley Authority was not opposed to the proposal, but felt it should not be adopted at the present time. Quoted below are the specific reasons why the TVA felt that the proposal should not be adopted.

1. The river mile designation of 0.5 to 17 appears to be in error since significant numbers of the snail darter have been discovered between river mile 0.1 and river mile 0.4 of the Little Tennessee River. These discoveries, which were previously reported, were made downstream from Tellico Dam, in depths of 20 to 30 feet. The importance of these discoveries has not yet been determined, and critical habitat determination should be postponed until evaluation of these discoveries is completed.

2. Although the existence of the snail darter in the proposed critical habitat area does indicate that at least some of the critical needs of the snail darter are met in this particular habitat, the identification of these critical needs is not yet complete. TVA, in conjunction with Jones & Stokes Associates, Inc., a biological consulting firm in Sacramento, California, is presently conducting a detailed field study and analysis of the biotic and abiotic characteristics of the lower 17 miles of the Little Tennessee River and how these factors relate to the life history of this species. An interim report covering all, or virtually all, of the abiotic characteristics of the Little Tennessee River and the biotic characteristics for the fall and winter seasons will be available in approximately 60 days. The final report, completing the description of the abiotic characteristics and providing the biotic characteristics of the spring and summer seasons, will be available by October 1, 1976.

Determination of critical habitat without information such as will be provided by these studies could subject such a determination to substantial criticism by the scientific community since such a determination would be based upon the lack of scientific data rather than specific scientific support.

The Director has reviewed the comments and the attachments submitted by the Tennessee Valley Authority in their response to the FWS proposal to delineate critical habitat for the snail darter, *Percina tanasi*. Other documents submitted to the FWS by the TVA and individual biologists have also been reviewed by the Director. The response to the TVA comments presented below is based on information presently available.

1. The designation of river mile 0.5 to 17 in the Little Tennessee River in the original snail darter critical habitat proposal was based on information available at that time. Subsequent to the publication of the critical habitat proposal additional information was received from TVA indicating that the snail darter had been observed in water

20 to 30 feet deep between river mile 0.4 to 0.1 on the Little Tennessee River. While this area may also be critical habitat, we do not feel that this has any bearing on the present proposal. As was pointed out in the snail darter critical habitat proposal (Paragraph 2, page 58308, FEDERAL REGISTER, Vol. 40, No. 242, December 16, 1975), "The areas delineated below do not necessarily include the entire critical habitat of any of the named species and modifications to critical habitat descriptions may be proposed in the future." Based on information contained in the TVA snail darter conservation program progress report, the area below the Tellico Dam between river mile 0.4 to 0.1 on the Little Tennessee may very well represent additional critical habitat. If this area is found to be critical it, along with any other critical areas found subsequent to this rulemaking, will be proposed and published in the FEDERAL REGISTER for review and comments.

2. We interpret the year-round occurrence of adult snail darters including large numbers of gravid males and females in the Little Tennessee River between river mile 0.5 to 17, the area proposed as critical habitat, as evidence that this area is critical habitat. This point is made by TVA in their comments submitted on the proposal and we quote: "Although the existence of the snail darter in the proposed critical habitat area does indicate that at least some of the critical needs of the snail darter are met in this particular habitat, the identification of these critical needs is not yet complete." Even though the identification of most of the links between the snail darter and its abiotic and biotic environment have not been specifically determined, we do not feel that this should prevent the designation of critical habitat.

Discussion. The information presently available indicates that the Little Tennessee River between river mile 0.5 and 17 on the Little Tennessee is critical to the survival of the snail darter, *Percina tanasi*. As was pointed out above, we were not aware of the presence of the snail darter below Tellico Dam at river mile 0.1 to 0.4 prior to the publication of the proposal on December 16, 1975. The fact that this area 0.1 to 0.4 is inhabited by the snail darter does not invalidate the area proposed as critical habitat. The area between river mile 0.1 to 0.4 on the Little Tennessee River may also be critical habitat, and if this is found to be the case it will be proposed in the future. There are no restrictions which would prohibit the changes in the area or areas originally delineated as critical habitat.

Final Rulemaking—The Director has considered all comments and data submitted in response to the proposed determination of the critical habitat of the snail darter. The Director has also considered other information received by the Fish and Wildlife Service both prior to and subsequent to the publication of the proposal in the FEDERAL REGISTER. Based on this review, the area between river mile 0.5 to 17 in the Little Tennessee River is determined to be critical habitat for the snail darter, *Percina tanasi*.

These amendments will become effective on May 3, 1976.

Dated: March 29, 1976.

GEORGE W. MILIAS,
Acting Director,
Fish and Wildlife Service.

1. Amend the table of sections in 50 CFR Part 17 by adding a new Subpart F, reading as follows:

Subpart F—Critical Habitat

Sec.
17.80 [Reserved]
17.81 Snail Darter

2. Amend the new Subpart F, 50 CFR Part 17 by adding the following new § 17.81:

Subpart F—Critical Habitat

§ 17.80 [Reserved]

§ 17.81 Snail darter.

(a) The following area is critical habitat for the snail darter (*Percina* (*Imostoma*) sp.): From river mile 0.5 to river mile 17 of the Little Tennessee River, Loudon County, Tennessee, as shown on a map entitled "Tellico Project", prepared by Tennessee Valley Authority, Bureau of Water Control Planning, August 1965 (map 65-MS-453 K 501).

(b) Pursuant to section 7 of the act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of this critical habitat area.

[FR Doc.76-9416 Filed 3-31-76;8:45 am]

Title 7—Agriculture

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

PART 730—RICE

Subpart—1976-77 Marketing Year

SET-ASIDE DETERMINATION WITH RESPECT TO THE CROP OF RICE

Section 101(g)(5)(A) of the Agricultural Act of 1949, as amended, provides that the Secretary may provide for a set-aside of cropland for a crop of rice, and, if so, the determination and the acreage of cropland to be set aside shall be published in the Federal Register not later than April 1.

Notice is hereby given that the Secretary has determined that a set-aside of cropland shall not be in effect for the 1976 crop rice.

Since planting has already begun of the 1976 rice crop it is essential that program provisions relating to allotments and cropland use be published as soon as possible. Therefore it is determined that compliance with the notice, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to public interest.

(Sec. 101, 63 Stat 1051, as amended (U.S.C. 1441)).

Effective date. This determination is effective on March 29, 1976.

Signed at Washington, D.C. on March 29, 1976.

JOHN A. KNEBEL,
Acting Secretary.

[FR Doc.76-9417 Filed 3-29-76;4:54 pm]

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

[Navel Orange Regulation 374]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period April 2-8, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.674 Navel Orange Regulation 374.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges appears to be improving

somewhat, but the market is still considered to be on the weak side. Prices f.o.b. averaged $3.18 a carton on a reported sales volume of 1,111 carlots last week, compared with an average f.o.b. price of $3.15 per carton and sales of 1,169 carlots a week earlier. Track and rolling supplies at 601 cars were up 81 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 30, 1976.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period April 2, 1976, through April 8, 1976, are hereby fixed as follows:

(i) District 1: 1,271,000 cartons;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: March 30, 1976.

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

[FR Doc.76-9522 Filed 3-31-76;8:45 am]

[Valencia Orange Regulation 526]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period April 2-8, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.826 Valencia Orange Regulation 526.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues relatively weak. No f.o.b. average prices are available for the week ended March 25, since no sales were reported. Track and rolling supplies at seven cars were up seven cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of person subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 29, 1976.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 2, 1976, through April 8, 1976, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: Unlimited;

(iii) District 3: 85,000 cartons."

(2) As used in this section, "handler", "District 1", "District 2", "District 3",

and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: March 30, 1976.

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

[FR Doc.76-9523 Filed 3-31-76;8:45 am]

[959.316 Amdt. 1]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Handling Regulation

This amendment permits onions to be packed and loaded for export on Sunday, March 28, 1976.

Findings. (a) Pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959), regulating the handling of onions grown in designated counties in South Texas, it is hereby found that the amendment to the handling regulation, hereinafter set forth, will tend to effectuate the declared policy of the act. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The amendment is based upon recommendations and information submitted by the South Texas Onion Committee, established pursuant to said marketing agreement and order, and upon other available information.

About March 28, a ship is scheduled to take on an export order of South Texas onions. This amendment is necessary to provide the time for handlers to pack and load the requested quantity of onions for export when such activities would otherwise be prohibited. Current regulations prohibit packing and shipping on Sundays.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) this amendment must become effective immediately if producers are to derive any benefits therefrom, (2) compliance with this amendment will not require any special preparation on the part of handlers, (3) information regarding the proposed regulation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of onions grown in the production area.

Regulation, as amended. In § 959.316 (41 F.R. 4252) the introductory paragraph is hereby amended by adding the following thereto: ", and also excepting that the prohibition against packaging or loading of onions on any Sunday shall not apply to onions for export on March 28, 1976."

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

Effective Date. Issued March 26, 1976, to become effective March 28, 1976.

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

[FR Doc.76-9347 Filed 3-31-76;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 442.5]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart E—Cooperative Association Loan Policies, Authorizations, and Procedures

DELETION OF SUBPART

Subpart E of Part 1823, "Cooperative Association Loan Policies, Authorizations, and Procedures," (35 FR 15091 as amended at 38 FR 14671), is deleted from Chapter XVIII, Title 7 of the Code of Federal Regulations.

The Administrator of Farmers Home Administration (FmHA) has determined that the regulations contained in this Subpart are obsolete. Loans originally made pursuant to this Subpart are being serviced under Subpart F of Part 1861 of this chapter.

(7 U.S.C. 1989; 42 U.S.C. 2942; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850)

Effective date. This deletion shall become effective on April 1, 1976.

Dated: March 18, 1976.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.76-9405 Filed 3-31-76;8:45 am]

[FmHA Instruction 440.3]

PART 1890g—DAVIS—BACON AND RELATED ACTS

Amendment

Section 1890g.1 of Title 7, Chapter XVIII, Code of Federal Regulations (35 FR 14442) is amended to delete the supplementing reference to Subpart E of Part 1823 of this Chapter. This Subpart is now obsolete and loans made pursuant thereto are being serviced under Subpart F of Part 1861 of this Chapter.

(7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 42 U.S.C. 2942; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850)

Dated: March 18, 1976.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.76-9409 Filed 3-31-76;8:45 am]

[FmHA Instruction 449.1]

PART 1841—GENERAL PROVISIONS

Miscellaneous Amendments

The general provisions for guaranteed loans contained in Part 1841, Title 7, Chapter XVIII, (38 FR 29039; as amendment at 39 FR 2768–27685, are revised to delete references to the Business and Industrial Loan Program and the Emergency Livestock Loan Program. A complete revision and consolidation into self-contained regulations has been issued for use in making, approving, and servicing those respective loan programs. Since these revisions are administrative in nature and reflect only the removal of subject matter pertaining to specific programs which are found elsewhere in this chapter, notice and public procedure thereon is unnecessary.

Part 1841 of 7 CFR Chapter XVIII is amended as follows:

2. Section 1841.1 is revised to read:

§ 1841.1 Introductory information.

This Part 1841 and Part 1843 (which are hereinafter called the Handbook) contain regulations and prescribe forms applicable to loans guaranteed by the Farmers Home Administration (FmHA). The general regulations in this Part 1841 are applicable to all such loans except Business and Industrial loans and Emergency Livestock loans, unless otherwise provided in the Part applicable to the particular type of loan involved. Some material to round out subject matter is also contained in this Part 1841, even though it applies to loans of a particular type or types. Part 1843 contains additional regulations with respect to Farmers Loans. Such regulations and related FmHA forms apply to lenders, holders, borrowers, FmHA and other parties involved in making, guaranteeing, servicing, and liquidating FmHA guaranteed loans.

3. In § 1841.3, paragraphs (a), (c)(1) and (d) are revised to read:

§ 1841.3 Definitions.

* * * * *

(a) *Act.* The Consolidated Farm and Rural Development Act (7 U.S.C. 1921, et seq.) with respect to Farmer loans; Title V of the Housing Act of 1949 (42 U.S.C. 1472, et seq.), and section 310C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1933), with respect to Housing loans.

(c) * * *

(1) *FmHA officials.* Unless otherwise indicated, the terms FmHA and FHA also mean the County Supervisor or Acting County Supervisor serving the county involved in Farmer and Rural Housing Loan cases.

* * * * *

(d) *Finance Office.* The office which maintains the FmHA financial records. It is located at 1520 Market Street, St.

Louis, Missouri 63103. (Phone 314–279–4400).

* * * * *

The heading and text of § 1841.11 is revised to read:

§ 1841.11 Other available financing.

FmHA will not guarantee loans unless it determines that guaranteeing loans, rather than making insured loans, would be to its financial advantage. Loans will not be guaranteed if FmHA determines that the needed financing is available without the guarantee. Loans that would be made by the lender under its normal loan policies (without a Contract of Guarantee) will not be guaranteed. Loans made, guaranteed, or insured by any Federal or State agency will not be guaranteed by FmHA, except for loans made by agencies of the Farm Credit Administration or by State agencies with rural rehabilitation funds. A lender should consult FmHA before an application for loan guarantee is prepared if the lender desires to use a guaranteed loan to refinance debts owed to it. Subject to the foregoing provisions of this section, loans will not participated in or insured by FmHA if they can be guaranteed.

5. Section 1841.13 is revised to read:

§ 1841.13 Interest rates to borrowers.

The interest rate which the lender may charge borrowers obtaining loans is limited by statute or is fixed pursuant to statutory formulae. The rates on these loans made during one period of time may differ from the rates on loans of the same type made during another period of time. Also, there may be a variance between interest rates on loans of different types covered by this paragraph. FmHA will determine the interest rate for each type of loan covered by this section when this loan guarantee program becomes effective with respect to it, and subsequent changes therein. The lender may ascertain the interest rate for each type of such loan by telephoning any FmHA office or by consulting the FEDERAL REGISTER. Interest will be charged only on the actual amount of loan funds borrowed and for the actual time the money is outstanding. The interest rate initially established for each loan will remain constant during the existence of the FmHA guarantee thereon, unless otherwise provided in the Part containing additional provisions with respect to the type of loan involved. Interest on protective advances made by the holder to protect the security may be charged at the rate specified in the security instruments. See also § 1841.12.

6. The introductory language of § 1841.15(a)(2) is revised to read:

§ 1841.15 Promissory notes, security instruments, and financing statements.

(a) * * *

(2) Such forms are amended by inserting the following provisions as applicable (except Rural Housing loans to above moderate income borrowers meeting the requirements of section 310C(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932, 1933):

* * * * *

7. In § 1841.26, the introductory text of (a), (2), (3), and (6) are revised to read:

§ 1841.26 Conditions precedent to issuance of Contract of Guarantee.

The Contract of Guarantee will not be issued until:

(a) *Lender's and borrower's advise.* The lender, unless otherwise provided, advise(s) FmHA that:

(2) In Housing loan cases, all planned property acquisition has been completed, and all construction, repair, and development has been properly completed in accordance with plans and specifications and the cost thereof has not exceeded the amount approved by FmHA.

(3) In Farmer loan cases, all planned property acquisition, construction, repairs, and land development have been or will be properly completed in accordance with any applicable drawings and specifications and within the cost figures furnished by the lender to FmHA.

NOTE.—In the absence of unusual circumstances, in Farmer loan cases, it is anticipated that the Contract of Guarantee will be executed before such actions have taken place. In any event, the lender will be responsible for seeing that all such actions are properly completed.

* * * * *

(6) Security property then owned by the borrower (and/or that which will be acquired, repaired, constructed, or developed with loan funds after issuance of the Contract of Guarantee in Farmer loan cases), is considered adequate security for the loan to be guaranteed, and the security instruments covering such property are all properly filed or recorded, as appropriate and legally permissible.

* * * * *

8. Section 1841.31 is revised to read:

§ 1841.31 Guarantee Fee Report.

Form FmHA 449–19, "Guarantee Fee Report" must be sent by the holder to the Finance Office so that it will be received by that office not later than ten days after each guarantee fee payment (or interest subsidy payment, where applicable) is required to be made.

9. Section 1841.36 is revised to read:

§ 1841.36 Void or voidable contracts.

(a) *All cases.* The Contract of Guarantee will be void if it or the guaranteed loan was obtained by fraud or material misrepresentation of which the original lender or registered holder had actual knowledge at the time it became such lender or holder. If any interest subsidy payments have been made to the holder by FmHA under a void contract, the holder is required to repay the amount thereof to FmHA. If any interest subsidy payments have been made to the holder by FmHA under a voidable contract after it became void, the holder is required to repay the amount thereof to FmHA.

(b) *Cross references.* See § 1841.37 on unenforceable Contract of Guarantee and § 1841.41 on termination of Contract of Guarantee.

10. Section 1841.37(a)(2) is revised to read:

§ 1841.37 Unenforceable Contract.

(a) * * *

(2) When any loss has occurred or was caused by events occurring while the loan was not held by the original lender or a subsequent registered holder.

* * * * *

§ 1841.41 [Amended]

11. Section 1841.41 is amended by deleting the parenthetical phrase "(except in Emergency Livestock loan cases)" from the first sentence.

12. Section 1841.46, paragraph (f)(2) is revised to read:

§ 1841.46 Loan servicing.

* * * * *

(f) * * *

(2) Proceeds from the disposition of any non-basic security property planned to be marketed in the regular course of business in going concern cases may be used for purposes which the holder determine(s) are necessary and proper in connection with the type of operation involved (including family living expenses in going concern Farmer loan cases.)

* * * * *

13. The introductory text of § 1841.56 is amended to read:

§ 1841.56 Equal Opportunity and Nondiscrimination.

The following equal opportunity and nondiscrimination forms and requirements are applicable to certain cases involving construction as indicated. In all cases the lender is responsible for seeing that the requirements of paragraphs (b) through (f) of this section are met unless otherwise provided in the Part containing the additional provisions applicable to the particular type of loan involved. (For more detailed information see 7 CFR Part 15, and 41 CFR Part 60).

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; Sec. 10 P.L. 93–357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70).

Effective date. This regulation shall become effective on April 1, 1976.

Dated: March 22, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-9411 Filed 3-31-76;8:45 am]

[FmHA Instruction 465.2]

PART 1872—REAL ESTATE SECURITY

Management and Sale of Acquired Real Estate

Section 1872.65(e) of Title 7, Chapter XVIII, Code of Federal Regulations (38 FR 19204) is amended to delete the parenthetical reference to Subpart E of Part 1823 of this Chapter. This Subpart is now obsolete, and loans made pursuant to it are being serviced under Subpart F of Part 1861 of this chapter.

(7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 42 U.S.C. 2942; delegation of authority by the

Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850)

Effective date. This deletion shall become effective on April 1, 1976.

Dated: March 18, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-9406 Filed 3-31-76;8:45 am]

[FmHA Instruction 444.5]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Rural Rental Housing Loan Policies, Procedures, and Authorizations

On pages 29300 and 29301 of the FEDERAL REGISTER dated July 11, 1975, there was published a notice of proposed rulemaking amending various sections of Subpart D of Part 1822, Title 7, Code of Federal Regulations (40 FR 4282).

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendments. Written comments have been received and reviewed. The following changes have been made and incorporated and the proposed amendments with noted changes are hereby adopted and set forth below.

1. Section 1822.85(b) is revised to permit the purchase of existing housing only when such housing is in need of major modification, repair, or improvement to meet the requirements of decent, safe, and sanitary living units. Rehabilitated projects must be substantially equivalent to new construction in quality, design, and all other respects.

2. Section 1822.86(a) is revised to limit the amount of a loan to $1,500,000 for any project at any one time unless the prior approval of the National Office is obtained in advance. Additional loans may be considered after the housing has been successfully operated for a minimum of 12 months and a market exists.

3. Section 1822.86(a)(2) is revised to limit the amount of the loan to applicants other than private nonprofit corporations, consumer cooperatives, State or local public agencies and other nonprofit organizations, to 95 percent of the development cost or 95 percent of the security value, whichever is less. The applicant's contribution must be in the form of cash, land, or a combination of both.

4. The present § 1822.86(a)(3) is deleted.

5. Section 1822.86(b)(1) through 1822.86(b)(11) are redesignated as § 1822.86(b)(2) through 1822.86(b)(12).

6. A new § 1822.86(b)(1) is added to further clarify § 1822.86(b) and excludes the purchase of partially completed housing projects or existing housing projects unless there are major modifications, repairs, or improvements needed to provide safe and sanitary housing.

7. Section 1822.89(a) is revised to require a second mortgage on a site developed with a prior loan if a subsequent loan is made on the site or a contiguous site to finish out units that will complete a project.

8. Section 1822.90(d) is amended to further clarify the reference to Subpart A of Part 1804.

9. Section 1822.91(c) is amended to conform with the new § 1822.86.

10. Section 1822.94(a)(4) through 1822.94(a)(6) are redesignated as § 1822.94(a)(5) through 1822.(a)(7).

11. A new § 1822.94(a)(4) is added to require, when interim financing is used, that the interim lender be advised of the additional risks when the lender does not require the applicant to obtain a payment and performance bond.

The following changes were not subject to proposed rulemaking and are made for clarification purposes. These changes are hereby adopted and set forth below.

1. Section 1822.84(a)(5)(i) is amended to clarify the disposition of initial operating capital.

2. Section 1822.86(c)(1) is amended to clarify that debts incurred after submission of a preliminary proposal to HUD for a project involving HUD Section 8 Housing Assistance Payments may also be paid with loan funds in accordance with the provisions of this Section.

Sections 1822.84, 1822.85, 1822.86, 1822.89, 1822.90, 1822.91, and 1822.94 of 7 CFR Chapter XVIII are amended as follows:

1. The last sentence of § 1822.84(a)(5)(i) is revised as follows:

§ 1822.84 Eligibility requirements.

(a) * * *

(5) * * *

(i) * * * The initial operating capital required will be at least 2 percent of the total development cost of the project and shall be deposited into the general fund account in accordance with the provisions of the Loan Agreement and Loan Resolution.

* * * * *

2. Paragraph (b) of § 1822.85 is revised as follows:

§ 1822.85 Loan purposes.

* * * * *

(b) Purchase and rehabilitate existing housing only when major modifications, repairs or improvements to the housing are necessary to meet the requirements of decent, safe and sanitary living units. Loans will not be made for the purchase of adequate housing not in need of major rehabilitation. Major rehabilitation shall not be considered to be minor items of development work such as painting, cleaning and improvements to related facilities.

(1) Rehabilitation of the project will be planned and accomplished so that the housing will be substantially equivalent to new construction in quality, design and all other respects.

(2) Complete plans and specifications for rehabilitation will be provided for review and approval.

(3) The rehabilitated project must generally meet the provisions in § 1822.88(a).

* * * * *

3. In § 1822.86, the introductory language of (a), (a)(2), and (c)(1) are revised; (b)(1) through (11) are redesignated (2) through (12) and a new (b)(1) added; and (a)(3) is removed as follows:

§ 1822.86 Limitations.

(a) *Loan Limits.* For all applicants the amount of RRH loan or loans on each project at any one time will be limited to a maximum amount of $1,500,000 unless the prior approval of the National Office is obtained in advance to develop an application for a larger project. If the State Director recommends a larger project, the preapplication and detailed information on the need and market for the project will be submitted to the National Office with the State Director's specific recommendations before Form AD-622, "Notification of Preapplication Review Action," or any other notice is given to the applicant indicating that the loan can be made. Each loan will also be subject to the following additional requirements:

* * * * *

(2) For all other applicants, the amount of the RRH loan or loans will be limited to no more than 95 percent of the development cost or 95 percent of the security value of each project, whichever is less. The applicant's contribution must be in the form of either cash or land or a combination of both.

(3) [Removed]

(b) * * *

(1) The purchase of a partially completed project of the purchase of an existing housing project unless the provisions of § 1822.85(b) can be met.

(c) * * *

(1) The debts were incurred after the applicant filed a written application for a loan with FmHA or the submission of a preliminary proposal to the Department of Housing and Urban Development (HUD) in the case of a project involving HUD Section 8 Housing Assistance Payment program with a loan made in compliance with this Subpart.

4. Paragraph (a) of § 1822.89 is revised as follows:

§ 1822.89 Security.

* * * * *

(a) A second mortgage will be taken on the site developed with prior RRH loan(s) when the subsequent loan is to complete or finish out units on the site or on a contiguous site.

* * * * *

5. The first sentence of § 1822.90(d) is revised as follows:

§ 1822.90 Technical, legal, and other services.

* * * * *

(d) *Construction and development policies.* Construction and development

will be performed in accordance with Subpart A and Subpart D of Part 1804 of this Chapter, except § 1804.5(h)(3)(ii) will not apply to projects constructed by the owner-builder method. * * *

* * * * *

6. Paragraph (c)(3) of § 1822.91 is revised as follows:

§ 1822.91 Processing preapplications.

* * * * *

(c) * * *

(3) When a State Director considers it necessary and for all applications involving a project costing more than $1.5 million, the preapplication will be sent to the National Office for evaluation and instructions. For projects costing more than $1.5 million, the information required by § 1822.86 (a) of this Subpart will be included in the submission.

* * * * *

7. In § 1822.94, (a) (4) through (6) are redesignated (5) through (7) and a new (a)(4) added as follows:

§ 1822.94 Actions subsequent to loan approval.

(a) * * *

(4) When the interim lender does not require the applicant to obtain a payment and performance bond, the interim lender must be advised of the additional risk involved. FmHA will not close its loan until the project is substantially completed and evidence is furnished that all suppliers, contractor(s), engineers, architects, and other costs in connection with the project have been paid.

* * * * *

(42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Effective Date. These revisions shall become effective on April 1, 1976.

Dated: March 25, 1976.

FRANK W. NAYLOR, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76-9410 Filed 3-31-76;8:45 am]

[Administration Letter 50 (400)]

PART 1890p—NONDISCRIMINATION IN CONSTRUCTION FINANCED WITH A FARMERS HOME ADMINISTRATION LOAN OR GRANT

Amendment

Section 1890p.1 of Title 7, Chapter XVIII, Code of Federal Regulations (36 FR 21450) is amended to delete the supplementing reference to Subpart E of Part 1823 of this Chapter. This subpart is now obsolete and loans made pursuant thereto are being serviced under Suppart F of Part 1861 of this Chapter.

(7 U.S.C. 1989; 42 U.S.C. 1480; 50.S.C. 301; 42 U.S.C. 2942; delegation of authority by the Sec. Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850)

Dated: March 18, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-9408 Filed 3-31-76;8:45 am]

[FmHA Instruction 440.10]

PART 1890r—NATURAL HISTORIC PRESERVATION

Amendment

Section 1890r.1 of Ttitle 7, Chapter XVIII, Code of Federal Regulations (36 FR 16572), is amended to delete the supplementary reference to Subpart E of Part 1823 of this Chapter. This Subpart is now obsolete and loans made pursuant thereto are being served under Subpart F of Part 1861 of this Chapter.

(7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 42 U.S.C. 2942; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 9850)

Dated: March 18, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-9407 Filed 3-31-76;8:45 am]

SUBCHAPTER R—BUSINESS SERVICES

PART 2024—PROPERTY AND SUPPLY

Subpart A—Procurement, Sales, and Leasing Authority

There is hereby established under Chapter XVIII, Title 7, a new Subchapter R—"Business Services," Part 2024, "Property and Supply," Subparts A through M, in the Code of Federal Regulations. Subpart A, "Procurement, Sales, and Leasing Authority," (§§ 2024.1–2024.50) of this new part is being added to this Chapter XVIII to provide guidelines in the acquisition of goods or services under the general policy of Farmers Home Administration for procurement contracting, purchasing, sales, and leasing.

Inasmuch as this Subpart involves only internal departmental regulations, public notice and procedure thereon is unnecessary. Accordingly, new Subpart A of Part 2024 is set forth below.

Subpart A—Procurement, Sales, and Leasing Authority

Sec.
2024.1 Purpose.
2024.2 Policy.
2024.3 Delegations of procurement contracting, purchasing, sales, and leasing authority.
2024.4–2024.5 [Reserved].
2024.6 Small purchases.
2024.7 [Reserved].
2024.8 Procurement contracting.
2024.9–2024.11 [Reserved].
2024.12 Sales.
2024.13 [Reserved].
2024.14 Leasing, space acquisition, and assignment.
2024.15–2024.20 [Reserved].
2024.21 Authority of acting and supervisory officials.

EXHIBIT A—DELEGATION OF PURCHASING AUTHORITY (SMALL PURCHASES)

EXHIBIT B—DELEGATION OF PROCUREMENT CONTRACTING AUTHORITY

EXHIBIT C—DELEGATION OF SALES AUTHORITY

EXHIBIT D—AUTHORITY TO LEASE SPACE (REAL PROPERTY)

AUTHORITY: 5 U.S.C. 301, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Subpart A—Procurement, Sales, and Leasing Authority

§ 2024.1 Purpose.

This regulation establishes procurement contracting, purchasing, sales, space acquisition and assignment, delegations of authority to the incumbents of positions as listed in Exhibits A, B, C, and D to this regulation in the amounts indicated and subject to the limitations prescribed herein. These authorities delegate responsibility for signing and administering contracts, purchase agreements, sales agreements, and leases only. Authority to request the services covered by this regulation and authority to approve the propriety or program need for expenditures of funds necessitated by these actions are contained elsewhere in Farmers Home Administration (FmHA) regulations.

§ 2024.2 Policy.

It is general policy for FmHA to conduct the activities of procurement contracting, purchasing, sales, and leasing required by field offices through the Business Services Branch of the Finance Office in St. Louis and for requirements that are national in scope through the Business Services Division in Washington, D.C., which also serves the needs of the National Office.

§ 2024.3 Delegations of Procurement Contracting, Purchasing, Sales, and Leasing Authority.

(a) *Specific delegations.*

(1) Small purchases authority—see Exhibit A.

(2) Procurement contracting authority—See Exhibit B.

(3) Sales authority—See Exhibit C.

(4) Authority to lease space—See Exhibit D.

(b) *Special delegations.* Requests for delegated authority not specifically listed in the Exhibits may be submitted to the Administrator for consideration and approval.

NOTE.—Elsewhere in the FmHA regulation system where authority is assigned to field personnel to approve acquisition of goods or services, the authority is intended only to authorize the expenditure of funds for such purposes by initiating actions such as requisitions, memoranda, or requests for contract or other procurement action. These program authorities cited elsewhere are not delegations of authority to enter into purchase or contract transactions. The only procurement contracting and purchasing authority delegated is that which is prescribed in this regulation, except for procurement of construc-

tion or repair of acquired real property by informal solicitation covered in applicable guidelines available in any FmHA office.

§§ 2024.4–2024.5 [Reserved].

§ 2024.6 Small Purchases.

Small purchase authority delegated in this regulation authorizes the purchasing of supplies and nonpersonal services from commercial sources when the aggregate amount involved in any one transaction does not exceed $10,000. Delegations to designated positions in the amounts specified are shown in Exhibit A. This authority is not applicable to the procurement of supplies and services where the initial estimate exceeds $10,000. Small purchase authority contained herein shall not be applied to construction contracts in excess of $2,000. Following are some of the most significant small purchase requirements which are reflected in Federal and Departmental Procurement Regulations:

(a) Purchase may be negotiated without formal advertising if the aggregate amount involved does not exceed $10,000.

(b) In arriving at the aggregate amount involved in any one transaction, there must be included all supplies and services which would properly be grouped together in a single transaction, and which would be included in a single advertisement for bids if the procurement were being effected by formal advertising.

(c) Solicitation of quotations may be effected orally for purchases estimated not to exceed $5,000, but should not be used for purchases under $5,000 in such circumstances as when the suppliers are located outside the local area; special specifications are involved; a large number of items are included in a single proposed procurement; or obtaining oral quotations is not considered efficient. Standard Form 18, "Request for Quotations," shall be used for written solicitation. Form FmHA 120–10, "Solicitation, Quotation, Purchase Order, Inspection, and Invoice," shall be used for procurement of services relating to acquired property.

§ 2024.7 [Reserved]

§ 2024.8 Procurement Contracting.

Procurement contracting authority delegated herein authorizes the purchasing of supplies and nonpersonal services from commercial sources when the aggregate amount involved in any one transaction exceeds $10,000. Specific delegations in the amounts specified to designated positions are shown in Exhibit B. This authority is exercised in FmHA by Business Services employees in the Finance Office and headquarters offices only. All solicitations for formal procurement contract actions (invitations for bids and requests for proposals) will be sent to the Office of the General Counsel (OGC) through the Business Services Division for review, recommendation, and clearance prior to issuance. OGC will also review proposed contracts and modifications before award. Procurement contracting actions will be conducted in compliance with applicable Federal and Departmental regulations.

§§ 2024.9–2024.11 [Reserved]

§ 2024.12 Sales.

Sales authority is delegated herein to designated positions in the amounts specified as shown in Exhibit C. The General Services Administration (GSA) is the agency of government primarily responsible for the disposal of surplus personal property (including salvage, scrap, and waste materials) and exchange/sale property. GSA regional offices may, however, on a case-by-case or blanket basis, authorize agencies holding perishable items, surplus property, and exchange/sale property (including scrap, salvage, and waste materials) to sell such items at locations where such sales by GSA would be inefficient or uneconomical. Such authorized sales will be conducted only by those persons designated in Exhibit C and in accordance with the procedures contained in Federal Property Management Regulations (FPMR) 101–45.304, and Agriculture Property Management Regulations (AGPMR) 104–45.302 regarding sales to Government employees.

§ 2024.13 [Reserved]

§ 2024.14 Leasing, Space Acquisition, and Assignment.

Leasing authority is delegated herein to designated positions in the amounts specified as shown in Exhibit D. The authority delegated includes the solicitation for, and acceptance of bids, and the execution of leasing documents for the acquisition of space; contacts with field offices of GSA relative to use and assignment of both leased and Federal space under control of GSA, including Post Office facilities, and the operation, maintenance, and custody of space leased by FmHA. Additional guidelines regarding space acquisition are available in any FmHA office. Leasing is subject to the authorities and limitations contained in FPMR 101–18.104, 101–18.107, and AGPMR 104–18.104 and 104–18.107. Acquisitions also will be in accordance with Federal Procurement Regulations, AGPR Subpart 4–4.54 and FmHA guidelines available in any FmHA office.

§§ 2024.15–2024.20 [Reserved]

§ 2024.21 Authority of Acting and Supervisory Officials.

Employees designated to serve in an acting capacity in any of the positions to which authorities are delegated (except contracting authority) in the regulation may exercise all such authorities providing the employees so designated are qualified as prescribed in FmHA guidelines available in any FmHA office. The authorities delegated in this regulation may not be exercised by officials based on their supervisory capacity.

EXHIBIT A—DELEGATION OF PURCHASING AUTHORITY (SMALL PURCHASES)

In accordance with Agriculture Procurement Regulations 4–3.602–50 purchasing authority with redelegation power is delegated to incumbents in the following positions:

	Amount not to exceed
National Office:	
Deputy Administrator, Financial and Administrative Operations.	$10,000.
Director, Business Services Division	10,000.
Purchasing authority *without redelegation* power is delegated for:	
1. National Office:	
Chief, Property and Procurement Management Branch	10,000.
Property and Space Management Specialist	10,000.
Contracting Specialist	10,000.
Procurement and Supply Specialist	10,000.
Director, Property Management Staff	10,000.
Purchasing Agent	5,000.
2. Finance Office:	
Chief, Business Services Branch	10,000.
Assistant Chief, Business Services Branch	10,000.
Head, Space Management Section	10,000.
Head, Property Management Section	10,000.
3. State Office—Puerto Rico:	
State Director	2,500.
Administrative Officer	2,500.
4. National Training Center:	
Resident Manager—For emergency supplies and services in connection with ongoing training.	75.
For transportation service	250.
5. State Director: Information operation allowance for supplies and equipment.	Annually $100 plus $2.50 for each full-time County Office.
6. State Director, District Director, County Supervisor: For emergency supplies and services and other supplies and services required not available through St. Louis, Missouri, office.	$25.
7. State Director, District Director, County Supervisor: For maintenance, management, or repair of acquired real property.	$2,000.
Repair and replacement of parts and cleaning of electric typewriters and office machines.	$60.[1]

8. State Director, Property Management Specialist, Chief, Property Management:
For services relating to maintenance, management, and disposition of acquired real property. $5,000.[2]

[1] Maximum, depending on age of equipment, see guidelines available in any FmHA office for limitations in relation to age of equipment.
[2] Restricted to employees who have completed the Property Management Training Course.
This delegation supersedes all previously issued purchasing authority delegations and is valid until modified or canceled.
These authorities may be exercised by the incumbents of the respective positions or any person properly acting in their behalf.
Federal Procurement Regulations, Subpart 1-3.6, Agriculture Procurement Regulations, Subpart 4-3.6, and pertinent Agency regulations shall be followed in carrying out this authority.
Purchase authority shall not be applied to construction contracting except as authorized in Item 7 above.

EXHIBIT B—DELEGATION OF PROCUREMENT CONTRACTING AUTHORITY

In accordance with AGPR 4-1.404, Office of Operations has delegated procurement contracting authority, *without* redelegation powers to incumbents in the following positions:

Amount not to exceed construction services and supplies:	
	NATIONAL OFFICE
$100,000 to $500,000	Director, Business Services Division.
$100,000 to $500,000	Chief, Property and Procurement Branch.
$100,000 to $500,000	Contract Specialist.
$100,000 to $100,000	Director, Property Management Staff.
$25,000	Property and Space Management Officer.
$25,000	Property and Procurement Specialist.
	FINANCE OFFICE
$25,000 to $50,000	Chief, Business Services Branch.
$25,000 to $50,000	Assistant Chief, Business Services Branch.
$10,000	Head, Space Management Section.
$10,000	Head, Property Management Section.

Federal Procurement Regulations, Agriculture Procurement Regulations, Federal Property Management Regulations, Agriculture Property Management Regulations, and pertinent Agency regulations shall be followed in carrying out this authority.

EXHIBIT C—DELEGATION OF SALES AUTHORITY

A. In accordance with GSA and Departmental authorities, sales of surplus personal property is delegated without redelegation authority to:

NATIONAL OFFICE

Director, Business Services Division
Chief, Property and Procurement Management Branch

FINANCE OFFICE

Chief, Business Services Branch
Asst. Chief, Business Services Branch
Head, Property Management Section

B. In accordance with guidelines available in any FmHA office, contracts and agreements to sell real property is delegated without redelegation authority to:

NATIONAL OFFICE

Director, Property Management Staff
Director, Business Services Division

STATE OFFICE

State Director—$10,000 [1]
Property Mgmt. Chief—$10,000 [1]
Property Mgmt. Spec.—$10,000 [1]

COUNTY OFFICE

County Supervisor—$2,000 [1]

EXHIBIT D—AUTHORITY TO LEASE SPACE (REAL PROPERTY)

National Office, Washington, D.C.:

	Amounts not to exceed
Director, Business Services Division	$500,000
Chief, Property and Procurement Management Branch	500,000
Property and Space Management Officer	25,000
Finance Office:	
Chief, Business Services Branch	25,000
Assistant Chief, Business Services Branch	25,000
Head, Space Management Section	10,000
Head, Property Management Section	10,000

[1] This limit applies to the fee paid for a single property sold. Blanket listing agreements may be entered into by any of the above.

All delegations are limited to one-year firm term lease with option to renew for four additional years in those areas not designated as GSA controlled areas or subject to the limitations cited in FPMR Part 101-17.

Effective Date. This regulation shall become effective on April 1, 1976.

Dated: March 23, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-9404 Filed 3-31-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[OPP-300008B]

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

Exemptions From Requirement of a Tolerance for Certain Inert Ingredients in Pesticide Formulations

Correction

In FR Doc. 76-5813, appearing at page 8770 the following changes should be made:

1. The chemical name "α-Alkyl (C12-C18)-ω-hydroxypoly . . .", that appears as the first entry in paragraph (d) of the material codified under the heading "Section 180.1001 Exemptions from the requirement of a tolerance," should be corrected to read "α-Alkyl (C12-C18)-ω-hydroxypoly(oxyethylene) copolymers with poly(oxypropylene); polyoxyethylene content averages 3-12 moles and polyoxypropylene content 2-9 moles."

2. The chemical name "α,α-(methylene (4-(1,1,3,3-tetramethyl . . ." that appears as the second entry in paragraphs (d) and (e) of the material codified under the "Section 180.1001" heading should be corrected to read "α,α'-[methylenebis[4-(1,1,3,3-tetramethylbutyl)-*o*-phenylene]] *bis*[α-hydroxypoly(oxyethylene)] having 6-7.5 moles of ethylene oxide per hydroxyl group."

Due to the complexity of the chemical names involved and the number of typographical errors, the regulation promulgated on March 1 is reprinted below incorporating the corrections delineated above, to read as follows:

Dated: March 23, 1976.

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

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * *	*	* *
Ethylene oxide adducts of 2,4,7,9-tetramethyl-5-decynediol, the ethylene oxide content averages 3.5, 10, or 30 moles.		Surfactants, related adjuvants of surfactants.
* * *	*	* *

(d) * * *

Inert ingredients	Limits	Uses
α-Alkyl (C_{12}–C_{18})-ω-hydroxy-poly (oxyethylene)co-polymers with poly (oxypropylene); polyoxyethylene content averages 3–12 moles and polyoxypropylene content 2–9 moles.		Surfactants, related adjuvants of surfactants.
* *	*	* *
α,α'-[methylenebis[4-(1,1,3,3-tetramethyl-butyl)-o-phenylene]] *bis* [ω-hydroxypoly (oxyethylene)] having 6–7.5 moles of ethylene oxide per hydroxyl group.		Surfactants, related adjuvants of surfactants.
* *	*	* *
Paraformaldehyde	Not more than 2 percent of pesticide formulation.	Preservative for formulation.
* *	*	* *
Pigment red 48	For seed treatment use only.	Dye.
* *	*	* *
Sodium o-phenylphenate.	Not more than 0.1 percent of pesticide formulation.	Preservative for formulation.
* *	*	* *
Woolwax alcohols		Safener.
* *	*	* *
Zinc orthophosphate		Plant nutrient and safener.
* *		* *

(e) * * *

Inert ingredients	Limits	Uses
* *	*	* *
Ethylene oxide adducts of 2,4,7,9-tetramethyl-5-decynediol, the ethylene oxide content averages 3.5, 10, or 30 moles.		Surfactants, related adjuvants of surfactants.
* *	*	* *
α,α'[Methylenebis[4-(1,1,3,3-tetramethylbutyl)-o-phenylene]]*bis* [ω-hydroxypoly (oxyethylene)] having 6-7.5 moles of ethylene oxide per hydroxyl group.		Surfactants, related adjuvants of surfactants.
* *	*	* *
Paraformaldehyde	Not more than 2 percent of pesticide formulation.	Preservative for formulation.
* *	*	* *
Phenol		Solvent, co-solvent.
* *	*	* *
Polyvinyl chloride		Solid diluent, carrier.
* *	*	* *
Propylene oxide		Stabilizer.
* *	*	* *
1,1,1-trichloroethane		Solvent, co-solvent.
* *	*	* *

[FR Doc.76-9196 Filed 3-31-76;8:45 am]

[FRL 514-6]

PART 414—ORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

Revocation of Regulations

In accordance with an order issued by the United States Court of Appeals for the Fourth Circuit on February 10, 1976, the Environmental Protection Agency today revokes all of 40 CFR 414 promulgated on April 25, 1974 (39 FR 14676) except that portion related to the manufacture of butadiene and all of 40 CFR 414 promulgated and proposed January 5, 1976 (41 FR 902).

As a result of the extensive Agency reanalysis of the data base occasioned by the petitions for review filed in the Fourth Circuit Court of Appeals (No. 74–1459, etc.), the Agency concluded that the contractor retained by the Agency to measure certain parameters of the industry wastewaters had used procedures which may have been, in certain instances, faulty. The Agency intends to repromulgate the regulations revoked today as soon as possible, using a more adequate data base.

Because of the order issued by the United States Court of Appeals for the Fourth Circuit and the nature of the action required, the Agency finds that public participation in this rulemaking is unnecessary and impractical. The amendment set forth below is to be effective April 1, 1976.

Dated: March 26, 1976.

RUSSELL E. TRAIN,
Administrator.

40 CFR 414 is amended as follows:

Subparts A, C and D are revoked and reserved.

Sections 414.50, 414.51, 414.52, 414.53, 414.54, 414.55 and 414.56 of Subpart B are revoked.

Sections 414.20, 414.21, 414.22, 414.23, 414.24, 414.25 and 414.26 of Subpart B are revoked as they apply to all commodities except butadiene. These sections, as they apply to butadiene shall remain in effect.

[FR Doc.76-9421 Filed 3-31-76;8:45 am]

[FRL 516-1; PP5F1602/R84]

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

Norflurazon

On April 23, 1975, the Environmental Protection Agency (EPA) announced (40 FR 17872) that Sandoz, Inc. (formerly Sandoz-Wander, Inc.), PO Box 1489, Homestead FL 33030, had filed a pesticide petition (PP 5F1602). This petition proposed that 40 CFR 180.356 be amended by the establishment of a tolerance for combined residues of the herbicide norflurazon (4-chloro-5-(methylamino)-2-(a,a,a-trifluoro-m-tolyl) - 3(2H)-pyridazinone) and its desmethyl metabolite, 4 - chloro-5-(amino)-2(a,a,a-trifluoro-m-tolyl)-3(2H)-pyridazinone, in or on the raw agricultural commodity cottonseed at 0.1 part per million (ppm). No comments were received with regard to this notice.

The data submitted in the petition and other relevant material have been evaluated, and the herbicide is considered to be useful for the purpose for which the tolerance is sought. The data indicate that there is no reasonable expectation of residues in eggs, milk meat, fat, and meat byproducts of livestock and poultry as delineated in 40 CFR 180.6(a)(3). The tolerance established by amending 40 CFR 180.356 will protect the public health, and it has been concluded, therefore, that the tolerance should be established as set forth below. In addition, because the requisite long-term feeding studies are now available (40 FR 28242) the reference to negligible residues (N) in the present 0.1 ppm tolerance for residue of norflurazon in or on cranberries is being deleted.

Any person adversely affected by this regulation may, on or before May 3, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on April 1, 1976, Part 180, Subpart C, Section 180.356, is revised as set forth below.

Dated: March 30, 1976.

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

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

Part 180, Subpart C, Section 180.356 is revised 1) by adding a tolerance for the raw agricultural commodity cottonseed at 0.1 ppm, 2) by editorially restructuring the Section into an alphabetized columnar listing, and 3) by deleting reference to negligible residues (N) in the existing tolerance for residues in or on cranberries, to read as follows:

§ 180.356 Norflurazon; tolerances for residues.

Tolerances are established for combined residues of norflurazon (4-chloro-5 - (methylamino) -2- (a,a,a-trifluoro-m-tolyl) -3(2H) -pyridazinone) and its desmethyl metabolite, 4-chloro-5-(amino) - 2-(a,a,a-trifluoro-m-tolyl) -3 (2H) -pyridazinone, in or on the following raw agricultural commodities:

Commodity:	*Parts per million*
Cottonseed	0.1
Cranberries	.1
* * * * *	

[FR Doc.76-9550 Filed 3-31-76;8:45 am]

Title 25—Indians

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

PART 252—BUSINESS PRACTICES ON THE NAVAJO, HOPI AND ZUNI RESERVATIONS

Scope of Regulations and Reporting

MARCH 24, 1976.

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

On January 22, 1976, there was published in the FEDERAL REGISTER (41 FR 3309) a notice of proposed rulemaking setting forth proposed revisions of §§ 252.2 and 252.58(b) of Part 252 of Title 25 of the Code of Federal Regulations which would limit the scope of the regulations to retail businesses and set April 15 as the deadline for annual reports from reservation businesses. The public was given until February 23, 1976, to submit written comments, suggestions or objections regarding the proposed revisions.

No comments, suggestions, or objections have been received, and the proposed revisions are hereby adopted without change and are set forth below.

Effective date: These revisions shall become effective May 3, 1976.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

Section 252.2 and 252.58(b) are revised to read as follows:

§ 252.2 Scope.

The regulations of this part apply to all persons who engage in retail business on the Navajo Reservation, to all nonmembers of the Hopi Tribe who engage in retail business on the Hopi Reservation and to all nonmembers of the Zuni Tribe who engage in retail business on the Zuni Reservation, except as otherwise provided in specific sections of this part. These regulations do not apply to a business that is wholly owned and operated by the Hopi or Zuni Tribes or by a member of those tribes on the owner's reservation. These regulations do not apply to a business that is wholly owned and operated by the Navajo Tribe and is located on the Navajo Reservation.

§ 252.58 Records, reports and obligations of reservation business owners.

* * * * *

(b) Each reservation business owner shall file with the Area Director an annual report on or before April 15 in a form approved by the Commissioner. Reports shall be subject to a yearly audit. The reports shall contain the names and respective interests of all persons participating in the business.

* * * * *

[FR Doc.76-9211 Filed 3-31-76:8:45 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 of Agriculture

[7 CFR Part 1]

PART 1—ADMINISTRATIVE REGULATIONS

Proposed Rulemaking

Notice is hereby given that the Department of Agriculture (USDA) proposes to amend 7 CFR 1.123 (40 F.R. 45103) by adding another system of records to those exempted from certain sections of the Privacy Act of 1974 (5 U.S.C. 552a) pursuant to 5 U.S.C. 552a(k).

This amendment was made necessary by the Forest Service's discovery that it had inadvertently failed to publish notice in the FEDERAL REGISTER of a system of records entitled "Law Enforcement Investigation Records, USDA/FS–33". Such notice is being published in a separate FEDERAL REGISTER docket. This system contains investigations conducted pursuant to 16 U.S.C. 559, which authorizes Forest Service employees "to make arrests for the violation of the laws and regulations relating to the national forests and national parks . . ." It therefore contains "investigatory material compiled for law enforcement purposes . . ." and may be exempted from certain sections of the Privacy Act of 1974 pursuant to 5 U.S.C. 552a(k)(2).

Interested persons may submit written comments on this proposed amendment to: Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250, on or before May 3, 1976. All comments submitted will be available for public inspection during regular business hours in Room 2321 of the South Building, USDA.

This amendment is proposed under the authority of 5 U.S.C. 301, 552a.

In consideration of the foregoing, it is proposed to amend 7 CFR 1.123 by adding a new entry, reading as follows:

§ 1.123 Specific exemptions.

* * * * *

FOOD AND NUTRITION SERVICE

* * * * *

FOREST SERVICE

LAW ENFORCEMENT INVESTIGATION RECORDS, USDA/FS–33

* * * * *

Dated: March 26, 1976.

JOHN A. KNEBEL,
Acting Secretary.

[FR Doc.76–9197 Filed 3–31–76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 252]

BUSINESS PRACTICES ON THE NAVAJO, HOPI AND ZUNI RESERVATIONS

Bond Requirements and Livestock Purchase Permits

MARCH 24, 1976.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that it is proposed to revise §§ 252.7, 252.14, 252.32, 252.52 and 252.57, Part 252 of Subchapter W, Chapter I, of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in section 5 of the Act of August 15, 1876 (19 Stat. 200; 25 U.S.C. 261), section 8 of the Act of March 3, 1901 (31 Stat. 1066; 25 U.S.C. 262) and section 10 of the Act of March 3, 1903 (32 Stat. 1099; 25 U.S.C. 262).

The Bureau of Indian Affairs is considering amendments to the business practices regulations for the Navajo, Hopi and Zuni reservations to make the following changes:

Section 252.7 Bond requirement for a reservation business—Paragraph (b) has been revised to make the bond exclusively in favor of the United States, but for the benefit of both the United States and customers of the licensee who are damaged by violations of the regulations. The revision permits customers to sue in their own names. In order to cancel a bond a surety is usually required to notify all persons in whose favor the bond is written. The change would eliminate the need to notify anyone other than the United States in order to cancel the bond. This section has also been revised to give a cause of action against the surety only after a judgment has been obtained from the licensee. This change is proposed to meet an objection raised by the American Surety Association. That organization commented that surety companies are fearful a great number of small claims will be made directly against them and that, while such claims would probably not involve loss payments, the cost of handling them and insuring that they are satisfactorily settled by the licensee will prove to be prohibitive. Under the proposed rule, the surety need not become involved until a judgment is recovered.

Section 252.14 Trade in livestock retricted—Livestock purchases made at public auctions are exempted from the requirements of this section. Requiring permits and bonds for auction participants would reduce the number of bidders and tend to depress prices. The harm which the permit requirements are designed to prevent are less likely to occur when purchases are made at public auction than when they are made privately.

Section 252.32 Reservation pawnbroker license required—Paragraph (c) is modified to require that the bond be exclusively in favor of the United States for the benefit of customers who suffer a loss of pawn or other property in the possession of a pawnbroker. This section has also been revised to give to a cause of action against the surety only after a judgment has been obtained from the licensee.

Section 252.52 Revocation of license and lease and recovery on bond—Reference to forfeiture of bond has been removed. The word "forfeiture" could be construed to mean that the surety could be required to pay the full amount of the bond to the United States for any infraction of the regulations.

Section 252.57 Procedures to cancel liability on bond—Paragraph (c) has been revised to provide for automatic cancellation of the bond within twenty days after the surety files a statement with the Commissioner and notifies the licensee. The existing regulation permits the Commissioner to refuse to release the surety indefinitely. If new bond has not been obtained, the Commissioner can order the business closed on the day the cancellation becomes effective.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed revision to the Director, Office of Indian Services, Bureau of Indian Affairs, Washington, D.C. 20245, on or before May 3, 1976.

It is proposed to revise Part 252 of Subchapter W, Chapter I, Title 25 of the Code of Federal Regulations as follows:

1. By revising § 252.7(b) to read as follows:

§ 252.7 Bond requirement for a reservation business.

* * * * *

(b) The bond shall be in favor of the United States for the benefit of the United States and any customer of the licensee who recovers a judgment for damages resulting from violation of any law or regulation affecting or relating to reservation businesses. Any customer who recovers such a judgment may bring suit on the bond in his or her own name. The bond shall be conditioned on payment by the licensee of all judgments for damages resulting from violations of the regulations of this Part.

* * * * *

2. By adding a new paragraph (d) to § 252.14:

§ 252.14 Trade in livestock restricted.

* * * * *

(d) The provisions of this section do not apply to purchases of livestock made at an organized public auction.

3. By revising § 252.32(c) to read as follows:

§ 252.32 Reservation pawnbroker license required.

* * * * *

(c) The bond required by paragraph (a) of this section shall be in favor of the United States for the benefit of the customers of the licensee and shall specifically indemnify all customers who have recovered judgment against the licensee for destroyed, lost, misplaced or misappropriated pawn or other property. Any customer recovering such a judgment may bring suit on the bond in his or her own name. The bond shall be for the same period as the license.

4. By revising § 252.52 to read as follows:

§ 252.52 Revocation of license and lease and recovery on bond.

The reservation business owner is subject to revocation of license and lease and recovery on the bond in whole or in part in the event of any violation of the regulations of this Part after a show cause proceeding according to the provisions of § 252.56.

5. By revising paragraph (c) of § 252.57 to read as follows:

§ 252.57 Procedures to cancel liability on bond.

* * * * *

(c) Twenty (20) days after the statement required in paragraph (b) of this section is mailed to the licensee and the statement required in paragraph (a) of this section is filed with the Commissioner, the surety is released from all liability thereafter arising on the bond.

* * * * *

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-9212 Filed 3-31-76;8:45 am]

Mining Enforcement and Safety Administration

[30 CFR Part 70]

MANDATORY HEALTH STANDARDS, UNDERGROUND COAL MINES

Proposed Rulemaking

Section 202(h) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 842(h)) provides that respiratory equipment approved by the Secretary of the Interior and the Secretary of Health, Education, and Welfare, shall be made available to all persons whenever exposed to concentrations of respirable dust in excess of the levels required to be maintained under the Act. The Secretary of the Interior, through the Mining Enforcement and Safety Administration (MESA) and the Secretary of Health, Education, and Welfare, through the National Institute for Occupational Safety and Health, (NIOSH), conduct a testing and approval program for respirators used in hazardous atmospheres pursuant to the regulations contained in 30 CFR Part 11 issued jointly by the Secretaries (37 FR 6244). On November 22, 1974, Part 11 was amended (39 FR 40950), establishing certain dates during which specific respirators would be approved for use.

Pursuant to § 101 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801), notice is hereby given that the Secretary of Health, Education, and Welfare has transmitted to the Secretary of the Interior proposed amendments to 30 CFR Part 79 to be published in the FEDERAL REGISTER. These proposed amendments provide that after the effective date of the regulations, only respirators approved under 30 CFR Part 11 or, where applicable, under Bureau of Mines Schedule 14F, for protection against specified hazardous atmospheres would be approved for use, except that if a respirator was purchased on or before the effective date of the regulations and at the time of purchase was approved under a Bureau of Mines Schedule it would be approved for use until the dates specified in the regulations. The dates which are specified in these proposed regulations for the use of Bureau of Mines approved respirators are consistent with the dates prescribed in the November 22, 1974 amendments to 30 CFR Part 11.

Interested persons may submit written comments, suggestions, or objections to Administrator—Mining Enforcement and Safety Administration, 4015 Wilson Blvd., Arlington, Virginia 22203, on or before May 17, 1976.

Dated: March 26, 1976.

WILLIAM L. FISHER,
Assistant Secretary of the Interior.

Part 70 of Subchapter O, Chapter I, Title 30, Code of Federal Regulations would be amended as set forth below:

1. § 70.300–1 would be revised as follows:

§ 70.300–1 Approved respiratory equipment; respirable dust.

(a) After (effective date of regulations), only respirators approved under Part 11 of this chapter for protection against dusts, fumes, and mists encountered in coal mining shall be approved respiratory equipment for purposes of § 70.300: Provided, That if a respirator was purchased on or before (effective date of regulations), and at the time of purchase was approved under a Bureau of Mines Schedule, it shall be approved for use until the following dates:

(b) Until March 31, 1980, for Type C supplied-air respirators approved under Bureau of Mines Schedule 19B,

(c) Until March 31, 1976, for filter-type dust, fume, and mist respirators approved under Bureau of Mines Schedule 21B.

2. § 70.305 and § 70.305–1 would be redesignated § 70.301 and § 70.301–1 respectively and would be revised as follows:

§ 70.301 Respiratory equipment; gases, vapors, dusts, fumes or mists.

Respiratory equipment approved by the Secretary and the Secretary of Health, Education, and Welfare shall be provided persons exposed for periods of less than one hour to inhalation hazards from gases, vapors, dusts, fumes, or mists. When the exposure is for longer periods, other measures to protect such persons or to reduce the hazard shall be taken.

§ 70.301–1 Approved respiratory equipment; gases, vapors, dusts, fumes, or mists.

(a) After (effective date of regulations), only respirators approved under Bureau of Mines Schedule 14F, Gas Masks, or under Part 11 of this chapter for protection against gases, vapors, dusts, fumes and mists encountered in coal mining shall be approved respiratory equipment for purposes of § 70.301: *Provided,* That if a respirator was purchased on or before (effective date of regulations), and at the time of purchase was approved under a Bureau of Mines Schedule, it shall be approved for use until the following dates:

(b) Until March 31, 1979, for self-contained breathing apparatus approved under Bureau of Mines Schedules 13–13E,

(c) Until March 31, 1980, for supplied-air respirators approved under Bureau of Mines Schedule 19B,

(d) Until March 31, 1976, for filter-type dust, fume, and mist respirators approved under Bureau of Mines Schedule 21B and for non-emergency gas respirators approved under Bureau of Mines Schedule 23B.

3. A new § 70.302 would be added as follows:

§ 70.302 Selection, use, and maintenance of approved respiratory equipment.

Approved respirators shall be selected, used, and maintained in accordance with the provisions of the American National Standard Practices for Respiratory Protection Z88.2(1969), and the American National Standard Safety Guide for Respiratory Protection Against Coal Mine Dust, Z88.4(1972) which are hereby incorporated by reference and made a part hereof. Copies of these documents may be obtained from the American National Standards Institute, 1430 Broadway, New York, New York 10018, and are available for examination in every Coal Mine Health and Safety District and Subdistrict Office.

[FR Doc.76-9349 Filed 3-31-76;8:45 am]

National Park Service

[36 CFR Part 7]

GULF ISLANDS NATIONAL SEASHORE, FLORIDA-MISSISSIPPI

Operation of Seaplanes and Amphibious Aircraft

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916, 39 Stat. 535, as amended, 16 U.S.C. 3 (1970); the Act of January 8, 1971, 84 Stat. 1967, 16 U.S.C. A. §§ 459h–459h–10 (1974); 245 DM 1, 34 FR 13879, as amended; National Park Service Order No. 77, 38 FR 7478, as amended; and Regional Director, Southeast Region Order No. 5, 37 FR 7721, as amended; it is proposed to amend Part 7 of Title 36 of the Code of Federal Regulations by the addition of a new § 7.12 as set forth below.

The purpose of this amendment is to designate locations on the waters of the Mississippi Sound and the Gulf of Mexico surrounding Ship, Horn, and Petit Bois Islands within the boundaries of Gulf Islands National Seashore on which aircraft may be operated and to establish restrictions on these operations. The use of aircraft on these waters had become prevalent prior to establishment of the national seashore but is prohibited by § 2.2(a) of the general regulations in Title 36 of the Code of Federal Regulations, without designation by the Superintendent of authorized landing areas. Resource management needs and public interest in this type of recreation-oriented activity are considered sufficient to warrant designation of the landing areas described in the regulation proposed below. The proposed special regulation is intended to supplement § 2.2. The operation and use of aircraft other than seaplanes or amphibious aircraft will continue to be governed by 36 CFR § 2.2.

It has been determined that the proposed regulation is not a major Federal action in the context of section 102(2)(C) of the National Environmental Policy Act of 1969, 83 Stat. 853, 42 U.S.C. § 4332(2)(C)(1970), and, therefore, no environmental impact statement has been prepared.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Superintendent, Gulf Islands National Seashore, P.O. Box 100, Gulf Breeze, Florida 32561, on or before May 3, 1976.

It is proposed to add the following § 7.12 to Part 7 of the Code of Federal Regulations:

§ 7.12 Gulf Islands National Seashore.

(a) *Operation of seaplanes and amphibious aircraft.* (1) Aircraft may be operated on the waters within the boundaries of the Seashore surrounding Ship, Horn and Petit Bois Islands, but approaches, landings and take-offs shall not be made within 500 feet of beaches.

(2) Aircraft may be moored to island beaches, but beaches may not be used as runways or taxi strips.

(3) Aircraft operating in the vicinity of any developed facilities, boat docks, floats, piers, ramps or bathing beaches will remain 500 feet from such facilities and must be operated with due care and regard for persons and property and in accordance with any posted signs of uniform waterway markers.

(4) Aircraft are prohibited from landing on or taking off from any land surfaces; any estuary, lagoon, pond or tidal flat; or any waters temporarily covering a beach; except when such operations may be authorized by prior permission of the Superintendent. Permission shall be based on needs for emergency service, resource protection, or resource management.

RAYMOND L. FREEMAN,
Acting Associate Director,
National Park Service.

[FR Doc.76-9235 Filed 3-31-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 410]

[Reg. 10]

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Relationship and Dependency Requirements for Entitlement to Child's Benefits

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendment to the regulations set forth in tentative form below is proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education and Welfare. The proposed amendment revises the regulations with respect to the determination of an individual's status as a child of a miner or his widow.

Section 402(g) of the Federal Coal Mine Health and Safety Act, as amended, 30 U.S.C. 902(g), provides, in part, that "an individual's status as the 'child' of" a miner or [his] widow "shall be made in accordance with section 216(h)(2) or (3) of the Social Security Act as if such miner or widow were the 'insured individual' referred to therein." Section 216(h)(3), 42 U.S.C. 416(h)(3), provides, in pertinent part, that a child born out of wedlock to an insured individual entitled to old age insurance benefits or disability insurance benefits is a "child" of the insured individual for purposes of entitlement to child's insurance benefits if the insured individual was decreed by a court to be the child's father or was ordered by a court to contribute to the child's support because the child is his or her son or daughter, or acknowledged in writing that the child is his or her son or daughter, prior to the beneficiary's entitlement to benefits; or is shown to be the child's father by other satisfactory evidence and was living with the child or contributing to the child's support at the time the insured individual became entitled to benefits.

Under present black lung benefit regulations, certain children born out of wedlock to a beneficiary after the latter's entitlement to black lung benefits has begun are precluded from being considered a "child" for purposes of such benefits. The proposed amendment changes the regulations to conform with the U.S. Supreme Court's decision in *Jimenez v. Weinberger*, 417 U.S. 628 (1974), which declared unconstitutional the time requirements for meeting the support test, in section 216(h)(3)(B). Thus, the time of determining an individual's status as a "child" of a miner or his widow is proposed to be changed from the time of the miner's or widow's entitlement to black lung benefits to the time the miner or widow died or the request for augmented benefits is made. This change would be effective with respect to benefit payments for months beginning June 1974. It is contemplated that the change will affect a very small number of claimants since it would apply in the case of a child born out of wedlock to a beneficiary who is entitled, or if now deceased at the time of death was entitled, to black lung benefits under Part B of title IV of the Federal Coal Mine Health and Safety Act, as amended, and such child was born after such beneficiary became entitled to such benefits. The proposed amendment is in conformity with the corresponding amendments to the regulations applicable to title II of the social security program (20 C.F.R. section 404.1101(e)) published in final form in the FEDERAL REGISTER on July 10, 1975, at 40 F.R. 29072.

Prior to final adoption of the proposed amendment to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before May 3, 1976.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Ave. SW., Washington, D.C. 20201.

(Secs. 402(g), 411(a), 426(a), and 508 of the Federal Coal Mine Health and Safety Act of 1969, as amended, 86 Stat. 152, 83 Stat. 793, as amended; 83 Stat. 798; 83 Stat. 803; 30 U.S.C. 902(g), 921(a), 936(a) and 957.)

(Catalog of Federal Domestic Assistance Programs No. 13.806, Special Benefits for Disabled Coal Miners.)

Dated: March 1, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 26, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Part 410 of Chapter III of title 20 of the Code of Federal Regulations is amended by adding paragraph (g) to § 410.330 to read as follows:

§ 410.330 Determination of relationship; child.

As used in this section, the term "beneficiary" means only a widow entitled to benefits at the time of her death (see § 410.211), or a minor, except where there is a specific reference to the "father" only, in which case it means only a minor. An individual will be considered to be the child of a beneficiary if:

* * * * *

(g) Such individual is the natural son or daughter of a beneficiary but does not have the relationship of child to such beneficiary under paragraph (a), (b), or (c) of this section, and is not considered to be the child of the beneficiary under paragraph (d) or (e) of this section, such individual shall nevertheless be considered to be the child of such beneficiary for months no earlier than June 1974, if:

(1) Such beneficiary has acknowledged in writing that the individual is his son or daughter, or has been decreed by a court to be the father of the individual, or he has been ordered by a court to contribute to the support of the individual (see § 410.395(c)) because the individual is his son or daughter; and in the case of a deceased individual such acknowledgement, court decree, or court order was made before the death of such beneficiary; or

(2) Such beneficiary is shown by satisfactory evidence to be the father of the individual and was living with or contributing to the support of the individual at the time such request for benefits is made.

[FR Doc.76-9345 Filed 3-31-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-966]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Borough of Midland Park, New Jersey

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 USC 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Borough of Midland Park, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Borough Hall, 280 Godwin Avenue, Midland Park, New Jersey 07432.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Robert J. Jamilton, 280 Godwin Avenue, Midland Park, New Jersey 07432. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER (6-30-76), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Gaffle Brook	N.Y.S. & W.R.R.	265.2	480	400
	Greenwood Ave	264.8	195	400
	Dam 3	259.1	140	10
	Granite St	250.6	340	80
	Sicomac Ave	229.8	30	40
	Dam 2	212.5	[1] 10	[1] 20
	Dam 1	203.7	0	50
	Gaffle Ave	185.4	40	130
	Lake Ave	173.0	60	20
Gaffle Brook Tributary	Shopping center Access road	276.0	50	70
	Myrtle Ave	274.6	100	80
	Godwin Ave	269.2	30	30
	Park Ave	266.5	150	30

[1] Upstream measurement.

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

Issued: March 11, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-9074 Filed 3-31-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-946]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Borough of Mountainside, New Jersey

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 USC 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Borough of Mountainside, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough of Mountainside must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Borough Hall, Route 22, Mountainside, New Jersey 07092.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Thomas J. Ricciardi, Borough Hall, Route 22, Mountainside, New Jersey 07092. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER (6–30–76), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Branch 7, Nomahegan Brook	Force Dr	174.7	37.5	37.5
Branch 3, Nomahegan Brook	Stoney Brook Lane	209.0	25.0	37.5
	Hickory Lane	190.0	37.5	35.0
	Indian Trail	179.5	50.0	50.0
	U.S. Route 22	127.1	235.0	125.0
Branch 2, Nomahegan Brook	Central Ave	138.7	27.5	37.5
	Cedar Ave	128.0	25.0	20.0
	Poplar Ave	124.8	25.0	20.0
	U.S. Route 22	116.2	27.5	50.0
Branch 1, Nomahegan Brook	Springfield	85.0	35.0	37.5
Nomahegan Brook	Lawrence Ave	177.6	(1)	(1)
	New Providence Rd	120.3	45.0	55.0
	Bridge in Echo Lake Park	100.1	(2)	400.0

[1] Less than 25 ft.
[2] Flood boundary outside corporate limits.

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

Issued: March 2, 1976.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.76–9076 Filed 3–31–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–971]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Borough of New Milford, New Jersey

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 USC 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Borough of New Milford, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough of New Milford must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Borough Hall, 930 River Road, New Milford, New Jersey 07646.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Albert E. Logan, Borough Hall, 930 River Road, New Milford, New Jersey 07646. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER (6–30–76), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Hackensack River	Milford Ave	12	(1)	550
	S. Park Dr	11	(1)	100
	River Edge Ave	11	(1)	450
	New Bridge Rd	9	(1)	700
Hackensack River bypass flow	Cleveland St	13	(1)	150
	Main St	13	(1)	50
Hirshfeld Brook	Hirshfeld Pl	18	50	100
	Washington Ave	13	50	150
French Brook	Corporate limits	56	30	30
	Boulevard St	34	100	100
	New Bridge Rd	16	50	20

[1] Corporate limits.

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

Issued: March 11, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76–9077 Filed 3–31–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–945]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of East Orange, New Jersey

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of East Orange, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of East Orange must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at 44 City Hall Plaza, East Orange, New Jersey 07019.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor William S. Hart, Sr., 44 City Hall Plaza, East Orange, New Jersey 07019. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER (6–30–76), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing down stream) to 100-yr flood boundary (feet)	
			Right	Left
Nishuane Brook	Hayward St	159	(1)	100
	Dodd St	146		200
	Erie Lackawana RR	145	150	150
Second River	Springdale Ave	145	200	300
	North Park St	144	50	150
	Rustic Bridge	126	50	50

[1] Corporate limits.

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

Issued: March 3, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-9073 Filed 3-31-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-947]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of Rockaway, Morris County, New Jersey

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 USC 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Rockaway, Morris County, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Municipal Building, 19 Mt. Hope Road, Rockaway, New Jersey.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Richard W. Seuffert, Business Administrator, Township of Rockaway, Municipal Building, 19 Mt. Hope Road, Rockaway, New Jersey 07866. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER (6–30–76), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Rockaway River	Downstream corporate limits	538	50	
	Dover-Rockaway Rd	546	50	
	Carrel St	548	100	
Beaver Brook	Downstream corporate limits	523		650
	Old Beach Glen Rd	525	400	120
	Meridan-Lyonsville Rd	558	150	200
Hibernia Brook	Hewlett-Packard Dr	526	450	350
	Meridan-Lyonsville Rd	528	350	200
	Green Pond Rd	542	100	100

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

Issued: March 3, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-9075 Filed 3-31-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-948]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Town of West Seneca, Erie County, New York

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 USC 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of West Seneca, Erie County, New York.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Meeting Room, Town Hall, 1250 Union Road, West Seneca, New York .

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify James A. Roof, Town Supervisor, Town Hall, 1250 Union Road, West Seneca, New York 14224. The period for comment will be ninety days following

the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days for publication of this notice in the FEDERAL REGISTER (6–30–76), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Cayuga Creek	Harlan Rd	594.0	70	110
	Clinton St	596.1	100	(1)
	North corporate limits	600.6	560	(1)
Buffalo Creek	Penn Central RR	608.1	110	140
	Union Rd	621.2	150	30
	Borden Rd	650.5	120	10
Cazenovia Creek	Orchard Park Rd	607.5	2,050	110
	Ridge Rd	620.0	50	100
	Union Rd	632.0	70	720
	Transit Rd	685.6	100	200
Smokes Creek	New York State Thruway	614.4	250	100
	Langner Rd	621.3	200	1,370
Buffalo River	West corporate limits	591.2	750	150
	New York State Thruway	594.0	220	250

[1] Outside corporate limits.

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

Issued: March 2, 1976.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.76–9078 Filed 3–31–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–949]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Bangor, Northampton County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 USC 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Bangor, Northampton County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Secretary's Office, Town Hall, 60 North 5th Street, Bangor, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Duane Miller, Mayor, Borough of Bangor, 60 North 5th Street, Bangor, Pennsylvania. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER (6–30–76), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Martins Creek	North corporate limits	562	60	80
	Dam (upstream)	554	40	80
	Pennsylvania Ave	522	20	20
	Market St	514	340	460
	South Main St	510	10	840
	Chestnut St. (extended)	510	10	700
	Kline St. (extended)	488	180	100
	Church St. (extended)	486	370	60
	Messinger St	478	180	80
	Miller St. (extended)	476	360	60
	Southern corporate limits	466	520	130

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

Issued: March 2, 1976.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.76–9085 Filed 3–31–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–954]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Flemington, Clinton County, Pennsylvania

The Federal Insurance Administrator in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 USC 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Flemington, Clinton County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Flemington Borough Building, Huston Street, Flemington, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Harold J. Geise, Mayor of Flemington, 502 Frederick Street, Flemington, Pennsylvania. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER (6–30–76), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Bald Eagle Creek	Corporate limit (extended)	563	2,380	(1)
	Corporate limit	566	240	(1)
	Corporate limit (High St.) (Route 220)	567	380	(1)
	Corporate limit (extended)	567	1,220	(1)

[1] Outside corporate limit.

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

Issued: March 2, 1976.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.76-9080 Filed 3-31-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-970]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of New Cumberland, Cumberland County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 USC 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of New Cumberland, Cumberland County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board, Town Hall Lobby, 7th and Reno Streets, New Cumberland, Pennsylvania 17070.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. R. Bruce Miller, Borough Manager, 7th and Reno Streets, New Cumberland, Pennsylvania 17070. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER (6–30–76), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	2d St. (extended)	313	(1)	1,000
	3d St. (extended)	313	(1)	430
	4th St. (extended)	313	(1)	20
	5th St. (extended)	313	(1)	220
	7th St. (extended)	313	(1)	40
	16th St. (extended)	314	(1)	60
	Northern corporate limits (extended)	315	(1)	20
Yellow Breeches Creek.	Penn Central R R	313	1,560	(1)
	Reno St. (extended)	313	490	(1)
	Weir	313	700	(1)
	Woodlawn Ave. (extended)	313	800	(1)
	Wayne St. (extended)	314	200	(1)
	Poplar St.		120	(1)

[1] Outside corporate limits.

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

Issued: March 11, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76-9082 Filed 3-31-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-968]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of South Renovo, Clinton County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 USC 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of South Renovo, Clinton County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the main desk of the Renovo Public Library, Renovo.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Ernie Peterson, Borough Secretary, 569 Pennsylvania Avenue, South Renovo. The period for comment will be ninety days following the

second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER, (6–30–76) whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
West Branch Susquehanna River.	Upstream corporate limit	660		200
	2d St	660		30
	3d St	660		40
	Route 144 Bridge	660		30
	5th St	659		250
	7th St	659		50
	Downstream corporate limit	658		120

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

Issued: March 11, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–9081 Filed 3–31–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–955]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of Lower Macungie, Lehigh County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 USC 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Lower Macungie, Lehigh County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Meeting Room, Township Building, Indian Creek Road, Lower Macungie, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Kenneth Weil, Lower Macungie Township Supervisor, R.D. 2, Macungie, Pennsylvania 18062. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER (6–30–76), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Little Lehigh Creek	Weidas Mill Bridge	311	80	210
	Riverdale Farm Bridge	319	100	100
	Route 29	329	150	250
	Pennsylvania Turnpike extended	333	320	50
	Wild Cherry Lane	348	440	220
	Mill Creek Rd	362	280	200
	Kidd Farm Rd	371	250	350
	Route 100	374	300	120
	Spring Creek Rd	380	300	200
	Smith Lane	385	50	400
	Hilltop Rd	401	150	380
Swabia Creek	Sauerkraut Lane	348	140	180
	Brookside Rd	356	80	100
	Gehman's Rd	384	180	180
	Schoeneck Rd	410	50	080
	Gun Club Rd	451	80	60
Swabia Creek Tributary.	Mountain Rd	525	100	80
Spring Creek	Route 100	374	200	120
	Corporate limits	382	120	420
Toad Creek	Hilltop Rd	394	150	140
	Ash Lane	398	160	20

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

Issued: March 3, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–9083 Filed 3–31–76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–956]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of Monroe, Snyder County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 USC 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Monroe, Snyder County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Municipal Building, Clark Road, Hummels Wharf, Pennsylvania 17831.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Harold M. Warner, Secretary for the Board of Supervisors, P.O. Box 155, Hummels Wharf, Pennsylvania 17831. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER (6–30–76), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Northern corporate limits	450	(1)	100
	Township Rd. 519	450	(1)	370
	Reading Co. Railroad Bridge	448	(1)	90
	Corporate limits—North Shamokin Dam.	447	(1)	220
	Corporate limits—South Shamokin Dam.	442	(1)	680
	Township Rd. 498 (extended)	440	(1)	2,540
	Southern corporate limits	439	(1)	619
Penns Creek	Northern corporate limits	467	100	(1)
	Township Rd. 492 (extended)	464	340	(1)
	Township Rd. 509 (extended)	460	60	(1)
	Legislative Route 54046 (extended)	459	110	(1)
	Township Rd. 495 (extended)	455	50	(1)
	Legislative Route 54013 (extended)	445	30	(1)
	Legislative Route 54013 (T.R. 504)	442	60	(1)
	Township Rd. 502 (extended)	438	1,360	(1)
	Legislative Route 54077 (extended)	436	40	640
	Market St.		60	250
	Southern corporate limits	435	790	330

(1) Corporate limits.

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

Issued: March 2, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-9086 Filed 3-31-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-958]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of Stroud, Monroe County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 USC 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Stroud, Monroe County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Stroud Township Secretary's office, Municipal Building, 1211 North 5th Street, Stroudsburg, Pennsylvania 18360.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Nelson Westbrook, Secretary of the Board of Supervisors, 1211 North 5th Street, Stroudsburg, Pennsylvania 18360. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER (6–30–76), whichever is the later.

The proposed 100-year Flood Elevation are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Brodhead Creek	Avenue A	400		20
	Stokes Ave	444	140	120
	Pennsylvania 191	493	40	40
	Cherry Lane Rd	535	60	80
	Pennsylvania 191	565	20	500
Pocono Creek	White St	440	200	
	Flagler Run confluence	463	100	100
	Bridge St	477	20	20
	Beech St	535	260	180
Paradise Creek	Corporate limits	575	20	20

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

Issued: March 2, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-9084 Filed 3-31-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-959]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of Thornbury, Chester County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 USC 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Thornbury, Chester County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Post Office, Westown, Pennsylvania and the Motor Court, Routes 926 and 202, Westown, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. H. R. Smithson, Secretary-Treasurer, Township of Thornbury, P.O. Box 11, Westown, Pennsylvania 19395. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER (6–30–76), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Waln Run	Near unnamed tributary (end of detailed study).	276	180	50
	Zone break (A1/A3)	287	100	230
Street Road Tributary	Route 926 (north corporate limits)	276	90	60
	Creek Rd	257	140	190
West Fork of East Branch Chester Creek	Route 926 (north corporate limits)	258	60	360
	Westown Rd	255	550	130
	Penn Central RR	255	550	80
East Branch Chester Creek	Route 926 (north corporate limits)	255	30	700
	Cheyney Woods Rd	254	300	210
	Southeast corporate limits	251	140	390

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

Issued: March 2, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-9079 Filed 3-31-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-967]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of New London, Wisconsin

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 USC 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of New London, Wisconsin.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at 215 North Shawano Street, New London, Wisconsin 54961.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Herman F. Gagnon, 215 North Shawano Street, New London, Wisconsin. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER (6-30-76), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Embarrass River	U.S. Route 54	762	300	75
	G.B. & W. RR	761	20	60
	Stephensville Rd	761	20	40
Wolf River	C & N.W. RR	761	20	15
	U.S. Route 45	760	1,920	20

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

Issued: March 3, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-9091 Filed 3-31-76;8:45 am]

[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

[Docket No. FI-969]

Proposed Flood Elevation Determination for the City of Norton, Virginia

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 USC 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Norton, Virginia.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

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

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Malas D. Franks, 618 Virginia Avenue, Norton, Virginia 24273. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER (6-30-76), whichever is the later.

The proposed 100-year Flood Elevations are:

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

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

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

Issued: March 11, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-9090 Filed 3-31-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-953]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Lewisburg, Union County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Lewisburg, Union County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Borough Manager's office, 331 Market Street, Lewisburg, Pennsylvania 17837.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. W. Richard Kauffman, Borough Manager, 331 Market Street, Lewisburg, Pennsylvania 17837. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER (6–30–76), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
West Branch Susquehanna River	State Route 45	460.3	(1)	65
	St. Catherine St. extended	460.0	(1)	470
	Southern corporate limits	459.1	(1)	200
Limestone Run	L.P. 59036	461.1	330	(1)
	North 15th St	460.7	470	(1)
	Market St	459.7	170	430
	University Ave	459.7	430	450
Buffalo Creek	Logan Ave	461.9	(1)	480
	U.S. Route 15	461.9	(1)	1,400
	St. Anthony St	461.9	(1)	900

[1] Outside corporate limits.

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

Issued: March 2, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-9088 Filed 3-31-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-960]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of Union, Washington County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 USC 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Union.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Township Building, Gastonville, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Daniel Nurnberger, Chairman of the Board of Supervisors, Box 43, Gastonville, Pennsylvania 15336. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER (6–30–76), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Unnamed tributary	Cardox Rd.		210	450
	Ridge Rd.		345	400
	Shady Rd.		360	350
	Jack St.		600	490
	College Rd.		1,090	360
Peters Creek	Corporate limits.		150	200
	Finleyville town limit.		60	110
	Patterson Rd.		675	550
	Ridge Rd.		260	575
Monongahela River	At corporate limits at Elrama.	749	540	(1)
	Gun Club Rd. (extended)	751	110	(1)
	Coal Bluff Rd. (extended)	751	210	(1)
	Houston Run Rd. (extended)	752	40	(1)
	At railroad yard in Courtney	753	55	(1)

[1] Corporate limits.

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

Issued: March 3, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-9089 Filed 3-31-76;8:45 am]

[Docket No. FI-950]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

[24 CFR Part 1917]

Proposed Flood Elevation Determination for the Township of East Buffalo, Union County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 USC 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of East Buffalo, Union County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Municipal Building, East Buffalo, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. John F. Smith, Chairman of the Board of Supervisors, R. D. 1, 610 Lewisburg, Pennsylvania 17837. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER (6-30-76), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
West Branch Susquehanna River.	Northern corporate limits.	459	(1)	210
	Southern corporate limits.	457	(1)	200
Limestone Run	Washington Ave. (extended)	467	120	150
	Market St. (Route 45)	466	40	60
	Penn Central RR.	464	40	60
	Legislative Route 59036	461	300	370
	Route 15.	460	(2)	420
	Eastern corporate limits.	460	(2)	420
Turtle Creek	Route 15 (southbound)	457	460	1,380
	Route 15 (northbound)	457	460	1,600
	Reading RR.	457	400	1,410

[1] Outside corporate limits.
[2] Corporate limits.

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

Issued: March 2, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-9087 Filed 3-31-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 76-GL-7]

BENDIX WHEEL ASSEMBLIES

Proposed Rule Making

Amendment 39-1393 (37 FR 3409), AD 72-4-2 as amended by 39-1398 (37 FR 4701) requires an inspection of the Bendix inboard wheel halves for cracks on wheel assemblies P/N's 2601901 and 2603561 certified in accordance with TSO C26b requirements. After issuing Amendment 39-1398, the agency has determined that due to service experience a repetitive inspection is necessary on wheel assembly P/N 2601901-1 and special inspection requirements for wheel assembly P/N 2603561 no longer need to be included in the AD. Therefore, the agency is considering superseding Amendment 39-1393 (37 FR 3409), as amended, with a new AD that requires a repetitive inspection of only the P/N 2601901-1 wheel assembly.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Director, Great Lakes Region, Federal Aviation Administration, Attention: Regional Counsel, Airworthiness Review Docket; 2300 East Devon Avenue; Des Plaines, Illinois 60018. All communications received on or before May 3, 1976 will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

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

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by

adding the following new airworthiness directive:

Bendix. Applies to wheel assembly P/N 2601901-1 with inboard wheel half, P/N 2602198 having wheel half serial numbers below B5312 (Production) and H204 (Service) certified in accordance with TSO-C26b requirements.

Compliance required as indicated, unless already accomplished.

To prevent wheel failure accomplish the following:

(a) At the next tire change after the effective date of this AD and thereafter at every second tire change inspect the hubs of the inboard wheel halves for cracks in the radius or near the radius in the hub inside diameter (I.D.) behind the inboard bearing cup. This inspection requires use of the dye penetrant method, eddy current method in accordance with Bendix Service Bulletin No. 747-32-005 dated December 15, 1975 or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Great Lakes Region.

(b) If cracks are found during the inspection required by paragraph (a) replace all defective parts with airworthy parts prior to further flight. The replacement of defective parts will not relieve the requirements for accomplishing the repetitive inspections specified in paragraph (a) for affected wheel half serial numbers.

Bendix Service Bulletin No. 747-32-005 dated December 15, 1975 pertains to this subject.

This supersedes Amendment 39-1393 (37 FR 3409), AD 72-4-2 as amended by 39-1398 (37 FR 4701).

Issued in Des Plaines, Illinois on March 23, 1976.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.76-8979 Filed 3-31-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-EA-4]

DESIGNATION OF TRANSITION AREA

Proposed Rule Making

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Point Pleasant, W. Va., Transition Area.

A new VOR/DME-A instrument approach procedure has been developed for Mason County Airport, Point Pleasant, W. Va., and will require designation of a transition area to provide controlled airspace for IFR arrivals and departures at Mason County Airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before May 3, 1976 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Point Pleasant, W. Va., proposes the airspace action hereinafter set forth:

1. Amend Section 71.181 of Part 71 of the Federal Aviation Regulations by designating a Point Pleasant, W. Va. transition area as follows:

POINT PLEASANT, W. VA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center 38°54'53" N., 82°05'53" W. of Mason County Airport, Point Pleasant, W. Va., excluding the portion that coincides with the Gallipolis, Ohio transition area.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on March 15, 1976.

L. J. CARDINALI,
Acting Director,
Eastern Region.

[FR Doc.76-8978 Filed 3-31-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SO-17]

ALTERATION OF TRANSITION AREA

Withdrawal of Notice of Proposed Rulemaking

On March 8, 1974, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (39 FR 9199), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Hazlehurst, Ga., transition area.

Subsequent to publication of the Notice, it was determined that installation of a nondirectional radio beacon on the Hazlehurst Airport would be delayed for an indefinite period. Action is required to withdraw the proposal which was to provide required controlled airspace for an instrument approach procedure which was to be predicated on the radio beacon. When plans for installation of the radio beacon are finalized, a new Notice of Proposed Rulemaking will be issued.

In consideration of the foregoing, notice is hereby given that the proposed amendment contained in Airspace Docket No. 74-SO-17 is withdrawn.

This withdrawal is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 USC 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 USC 1655(c)).

Issued in East Point, Ga., on March 19, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-9137 Filed 3-31-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-GL-11]

ALTERATION OF TRANSITION AREA

Proposed Rule Making

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Kewanee, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before May 3, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

An additional instrument approach procedure has been developed for the Kewanee Airport, Kewanee, Illinois. Controlled airspace is required to protect this procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (41 FR 440), the following transition area is amended to read:

KEWANEE, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kewanee Airport (latitude 41°13'06" N., longitude 89°57'42" W.); and within three miles each side of the 218° and 278° bearings from the Kewanee Airport extending from the 5-mile radius to 8 miles southwest and west of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 USC 1348), and of section 6(c) of the Department of Transportation Act [49 USC 1655(c)].

Issued in Des Plaines, Illinois, on March 16, 1976.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.76-9141 Filed 3-31-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-GL-13]

DESIGNATION OF TRANSITION AREA

Proposed Rule Making

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Kentland, Indiana.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before May 3, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

An instrument approach procedure has been developed for the Kentland Municipal Airport, Kentland, Indiana. Controlled airspace is required to protect the procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (41 F.R. 440), the following transition area is added:

KENTLAND, INDIANA

That airspace extending upward from 700' above the surface within a 5-mile radius of the Kentland Municipal Airport (latitude 40°45'27" N., longitude 87°25'48" W.); and within 2 statute miles either side of the 306° radial of the Lafayette VORTAC, extending from the 5-mile radius area to 6 miles southeast of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 USC 1348), and of section 6(c) of the Department of Transportation Act [49 USC 1655(c)].

Issued in Des Plaines, Illinois, on March 16, 1976.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.76-9142 Filed 3-31-76;8:45 am]

[14 CFR Parts 121, 123 and 135]

[Docket No. 15531; Notice No. 76-7]

AIR CARRIERS, COMMERCIAL OPERATORS, AIR TRAVEL CLUBS, AND AIR TAXI OPERATORS: OPERATION OF CERTAIN LARGE AIRPLANES UNDER THE RULES GOVERNING AIR TAXI OPERATIONS

Proposed Rule Making

The Federal Aviation Administration is considering amending Parts 121, 123 and 135 of the Federal Aviation Regulations to permit, with certain exceptions, air carriers, commercial operators, air travel clubs, and air taxi operators, temporarily to conduct operations in airplanes having a maximum passenger capacity of 10 seats or less, a maximum payload capacity of 7,500 pounds or less, and a maximum zero fuel weight of 25,000 pounds or less, up to maximum certificated takeoff weight, in accordance with the rules of Part 135 of the Federal Aviation Regulations.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW, Washington, D.C. 20591. All communications received on or before May 3, 1976, will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

A large aircraft is defined in § 1.1 of the Federal Aviation Regulations as an aircraft of more than 12,500 pounds maximum certificated takeoff weight and a small aircraft is defined as an aircraft of 12,500 pounds or less maximum certificated takeoff weight.

The distinction between large and small aircraft determines, among other things, the operating rules which apply to the operation of a particular airplane. For example, § 135.2(a) requires air taxi operators to comply with the operations requirements of Part 121 applicable to supplemental air carriers for operations conducted with any aircraft with a maximum certificated takeoff weight of more than 12,500 pounds. Similarly, air travel clubs operating large airplanes are required to comply with certain Part 121 operations requirements. Conversely, § 121.9 requires air carrier, air taxi, and commercial operations conducted in small airplanes to be conducted in accordance with the rules of Part 135 applicable to air taxi operations.

The basing of operations requirements upon the present distinction between large and small airplanes has been questioned, and the FAA is currently reviewing the Federal Aviation Regulations in the light of the current state of the art and airplane operations to determine whether this distinction is still valid. In this connection, it should be noted that the National Air Transportation Association (NATA) submitted a proposal (No. 717) to the First Biennial Operations Review proposing an amendment to § 125.2 to permit operators of aircraft seating up to 30 passengers with up to a 7,500 pound payload capacity to operate under Part 135 but with the addition of certain requirements to Part 135 as set forth in the NATA proposal. A Notice of Availability of the Compilation of Proposals and Invitation to Submit Comments was published in the FEDERAL REGISTER June 4, 1975 (40 FR 24041), and the matter was discussed at the First Biennial Operations Review Conference which was held during December 1 through 5, 1975, at the Sheraton National Hotel, Arlington, Virginia (40 FR 53299; November 17, 1975). The FAA also has under development a major project involving a comprehensive review and upgrading of Part 135, including requirements applicable to commuter air carrier operations. Based on a preliminary review, the FAA believes that, pending the completion of the rulemaking actions which are the subject of those projects, it is in the public interest and will not adversely affect safety to permit, with certain exceptions, operations by air carriers, commercial operators, air travel clubs, and air taxi operators in airplanes having a maximum passenger capacity of 10 seats or less, a maximum payload capacity of 7,500 pounds or less, and a maximum zero fuel weight of 25,000 pounds or less, up to maximum certificated takeoff weight, to be conducted in accordance with the rules of Part 135 of the Federal Aviation Regulations. However, those airplanes would have to be operated in accordance with the applicable airplane performance limitations of Subpart I of Part 121.

The FAA will consider the operational experience gained under this proposed amendment in connection with the regulatory projects under development. At this time the FAA is considering making the proposed amendment effective for 12 to 18 months.

These amendments are proposed under sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Parts 121, 123 and 135 of the Federal Aviation Regulations as follows:

1. By amending § 121.9 by revising the title and by adding a new paragraph (c) to read as follows:

§ 121.9 Operation of small airplanes and certain large airplanes.

* * * * *

(c) Until _____, a certificate holder under this Part may conduct operations with airplanes having a maximum passenger capacity of 10 seats or less, a maximum payload capacity of 7,500 pounds or less, and a maximum zero fuel weight of 25,000 pounds or less, up to the maximum certificated takeoff weight, in accordance with the rules of Part 135 of this Chapter (except §§ 135.9 and 135.19 of subpart A and §§ 135.41, 135.45, 135.47, and 135.51 of subpart B) and appropriate operations specifications, in lieu of subparts E through V of this Part; except that, he shall operate those airplanes in accordance with the applicable airplane performance limitations of subpart I of this Part. However, the holder of an air carrier operating certificate issued under this Part may maintain the large airplanes specified in this paragraph in accordance with a continuous airworthiness maintenance program that meets the requirements in subpart L of this Part and operations specifications issued to it under this Part. Operations specifications issued under this section contain such operating limitations and requirements as the Administrator finds necessary. For the purpose of this paragraph—

(1) "Maximum payload capacity" means—

(i) In the case of an airplane for which a maximum zero fuel weight is prescribed in FAA technical specifications, the maximum zero fuel weight, less the empty weight, less all justifiable airplane equipment, and less the operating load (consisting of minimum flight crew, foods and beverages and related supplies and equipment, but not including disposable fuel or oil);

(ii) For all other airplanes, the maximum certificated takeoff weight of an airplane, less the empty weight, less all justifiable airplane equipment, and less the operating load (consisting of minimum fuel load, oil, flight crew, foods and beverages and related supplies and equipment). The allowance for the weight of the crew, oil and fuel is as follows:

A. Crew—200 pounds per crew member required under the Federal Aviation Regulations.

B. Oil—350 pounds.

C. Fuel—the minimum weight of fuel required by the Federal Aviation Regulations for a flight between domestic points 174 nautical miles apart under VFR weather conditions and not involving extended overwater operations.

(2) "Empty weight" means the weight of the airframe, engines, propellers, and fixed equipment. Empty weight excludes the weight of the crew and payload, but includes the weight of all fixed ballast, unusable fuel supply, undrainable oil, total quantity of engine coolant, and total quantity of hydraulic fluid; and

(3) "Maximum zero fuel weight" means the maximum permissible weight of an airplane with no disposable fuel or oil. The zero fuel weight figure may be found in either the airplane type certificate data sheet or the approved airplant flight manual, or both.

2. By amending § 123.5 by adding a new paragraph (c) to read as follows:

§ 123.5 Operating rules: compliance dates.

* * * * *

(c) Notwithstanding the provisions of paragraph (a) of this section, until _____, a person conducting operations as an air travel club may operate airplanes having a maximum passenger capacity of 10 seats or less, a maximum payload capacity of 7,500 pounds or less, and a maximum zero fuel weight of 25,000 pounds or less, up to the maximum certificated takeoff weight, in accordance with the rules of Part 135 of this Chapter in lieu of the provisions of subparts C and D of this Part; except that he shall operate those airplanes in accordance with the applicable airplane performance limitations of Subpart I of Part 121. For the purpose of this paragraph, the terms "maximum payload capacity" and "maximum zero fuel weight" have the meaning set forth in § 121.9(c) of this Chapter.

3. By amending § 135.2 by adding a new paragraph (f) to read as follows:

§ 135.2 Air taxi operations with large aircraft.

* * * * *

(f) Notwithstanding the provisions of paragraph (a) of this section, until _____, the holder of an ATCO certificate and operations specifications issued under this Part may conduct operations in accordance with the provisions of this Part, in lieu of the rules of Part 121 of this Chapter applicable to supplemental air carriers, with airplanes having a maximum passenger capacity of 10 seats or less, a maximum payload capacity of 7,500 pounds or less, and a maximum zero fuel weight of 25,000 pounds or less, up to the maximum certificated takeoff weight; except that the certificate holder shall operate those airplanes in accordance with the applicable airplane performance limitations of subpart I of Part 121 of this Chapter. For the purpose of this paragraph, the terms "maximum payload capacity", "maximum zero fuel weight", and "empty weight" have the meanings set forth in § 121.9(c) of this Chapter.

Issued in Washington, D.C., on March 26, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-9180 Filed 3-31-76;8:45 am]

[14 CFR Part 139]

[Docket No. 15530; Notice No. 76-6]

EMERGENCY PLANS

Proposed Rulemaking

The Federal Aviation Administration is considering amending Part 139 of the Federal Aviation Regulations to require that each applicant for and holder of an airport operating certificate show to the satisfaction of the Administrator that its emergency plan specifies facilities, agencies, and personnel that have agreed to provide transportation and medical services for the maximum number of persons that can be carried on board the largest air carrier aircraft served or expected to be served by its airport. This notice also proposes that each applicant and operator be required to plan for crowd control and for the participation of appropriate facilities, agencies, and personnel in the development and implementation of its emergency plan.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before June 1, 1976, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This notice is issued by the FAA in an effort to enhance safety and in response to a recommendation made by the National Transportation Safety Board (Safety Recommendation No. A-75-1).

Section 139.55(a) of the Federal Aviation Regulations provides that the applicant for an airport operating certificate must show that it has an emergency plan that insures prompt response to all emergencies and other unusual conditions to minimize the possibility and extent of personal and property damage on the airport. That paragraph also requires that the plan be sufficiently detailed to provide adequate guidance to all concerned. Paragraph (b)(2) of that section requires that the emergency plan provide for medical services. However, that paragraph currently does not describe the medical services that must be considered in the plan.

Section 139.81(a) provides that each person operating an airport for which an airport operating certificate has been issued must operate, maintain, and provide facilities, equipment, systems, and procedures at least equal in condition, quality, and quantity to the standards currently required for the issue of the airport operating certificate for that airport. Thus, if the standards that must be met to obtain an airport operating certificate are upgraded, that section requires the current holder of such a certificate to operate its airport in accordance with those higher standards.

The emergency plan required by § 139.55 constitutes an important part of the airport operations manual that each holder of an airport operating certificate

issued under § 139.11 is required to have and keep current. Upon reviewing airport operations manuals during its annual inspection of airports, the FAA has found that some plans do not provide for the medical services needed to care for persons who may be injured in or involved in an aircraft accident on or in the vicinity of the airport. In this connection, recent accident reports indicate that, on some occasions, medical assistance and necessary transportation were not made available to those persons. Those reports also indicate that areas to which deceased persons can be taken for identification normally are not available on or in the vicinity of airports.

The FAA believes that all applicants for and holders of an airport operating certificate should plan for transportation and medical services for persons who may be injured or involved in an aircraft accident on the airport. Accordingly, paragraph (b)(2) of this proposal would require the applicant or operator to detail in its emergency plan the location and emergency capability of hospitals and other facilities that have agreed to provide medical services in the event of an accident. It also would have to list surface vehicles and aircraft that such facilities and agencies as hospitals, rescue squads, ambulance services, and military installations have agreed to provide to transport persons injured or involved in an aircraft accident to sites where medical services are available.

In addition, paragraph (b)(2) would require the applicant or operator to specify buildings in which persons will be sheltered in the event that it is unnecessary to transport any or all of them to medical facilities. Hangars, terminal buildings, or other structures on or in the vicinity of the airport could be used for this purpose, and buildings to which deceased persons will be taken for identification would have to be designated.

Furthermore, paragraph (b)(3) of this proposal would require each applicant or operator to list in its plan those safety or security agencies, such as police and civil defense, that have agreed to provide safety or security forces for traffic and crowd control in the event of an aircraft accident.

Finally, full participation, proper coordination, and rapid contact are essential to the success of an emergency plan. Therefore, paragraph (c) of this proposal would require each applicant or operator to show that it has coordinated its plan with appropriate facilities, agencies, and personnel listed therein, that they have participated in the development of the plan, and that they have agreed to take part in its implementation during emergencies. Under proposed § 139.55(e), it would have to show that it has a plan for notifying those facilities, agencies, and personnel of the accident location and number of persons involved, immediately after receiving that information.

In order to achieve effective implementation of these plans during an emergency, the FAA recommends that each holders of an airport operating certificate periodically exercise its emergency plan in cooperation with appropriate facilities, agencies, and personnel.

The agreements contemplated by this notice are intended to mean understandings that an applicant for or holder of an airport operating certificate has reached with any person, facility, or agency specified in paragraphs (b)(2) or (b)(3), or in paragraph (c), of this proposal.

It is proposed to require compliance with the measures set forth herein six months after the effective date of the amendment in order to afford each current holder of an airport operating certificate time to comply with those measures.

This notice is issued under the authority of sections 313, 610, and 612 of the Federal Aviation Act of 1958 (49 USC 1354, 1430, and 1432) and section 6(c) of the Department of Transportation Act (49 USC 1655(c)).

In consideration of the foregoing, it is proposed to amend § 139.55 of the Federal Aviation Regulations by revising paragraphs (b)(2) and (b)(3) and paragraphs (c), and by adding a new paragraph (e), to read as follows:

§ 139.55 Emergency plan.

* * * * *

(b) * * *

(2) Medical services. In addition, after (six months after the effective date of the amendment), the applicant must show that its plan specifies facilities, agencies, and personnel that have agreed to provide transportation and medical services for the maximum number of persons that can be carried on board the largest air carrier aircraft served or expected to be served by its airport. The applicant must list in its plan the following:

(i) The name, location, and emergency capability of each hospital and other medical facility, and the business address of medical personnel, on or in the vicinity of the airport, that have agreed to provide transportation or medical services, or both;

(ii) The name and location of each rescue squad, ambulance service, and military installation, on or in the vicinity of the airport, that has agreed to provide transportation or medical services, or both;

(iii) Surface vehicles or aircraft, or both, that the facilities, agencies, and personnel included in the plan under items (i) and (ii) of this subparagraph have agreed to provide to transport injured and deceased passengers and crewmembers to locations on or in the vicinity of the airport where medical services are provided;

(iv) Each hangar or other building, on or in the vicinity of the airport, that will be used to accommodate uninjured, injured, and deceased persons; and

(v) Any additional or alternative agencies, facilities, or personnel that have agreed to provide transportation or medical services, or both.

(3) Crowd control. In addition, after (six months after the effective date of the amendment), the applicant must specify the name and location of each safety or security agency that has agreed to provide personnel for traffic and crowd control in the event of an aircraft accident on the airport.

* * * * *

(c) The applicant must show before applying that it has coordinated its emergency plan with law enforcement and firefighting and rescue agencies, medical resources, the principal tenants at the airport, and other interested persons. In addition, after (six months after the effective date of the amendment), the applicant must show facilities, agencies, and personnel included in its plan under subparagraphs (b)(2) and (b)(3) of this section, and that all facilities, agencies, and personnel specified in this paragraph have participated in the development of the plan and have agreed to participate to the maximum extent practicable in the implementation of the plan during emergencies.

* * * * *

(e) After (six months after the effective date of the amendment), the applicant must show that it has a plan for notifying the facilities, agencies, and personnel included in its plan under subparagraph (b)(2) and (b)(3) of this section of the location of an aircraft accident on the airport and the number of persons involved in that accident, immediately after receiving that information.

Issued in Washington, D.C., on March 25, 1976.

WILLIAM V. VITALE,
Director, Airports Service.

[FR Doc.76-9143 Filed 3-31-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 513-3]

PENNSYLVANIA IMPLEMENTATION PLAN

Withdrawal of Proposed Revision

On May 28, 1974, the Commonwealth of Pennsylvania submitted to the Regional Administrator, amendments to Chapter 141 ("Fuel Usage and Emergency Variances") of the Pennsylvania Department of Environmental Resources Rules and Regulations. The Commonwealth requested that the amendment be considered as a revision to the Pennsylvania State Implementation Plan for the attainment and maintenance of ambient air quality standards.

The amendment pertained to changes to §§ 141.50 through 141.59 inclusive. The changes consisted of the following:

1. The authority of the Department of Environmental Resources to issue fuel usage and emergency variances was extended for one year, or up to May 1, 1975.

2. The time period for variances was extended from "up to 120 days" to "up to 180 days."

3. A requirement was included to provide for a minimum 10-day notice for a

public hearing on fuel usage variances, with a full 30-day notice period to be given whenever possible.

The amendment to Chapter 141 was publicly advertised, and a hearing was held on April 26, 1974, in Harrisburg, Pennsylvania in accordance with 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

On January 28, 1975 (40 FR 4155), the Regional Administrator acknowledged receipt of the proposed amendment, and provided for a 30-day public comment period, lasting until February 27, 1975. During that period, the Administrator received several comments pertaining to the lengthy procedural process involved in reviewing these amendments for approval/disapproval action.

As a result of consultations between EPA and FEA, it was determined that a shortage of low sulfur fuel oil did not exist, and therefore the emergency variance procedure submitted by the Commonwealth was no longer required. In addition, the May 1, 1975 expiration date of the procedure was close at hand. Accordingly, on April 1, 1975, EPA Region III advised the Commonwealth that although the amendment to Chapter 141 would appear to be approvable as a revision to the Pennsylvania SIP, no further action would be taken to process the amendment for the Administrator's approval.

On August 27, 1975, the Commonwealth replied to EPA Region III, and requested that the amendment be withdrawn from further consideration as a revision to the Pennsylvania SIP. The Commonwealth also stated that it reserves the right to submit a similar variance procedure for approval as a plan revision if any legal ramifications should arise.

In response to this request, the Regional Administrator formally withdraws his proposal of this amendment from any further consideration as a revision to the Pennsylvania SIP.

(42 U.S.C. 1857c-5)

Dated: March 19, 1976.

ALVIN R. MORRIS,
Acting Regional Administrator.

[FR Doc.76-9422 Filed 3-31-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR 211 and 212]

MANDATORY PETROLEUM ALLOCATION AND PRICE REGULATIONS

Proposed Rulemaking

For a proposed rule in this issue of the FEDERAL REGISTER relating to the subject matter set out above, see F.R. Doc. 76-9337 published in the Rules and Regulations section under Title 10.

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 140]

FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Modification and Extension of the Price-Anderson Act

Correction

In FR Doc. 76-7984 appearing in the issue of Thursday, March 18, 1976 on page 11327, make the following changes:

On page 11327 in the second column, paragraph "A.", the word "premium" should be added as the last word in the tenth line.

On page 11327, paragraph "C.", the ninth line, the fourth word should have read "plants".

On page 11328, in the first column the last line should be deleted, and in the second column the first two lines should be deleted.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release No. IC-9219, File No. S7-565]

DEFINITION OF "ANNUALLY" FOR PURPOSES OF APPROVAL OF CONTINUANCE OF CERTAIN CONTRACTS

Proposed Rulemaking

Notice is hereby given That the Securities and Exchange Commission has under consideration the adoption of a new Rule 15a-2 [17 CFR 270.15a-2] under the Investment Company Act of 1940 [15 U.S.C. 80a-1, et seq.] ("Act") to define the term "annually" for the purposes of Sections 15(a)(2) and 15(b)(1) of the Act [15 U.S.C. 80a-15(a)(2) and 80a-15(b)(1)] by specifying a method by which the continuance of investment advisory contracts and principal underwriting contracts may be approved "annually" in compliance with the requirements of those Sections.[1] The proposed rule would be adopted pursuant to the authority granted to the Commission in section 38(a) of the Act [15 U.S.C. 80a-38(a)].

Section 15(a) of the Act [15 U.S.C. 80a-15(a)] provides that it 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 contract, whether with such registered company or with an investment adviser of such registered company, has been approved by the vote of a majority of the outstanding voting securities of such registered company and meets certain other requirements. Section 15(a)(2) provides, as one such requirement, that the contract shall continue in effect for a period more than two years from the date of its execution, only so long as its continuance is specifically approved at least annually by the board of directors or by vote of a majority of the investment company's outstanding voting securities.

Section 15(b) of the Act [15 U.S.C. 80a-15(b)] provides that it shall be unlawful for any principal underwriter for a registered open-end investment company to offer or sell the company's securities except pursuant to a written contract with such company which meet certain requirements. Section 15(b)(1) provides, as one such requirement, that the contract shall continue in effect for a period more than two years from the date of its execution, only so long as its continuance is specifically approved at least annually by the board of directors or by vote of a majority of the investment company's outstanding voting securities.

Section 38(a) of the Act authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act, including rules defining accounting, technical and trade terms used in the Act.

The primary purpose of proposed Rule 15a-2 is to eliminate uncertainty as to when the required approval of the contract must be obtained. The Commission believes that for contract continuances extending past the initial two-year term permitted by the Act, the votes of approval ought to be taken at intervals of not more than approximately one year, and at times when there is meaningful information as to performance over the preceding year on which to base a judgment as to continuing the contract. An additional purpose of the proposed rule is to eliminate certain practices which the Commission, upon the basis of its experience, considers to be contrary to the policy and purposes of Section 15 of the Act [15 U.S.C. 80a-15]. One such practice would be scheduling votes within successive calendar years so that there may be an interval of substantially more than 365 days between them, as where votes are scheduled in January of one year and in December of the following year. Another such practice would be scheduling votes so far in advance of the date on which the continuance of the contract is to take effect that there is no meaningful information on which either the directors or shareholders can base their votes.

Proposed Rule 15a-2 provides that the *first* continuance of a contract shall be deemed to have been approved at least annually if such contract is specifically approved by the board of directors or by vote of a majority of the investment com-

[1] An earlier proposed Rule 15a-2, which was published for comment on October 18, 1968 (Investment Company Act Release No. 5517), 33 F.R. 16008 (October 31, 1968), was withdrawn in favor of the new proposal published in this Release. (See Investment Company Act Release No. 9218, March 25, 1976.)

pany's outstanding voting securities during the 60 days prior to and including the earlier of (1) the specified termination date for the contract, or (2) the second anniversary of the date on which the contract was executed. The proposed rule also provides that any subsequent continuance of a contract shall be deemed to have been approved in compliance with Section 15 if such contract is specifically approved by the board of directors or by vote of a majority of the investment company's outstanding voting securities during the 60 days prior to and including the first anniversary specified in such contract as to the effective date of its most recent previous annual continuance.

While compliance with the proposed rule would be deemed to be compliance with Section 15(a)(2) or Section 15(b)(1) of the Act, it should be noted that the method specified in the proposed rule would not be the exclusive method for complying with the Act. Both Section 15(a)(2) and Section 15(b)(1) provide that continuance of a contract must be approved "*at least* annually." (Emphasis added.) Therefore, proposed Rule 15a–2 would not prohibit votes at more frequent intervals than specified in the rule. In this connection, it is recognized that the language of investment advisory and principal underwriting contracts currently in effect varies with respect to the statement of the term of the contract, and it is not contemplated that the proposed rule would require investment companies to amend such existing contracts.

Paragraph (b) of the proposed rule provides for prospective application of the rule, so as not to disrupt existing arrangements. Accordingly, the rule would not apply to any continuance which was approved not later than 90 days after the rule's adoption, *provided* the contract will expire by its terms not later than 17 months after the rule's adoption.

It should be noted, however, neither the proposal to adopt, nor any subsequent adoption of, Rule 15a–2 would change our view that in order to comply with Sections 15(a) and 15(b), it is usually expected that an investment company whose *private* shareholders initially approve an investment advisory contract will submit the contract to a vote of the company's *public* shareholders as soon as possible thereafter.

A note has been added at the end of the proposed rule to call attention to the applicability of Section 15(c) of the Act [15 U.S.C. 80a–15(c)] to annual continuances approved pursuant to Sections 15(a) and 15(b). Section 15(c) provides, in part, that

> It shall be unlawful for any registered investment company having a board of directors to enter into, renew, or perform any contract or agreement, written or oral, whereby a person undertakes regularly to serve or act as investment adviser of or principal underwriter for such company, unless the terms of such contract or agreement and any renewal thereof have been approved by the vote of a majority of directors, who are not parties to such contract or agreement or interested persons of any such party, cast in person at a meeting called for the purpose of voting on such approval.

Thus, the annual approval of the continuance of a contract in compliance with Sections 15(a) and 15(b) would constitute a renewal of such contract for purposes of Section 15(c).

The text of proposed § 270.15a–2 (Rule 15a–2) is as follows:

§ 270.15a–2 Annual continuance of contracts.

(a) For purposes of Sections 15(a) and 15(b) of the Act, the continuance of a contract for a period more than two years after the date of its execution shall be deemed to have been specifically approved at least annually by the board of directors or by a vote of a majority of the outstanding voting securities of a registered investment company if such approval occurs:

(1) With respect to the first continuance of a contract, during the 60 days prior to and including the earlier of (i) the date specified in such a contract for its termination in the absence of such approval, or (ii) the second anniversary of the date upon which such contract was executed; or

(2) With respect to any subsequent continuance of a contract, during the 60 days prior to and including the first anniversary of the date specified in such contract as the effective date of its most recent previous annual continuance.

(b) The provisions of paragraph (a) of this rule shall not apply to any continuance of a contract which shall have been approved not later than 90 days after the date of adoption of this rule, provided that such contract shall expire, by its terms, not later than 17 months from the date of adoption of this rule.

NOTE: Any annual continuance of a contract approved in accordance with the provisions of paragraph (a)(1) or (a)(2) of Rule 15a–2 will constitute a renewal of such contract for the purposes of Section 15(c) of the Act, and therefore such renewal must be approved by the disinterested directors within the times specified in the rule for a continuance.

All interested persons are invited to submit views and comments on the proposed rule to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 on or before May 30, 1976. All communications in this regard should refer to File No. S7–625, and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 25, 1976.

[FR Doc.76–9265 Filed 3–31–76;8:45 am]

[17 CFR Part 270]

[Release No. IC–9218]

PROPOSED DEFINITION OF ANNUALLY

Withdrawal of Proposed Rule

Notice is hereby given That the Securities and Exchange Commission hereby withdraws its proposal to adopt Rule 15a–2 [17 CFR 270.15a–2] under the Investment Company Act of 1940 ("Act") [15 U.S.C. 80a–1, et seq.].[1] The original rule proposal would have specified a method for approving "annually" the continuance of certain contracts in compliance with Sections 15(a)(2) and 15(b)(1) of the Act [15 U.S.C. 80a–15(a)(2) and 80a–15(b)(1)]. Based upon the Commission's review of the comments on that proposal, as well as the changes in industry since 1968, the Commission has determined that the rule as originally proposed should be withdrawn, and a substantially revised version should be published for comment.[2]

By the Commission.

MARCH 25, 1976.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–9263 Filed 3–31–76;8:45 am]

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[1] Investment Company Act Release No. 5517 (October 18, 1968), 33 FR 16008 (October 31, 1968).

[2] Investment Company Act Release No. 9219 (March 25, 1976).

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

FROZEN BONELESS BEEF FROM THE EUROPEAN COMMUNITIES

Receipt of Information and Initiation of Countervailing Duty Investigation and Preliminary Determination

A petition in satisfactory form was received on November 11, 1975, alleging that payments or bestowals conferred by the European Communities (consisting of Belgium, Denmark, France, Ireland, Italy, Luxembourg, the Netherlands, the United Kingdom and West Germany) upon the manufacture, production or exportation of frozen boneless beef constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (hereinafter referred to as "the Act"). This petition was withdrawn on the understanding that the exports of frozen boneless beef from the European Communities would cease at the end of 1975.

The U.S. Customs Service recently received information which indicates that exports of frozen boneless beef to the United States from the European Communities have continued into 1976. In view of this and in view of the fact that the U.S. Customs Service has examined similar programs in previous investigations under the Act and is satisfied that such programs, which take the form of export restitution payments to exporters, may constitute bounties or grants within the meaning of section 303 of the Act, it is deemed appropriate to make a preliminary determination at this time. The amounts of such payments are as set forth from time to time in the Official Journal of the European Communities. Accordingly, it has been determined preliminarily that benefits have been conferred by the European Communities (consisting of Belgium, Denmark, France, Ireland, Italy, Luxembourg, the United Kingdom, and West Germany) on the manufacture, production or exportation of frozen boneless beef which may constitute bounties or grants within the meaning of section 303 of the Act.

Pursuant to Section 303(a)(4) of the Act, the Secretary is required to issue a final determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of the statute within twelve months of the date of publication of this notice in the FEDERAL REGISTER.

Before a final determination is made, consideration will be given to any relevant data, views or arguments, submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office not later than April 8, 1976.

This notice of receipt of information and initiation of investigation and preliminary determination is published pursuant to Section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)) and Section 159.47(c) of the Customs Regulations (19 CFR 159.47(c)).

VERNON D. ACREE,
Commissioner of Customs.

Approved: March 24, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-9167 Filed 3-31-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

MD PHARMACEUTICAL INC.

Manufacture of Controlled Substances; Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

"The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

"(1) maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;"

Pursuant to Section 1301.43 of Title 21 of the Code of Federal Regulations (CFR), notice is hereby given that on March 2, 1976, MD Pharmaceutical Inc., 3501 West Garry Avenue, Santa Ana, California 92704, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of diphenoxylate, a basic class of controlled substance in schedule II.

Pursuant to Section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with Section 1301.43 (a) of Title 21 of the Code of Federal Regulations, notice is hereby given that the above firm has made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substance indicated, and any other such person, and any existing registered bulk manufacturer of diphenoxylate, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on the application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than May 6, 1976.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street, NW., Washington, D.C. 20537.

Dated: March 24, 1976.

PETER B. BENSINGER,
Administrator.

[FR Doc.76-9256 Filed 3-31-76;8:45 am]

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Meeting

This is to provide notice of meeting of the Juvenile Justice and Delinquency Prevention Task Force of the National Advisory Committee on Criminal Justice Standards and Goals.

The Juvenile Justice and Delinquency Prevention Task Force will be meeting at the Hyatt Lake Tahoe Hotel, Incline Village, Nevada on April 23–25, 1976. The meeting will be open to the public.

The tentative agenda includes consideration of standards for Planning, Management Systems, Pre-Adjudication and Adjudication Processes, Delinquency Prevention—Organization and Coordination, Corrections, Police and the Role of the Juvenile Prosecutor. The Task Force will also consider a partial draft of the Standards Volume including the Introduction section and introductory material for the several completed chapters and standards. The agenda will include a presentation of a concept paper on the Families in Need of Services. Finally, a report will be made of the National Advisory Committee's last meeting and any Task Force response needed.

MEETING TIMES

April 23 and 24—8:30 a.m.–5:00 p.m.
April 25—8:30 a.m.–Noon.

For further information, contact Richard Van Duizend, General-Attorney, National Institute of Juvenile Justice Delinquency Prevention, 633 Indiana Avenue, N.W., Washington, D.C.

JAY A. BROZOST,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.76-9253 Filed 3-31-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 1849]

CALIFORNIA

Order Providing for Opening of Public Lands; Correction

MARCH 26, 1976.

The opening order as published in F.R. Doc. 76-5305 on pages 8193 and 8194 is corrected as to citation and date of opening of land as follows:

By virtue of the authority contained in Section 24 of the Federal Power Act of June 10, 1920, (16 U.S.C. 318) as amended, and pursuant to authority redelegated to me by Bureau Order No. 701 of July 23, 1964, it is ordered as follows:

At 10 a.m. on May 5, 1976, the unappropriated, unreserved public lands described in paragraphs 1 and 2 above shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable laws. The lands embraced in the forest shall be open to such disposition as may be made of national forest lands.

WALTER F. HOLMES,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-9252 Filed 3-31-76;8:45 am]

[NM 27716, 27824, 27825, 27826, 27830, 27832, 27833, 27835 and 27842]

NEW MEXICO

Applications

MARCH 24, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for nine 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 N., R. 7 W.,
Sec. 25, NE¼NE¼.
T. 30 N., R. 9 W.,
Sec. 17, W½NE¼.
T. 30 N., R. 10 W.,
Sec. 7, lot 6.
T. 25 N., R. 11 W.,
Sec. 9, SW¼SE¼;
Sec. 16, NW¼NE¼.
T. 28 N., R. 11 W.,
Sec. 17, NW¼NE¼ and NW¼;
Sec. 18, SE¼NE¼.
T. 32 N., R. 11 W.,
Sec. 28, SW¼NW¼ and NW¼SW¼;
Sec. 34, S½SE¼.
T. 26 N., R. 12 W.,
Sec. 4, SW¼SW¼;
Sec. 5, S½SE¼.

These pipelines will convey natural gas across 2.275 miles of national resource lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-9270 Filed 3-31-76;8:45 am]

[NM 27749]

NEW MEXICO

Application

MARCH 24, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Company has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 32 N., R. 11 W.,
Sec. 34, SE¼SE¼;
Sec. 35, SW¼SW¼.

This pipeline will convey natural gas across .526 of a mile of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-9271 Filed 3-31-76;8:45 am]

[NM 27831]

NEW MEXICO

Application

MARCH 24, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 28 E.,
Sec. 15, W½SW¼ and SE¼SW¼.

This pipeline will convey natural gas across .465 of a mile of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands,
and Minerals Operations.

[FR Doc.76-9272 Filed 3-31-76;8:45 am]

[INT FES 76-19]

ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement on the Alaska Natural Gas Transportation System. A draft environmental impact statement was distributed in July 1975, to Federal, State, and local agencies and to other interested parties for review and comment. These comments have been analyzed and are summarized in the Consultation and Coordination Volume of the final environmental impact statement.

The final impact statement analyzes the environmental impacts related to the construction, operation, and maintenance of a proposed pipeline to transport natural gas from the Prudhoe Bay area of Alaska to users in the lower 48 States. The proposal considered in the final statement is that submitted by the Arctic Gas System which is made up of a consortium of companies which now constitute the Gas Arctic-Northwest Project Study Group (Applicant). These companies have filed applications with the Federal Power Commission and the Secretary of the Interior for various certificates and permits which are necessary before the proposals can be implemented.

This environmental impact statement has been prepared in nine volumes of text and two volumes of maps. Following is a brief description of the coverage of each volume:

Overview Volume—The Overview covers the Arctic Gas System proposal in its entirety. It will be most useful to those readers who want a system view and a broad concept of anticipated environ-

mental impacts of the 5,530 mile pipeline project.

Alaska Volume—This volume covers the 195-mile proposal of the Alaskan Arctic Gas Pipeline Company originating at Prudhoe Bay and terminating at the Alaska-Yukon Border.

Canada Volume—This portion of the environmental impact statement analyzes the 2,435-mile pipeline proposal of Canadian Arctic Gas Pipeline, Ltd., beginning at the Yukon-Alaska Border and proceeding generally southward to Caroline Junction in Alberta. At this point, the proposed pipeline forks, one leg entering Idaho, near Kingsgate, British Columbia, and the other entering Montana, near Monchy, Saskatchewan.

San Francisco Volume—This volume analyzes the 917-mile portion of the system which enters Idaho, near Kingsgate, British Columbia and passes through Washington and Oregon and terminates at Antioch, California. This segment is proposed by Pacific Gas Transmission Company and Pacific Gas and Electric.

Los Angeles Volume—This volume relates to the 414-mile portion proposed by Interstate Transmission Associates (Arctic) extending from the point of United States entry in Idaho to Rye Valley, Oregon. At Rye Valley, gas would enter an existing pipeline system in which it would be displaced through Idaho, Wyoming, Utah, Colorado, New Mexico, and Arizona to markets in southern California. This volume also contains a discussion of the applicant's future proposal for an additional 760-mile pipeline passing through Idaho, Oregon, Nevada, and terminating at Cajon, California.

North Border Volume—This volume is an analysis of the 1,619-mile pipeline proposed by the Northern Border Pipeline Company. It covers the area from the United States-Canada Border crossing in Montana, across North and South Dakota, Minnesota, Iowa, Illinois, Indiana, Ohio, a short distance in West Virginia, and terminating near Delmont, Pennsylvania.

Alternatives Volume—This volume covers the courses of action open to the Secretary of the Interior, other natural gas sources, alternative energy sources and modes of transportation, and one major alternative gas transportation system involving an all-Alaska gas pipeline, liquefication plants, and tanker transport to the conterminous United States. A discussion of pipeline route alternatives and pipeline size alternatives can be found in each of the geographic volumes described above.

Consultation and Coordination Volume—This volume describes and discusses the efforts made by the Department of the Interior to consult with and coordinate its work in the development of this statement. It includes the gathering of basic information for analysis, public meetings and hearings, and efforts which have and will be made to assure that environmental impacts are adequately treated.

Glossary—This volume is a collection of terms used by the authors in the discussion of each volume. It is designed to give the reader a full understanding of the technical, scientific, and sometimes common terminology especially in cases where a term is used repeatedly.

When formal applications were filed with the Department of the Interior, they were placed in a special room for public scrutiny. The room contains all applications, amendments, supplements, environmental assessments, and reports filed by the companies; copies of supplemental information requests and responses; comments from interested persons; and testimony from the information gathering meetings and public hearings that were held in various cities. These materials are available for public scrutiny and copies of these files are maintained in the Department of the Interior Building, C Street between 18th and 19th Streets, N.W., Washington, D.C. 20240.

The final environmental impact statement, as well as the companies' applications, will be available for public review at the following locations:

EIS Task Force, Alaska Natural Gas Transportation System, Bureau of Land Management (302), U.S. Department of the Interior, Washington, D.C. 20240.
Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.
Bureau of Land Management, Oregon State Office, 729 N.E. Oregon Street (P.O. Box 2965), Portland, Oregon 97208.
Bureau of Land Management, California State Office, Federal Office Building, Rm. E-2841, 2800 Cottage Way, Sacramento, California 95825.
Bureau of Land Management, Nevada State Office, Federal Building, Room 3008, 300 Booth Street, Reno, Nevada 89502.
Bureau of Land Management, Montana State Office, Federal Building & U.S. Courthouse, 316 North 26th Street, P.O. Box 30157, Billings, Montana 59107.
Office of the Special Assistant to the Secretary of the Interior, 32nd Floor, South Dearborn Street, Chicago, Illinois 60604.

All comments relating to the adequacy of the draft environmental impact statement, plus detailed responses, are being drawn together into a public file which will be available for public scrutiny at the locations listed above. The public file of comments and responses will also be available at the following locations:

Federal Power Commission, Office of Public Information, Room 1000, 825 North Capitol Street, Washington, D.C. 20426.
Federal Power Commission, 730 Peachtree Blvd., Room 500, Atlanta, Georgia 30308.
Federal Power Commission, Federal Building, 31st Floor, 230 South Dearborn Street, Chicago, Illinois 60604.
Federal Power Commission, 819 Taylor Street, Fort Worth, Texas 76102.
Federal Power Commission, 26 Federal Plaza, 22nd Floor, New York, New York 10007.
Federal Power Commission, 555 Battery Street, San Francisco, California 94111.

The final impact statement is available at the EIS Task Force Office, Washington, D.C., and will be distributed until the supply is exhausted. Also, the statement may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Dated: March 29, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-9232 Filed 3-31-76;8:45 am]

[Docket No. M 76-141]

Office of Hearings and Appeals

ALABAMA BY-PRODUCTS CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Alabama By-Products Corporation has filed a petition to modify the application of 30 CFR 75.1710 to its following mines:

Mine:	*Location*
Chetopa Mine	Jefferson County, Ala.
Maxine Mine	Do.
Mary Lee No. 1 Mine	Walker County, Ala.
Gorgas No. 7 Mine	Do.
Mary Lee No. 2 Mine	Do.
Segco No. 1 Mine	Do.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710-1 which in pertinent part provides:

Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 36 inches and

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner is actively engaged in the mining of bituminous coal at all of the above-captioned mines. All of the above-named mines are underground mines,

operating in three seams: (1) the Mary Lee, (2) the America and (3) the Pratt, with maximum production expected to reach an excess of 5 million tons annually. At present approximately 50 percent of all coal mined originates from seam heights of 48 inches or less, while it is anticipated that this figure will increase to nearly 70 percent over the next 5 years.

2. Vision of equipment operators in low seam mines is at best minimal and with the introduction of canopies and cabs vision will be retarded still further. This characteristic, although seemingly more prevalent in low coal, is not unknown even to high coal. The additional structural material in such close proximity to the equipment operator has in several instances interfered with the operator's ability to react to a dangerous situation.

3. Generally speaking, cabs and canopies functioning in seam heights of 60 inches or greater do contribute decisively to the safety of Petitioner's employees and the addition of these devices has for the most part proven successful. However, Petitioner believes the industry is now approaching the limits of practicality and it is fearful of the potential consequences if implementation of existing standards proceed as scheduled. Having experienced certain difficulties with high coal cabs and canopies Petitioner can only anticipate that the problems will be manifested by a further reduction in overhead clearances.

4. The introduction of cabs and canopies in low seam mines will tend to reduce visibility even further than it already is. Reduced visibility will bring about more collisions with equipment, brattice cloths, timbers, etc. There will also be more frequent cases of damaged trailing cables and water hoses as a result of impaired visibility.

5. Another safety factor which must be considered is the comfort of the equipment operator. One of the foremost difficulties in installing either high coal or low coal cabs and canopies is the original design of the equipment itself. The equipment now in operation was not intended to accommodate cabs and canopies, therefore, there are numerous problems with the installation of such devices. One obvious problem is in the size of the deck pans. Most deck pans were originally designed to economize on space and therefore they provide little consideration as to safety. To install cabs or canopies around such deck pans now merely serves to limit the available passenger space even further thereby affording little in the way of comfort for the operator. After an operator has run his machine for several hours and has become very uncomfortable, his primary concern will not be upon doing a good job or a safe job, but it will be upon his own personal discomfort. When an equipment operator has his mind on something other than the safe, efficient operation of his machinery, he poses a safety hazard to his fellow employees as well as to himself. In instances where equipment operators are large men they are not able to fit into the deck pan which is covered by a canopy or surrounded by a cab. Because they are unable to fit into cabs or fit under canopies these extremely large men must leave parts of their body outside of the protection afforded by cabs and canopies, thereby often times causing injuries to themselves.

6. Petitioner has also found itself confronted with the fact that in certain instances canopies and cabs have proven a deterrent to good safety practices and in some cases have even caused violation of approved roof control plans. For instance, as workers have become more and more accustomed to the presence of cabs and canopies they have allowed themselves to be lul'ed into a sense of false security. They have been told so many times how effective cabs and canopies have been proven to be as protection against roof falls that it has become increasingly more difficult to convince these individuals of the necessity to continue the use of temporary roof supports. The Petitioner is presently required under its roof control plan to roof bolt from the left to the right across the faces. However, with canopies on the roof drills this is not possible. The added structural extension of the roof drill canopy will not permit the drill to reach to within 2 feet of the left side rib unless the roof drill is turned completely perpendicular with the rib. In order for this to be done all temporary roof suports would first have to be removed.

7. Petitioner further points out that most, if not all prior technology has been developed on "high coal" cabs and canopies. Apparently very little cab work has been done in areas of lesser seam heights and consequently the type of pertinent information needed to uncover many of the unanswered questions remains a mystery. It would be in the best interests of safety to the miners not to require the installation of cabs and canopies in seam heights of less than 60 inches until more extensive experimentation and research can be conducted under controlled environment conditions.

8. Petitioner has had actual experience with the use of cabs and canopies in low seam coal and knows that with their use visibility will be reduced, accidents will be on the increase and the men will do their job less safely because of personal discomfort. The men themselves do not want cabs or canopies in low seam coal.

9. As an alternative to the requirement that cabs or canopies be required on electric face equipment used in coal mines where the coal seam is less than 60 inches in height, Petitioner requests that no cabs and canopies be required. Petitioner respectfully submits that the alternative method of not requiring the use of cabs and canopies on electric face equipment in seam heights of less than 60 inches would provide more safety to miners than to require that cabs and canopies be used in seam heights of less than 60 inches.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MARCH 24, 1976.

[FR Doc.76-9213 Filed 3-31-76;8:45 am]

[Docket No. M 76-133]

CENTRAL APPALACH.AN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Central Appalachian Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its following mines:

Location	Mine:
Fayette County, W. Va.	Winifrede No. 4 Mine.
Kanawha County, W. Va.	Coalburg No. 1 Mine.
Do.	Coalburg No. 2 Mine.
Fayette County, W. Va.	Stockton No. 2 Mine.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines havinig mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner respectfully requests the modification of the application of the mandatory safety standard 30 CFR 75.1710–1(a) with respect to the subject mines for the reason that the application of such standard will result in a diminution of safety to the miners.

2. Petitioner asserts that technology does not presently exist to enable it to equip its self-propelled electric face equipment with suitable canopies to protect and provide for the safety of the operators of said equipment. Petitioner further asserts that based upon its experience with presently available canopies, the use of such canopies results in a diminution of safety to the miners in said mines.

3. The average mining heights for the subject mines and the average four (4) to seven (7) inch decrease in that height as a result of installation of supplemental supports and wedges in accordance with approved roof support plans is as follows:

Mine	Average mining height in inches	
	Without supplemental supports	With supplemental supports
Winifrede No. 4	58	53
Coalburg No. 1	40–70	33–63
Coalburg No. 2	51	47
Stockton No. 2	40–58	36–54

These coal seams also undulate and roll resulting in ascending and descending grades that further limit and prevent the effective use of cabs or canopies.

4. Operators of face equipment, including shuttle car operators, are under permanently and/or temporarily supported roof at all times. Such roof support is deemed satisfactory for all other personnel in the mines including the helpers on self-propelled electric face equipment and these helpers and other personnel freely move about the mines under the protection of MESA approved roof support.

5. Petitioner's experience indicates the application of the mandatory standard will result in a diminution of safety to miners for the following reasons:

(a) Several instances have occurred where canopies became wedged against the roof. In one instance a roof bolt plate caught on a canopy and the result was a back injury to the operator of a machine.

(b) Employees strongly object to operating machinery so equipped and they allege a diminution of safety results from impaired vision and being required to operate in cramped positions. The impaired vision and cramped positions cause the following hazards and unsafe practices:

(1) Miners attempt to operate a machine while standing between it and the rib, thus incurring a risk of being crushed should the machine slue.

(2) The combination of impaired vision and cramped positions cause an operator to expose his body and appendages, such as head and feet, to the risk of being crushed between the machine and rib.

(3) Ingress and egress from the cab is limited which effectively prevents quick escape when mining conditions warrant such escape.

(4) Impaired vision is given (by machine operators) as a major cause for the damaging or severing of power cables by running over them.

(5) Impaired vision subjects the operator and fellow employees to increased risks of injury because the operator cannot adequately see other employees and/or equipment.

6. At present, Petitioner is unaware of any proposed commercially manufactured canopy which could be installed which would provide the same degree of safety to miners as the complete removal of the canopy would provide.

7. Hence, the alternate method Petitioner proposes to establish, in lieu of the mandatory standard, is the elimination of canopies on its face machinery, including shuttle cars, until such time as technology establishes beyond doubt that canopies can be safely used in Petitioner's mines.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MARCH 24, 1976.

[FR Doc.76-9214 Filed 3-31-76;8:45 am]

[Docket No. M 76-127]

EASTERN ~~OIL~~ COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Eastern Coal Corporation has filed a petition to modify the application of 30 CFR 75.1710 to its following mines:

1. *STONE #8 MINE.* This mine is located in Stone, Kentucky, and operates 2 working sections in seam heights of 42 to 54 inches, using continuous miners with associated roof bolters, scoops and shuttle cars with heights from 24–34 inches.

2. *A–4 MINE.* This mine is located at Stone, Kentucky, and operates 2 working sections in seam heights of 38 to 52 inches, using continuous miners with associated roof bolters, scoops and shuttle cars with heights from 24 to 34 inches.

3. *A–5 MINE.* This mine is located at Stone, Kentucky, and operates 1 working section in seam heights of 42 to 54 inches, using continuous miners with associated roof bolters, scoops and shuttle cars with heights from 24 to 34 inches.

4. *B–2 MINE.* This mine is located at Stone, Kentucky, and operates 1 working section in seam heights of 34 to 50 inches using continuous miners with associated roof bolters, scoops and shuttle cars with heights from 24 to 34 inches.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner is constantly encountering undulations in the height of its coal seam.

2. As a result of the undulations in seam height the likelihood of jamming the canopy against the roof is increased. Moreover, safe clearance from the roof is not assured in that roof bolts have been and will continue to be sheared or dislodged thereby creating a greater risk of roof fall and injury to employees than would exist otherwise.

3. Technology in the industry is not available to design, and install canopies on existing equipment which will protect the operators in the conditions described above, insure visibility and safe operability, and prevent the hazards described herein. Instead, results of attempts to do so have included the following:

(a) Cramped and awkward operator positions cause operators to leave cabs more frequently, and in situations which expose them to hazards of mining equipment.

(b) Poor visibility causes operators to put their heads outside of the equipment, which exposes them to hazards of moving equipment.

(c) Changes in conditions after installation of canopies, caused by variations in seam height and undulations, cause equipment clearance to be inadequate and cause collisions with the top, sheared roof bolts, damaged cross beams, and destroyed equipment and roof support.

4. Existence of the cab itself becomes a hazard in seams, or in portions of seams, in which the Petitioner operates as described above, because present equipment known to the Petitioner limits the paths of escape of an operator faced with a roof or rib fall in a confined space.

5. Much of the equipment used in these mines was not manufactured or designed for the installation of canopies and Petitioner has been unable to construct or purchase suitable canopies without encountering all of the foregoing problems.

6. In petitioning for modification of the mandatory standard herein, Petitioner is forced to request relief from all time limits set forth in 30 CFR 75.1710–1 as applied to date because of the variations described above within each mine. The standard prescribed time limits for use of canopies based upon maximum height within a mine. If the standard becomes immediately applicable throughout the mine, Petitioner is being forced to install canopies in the lower reaches of coal before other coal mine operators in like situations. If the different time limits are to apply to the separate mining sections or other areas in the mines, then Petitioner is faced with a vague situation as mining uncovers new conditions and he is faced with little time to comply or a situation where compliance is impossible as described herein, and his mine may be rendered worthless.

7. In view of all of the foregoing, Petitioner requests that since the standard involved herein will result in a diminution of safety at its mines, and since technology is not available at present to satisfactorily accomplish the desired result of increased safety, the standard be modified to not require petitioner to install canopies at its mines.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MARCH 24, 1976.

[FR Doc.76-9215 Filed 3-31-76;8:45 am]

[Docket No. M 76-115]

FLORENCE MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Florence Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its Florence No. 1 Mine (Robinson and Blacklick Portals), its Florence No. 2 Mine, and its Dias Mine, all located in Indiana County, Pennsylvania.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710–1 which in pertinent part provides:

Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. By memorandum to all district managers dated September 20, 1973, the MESA Acting Assistant Administrator interpreted the above sections to mean that that mining heights listed in 30 CFR 75.1710–1 were "the distance from the floor to the finished roof less 12 inches."

2. The *actual* mine heights (from which 12 inches must be subtracted to determine "mining height" for purposes of the regulations) at the Florence No. 1 (Robinson and Blacklick Portals), Florence No. 2 and Dias Mines are as follows:

Mine	Mine heighth in inches	
	Minimum	Average
Florence No. 1 (Blacklick Portal)	48	65
Florence No. 1 (Robinson Portal)	46	75
Florence No. 2	44	62
Dias	36	41

3. The design characteristics of the electrical face equipment presently in use at the subject mines will not permit the installation of cabs or canopies which will allow the operator proper vision for safe operation of the equipment while remaining under the cab or canopy.

4. The design characteristics of the electrical face equipment presently in use at the subject mines will not permit the installation of cabs or canopies which will clear the top in areas where the equipment must operate in these mines.

5. The design characteristics of the electrical face equipment presently in use at the subject mines will not permit the installation of cabs or canopies which will allow the operator to rapidly escape the confines of such cabs or canopies in the event of an emergency.

6. Operators of canopied equipment have complained of cramped conditions therein which induce fatigue and, therefore, an impairment of alertness and safety. In addition, the inconvenience to the operators has been known to induce them to attempt to operate equipment from outside the canopy, thereby exposing themselves and fellow workers to further hazard.

7. Because of reduced vision, operators have and may continue to lean out of the cab while in motion, thereby exposing themselves to danger.

8. In traveling over undulating surfaces, the operators strike their heads on the top of the canopy. Other injuries have also occurred involving the use of canopies.

9. Petitioner has experimented with various cab and canopy designs on the electrical face equipment presently in use but has not been able either to develop or purchase an effective and safe configuration which will eliminate the hazards set forth above.

10. MESA's Technical Support Group has been unable to provide Petitioner with suggestions or methods of alleviating the hazards referred to above.

11. Numerous UMW members employed at Petitioner's mines have complained that installation of cabs or canopies on the present electrical face equipment in the coalbed heights shown will reduce safety. In some cases UMW members have threatened to stop work if they are required to operate electrical face equipment hampered by a cab or canopy which creates the hazards described above.

12. Petitioner contends that application of 30 CFR 75.1710 and 1710–1(a) (4–5) to its present electrical face equipment in the coalbed heights shown in paragraph 2 at its Florence No. 1 (Robinson and Blacklick Portals), Florence No. 2, and Dias Mines will result in a diminution of safety in the operation of said equipment.

13. Petitioner proposes the following alternative method for maintenance of safe roof and rib conditions in connection with operation of its presently used electric face equipment at the subject mines:

(a) Petitioner will replace its present electrical face equipment as that equipment wears out with new redesigned smaller equipment with cabs or canopies installed to the extent that the cabs or canopies on such new equipment may be developed to satisfy the human and

physical engineering problems identified in paragraphs 3 through 8 above.

(b) Petitioner will continue to perform research in order to develop an experimental design of a cab or canopy which will overcome or alleviate the human and physical engineering problems outlined in paragraphs 3 through 8 of this petition.

(c) If a workable design is discovered, said design will be implemented for evaluation by Petitioner, MESA and UMW personnel under actual working conditions. If said operation is successful, Petitioner will retrofit those pieces of electrical face equipment with the form of cab or canopy for which successful evaluation has been made.

(d) Petitioner will affirmatively seek ideas from UMW personnel as to designs for cabs and canopies for use in low coal.

(e) Petitioner will, by letter, advise MESA's local District Manager with jurisdiction over the subject mines of the progress being made if requested by the District Manager.

(f) In addition to complying with the roof control plan in effect at each of the subject mines, Petitioner will reinstruct all face workers and section supervisory and inspection personnel in roof and rib fall recognition and prevention techniques as well as safe equipment operation.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MARCH 24, 1976.

[FR Doc.76-9216 Filed 3-31-76;8:45 am]

[Docket No. M 76-116]

HELEN MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Helen Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its Homer City Mine located in Indiana County, Pennsylvania.

30 CFR 75.1710 provides:

> An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710-1 which in pertinent part provides:

> Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:
>
> (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
>
> (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
>
> (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
>
> (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
>
> (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and
>
> (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. By memorandum to all district managers dated September 20, 1973, the MESA Acting Assistant Administrator interpreted the above sections to mean that the mining heights listed in 30 CFR 75.1710-1 were "the distance from the floor to the finished roof less 12 inches."

2. The *actual* mine heights (from which 12 inches must be subtracted to determine "mining height" for purposes of the regulations) at the Homer City Mine are as follows:
Minimum mine height: 46 inches.
Average mine height: 56 inches.

3. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit the installation of cabs or canopies which will allow the operator proper vision for safe operation of the equipment while remaining under the cab or canopy.

4. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit the installation of cabs or canopies which will clear the top in areas where the equipment must operate in this mine.

5. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit the installation of cabs or canopies which will allow the operator to rapidly escape the confines of such cabs or canopies in the event of an emergency.

6. Operators of canopied equipment have complained of cramped conditions therein which induce fatigue and, therefore, an impairment of alertness and safety. In addition, the inconvenience to the operators has been known to induce them to attempt to operate equipment from outside the canopy, thereby exposing themselves and fellow workers to further hazard.

7. Because of reduced vision, operators have and may continue to lean out of the cab while in motion, thereby exposing themselves to danger.

8. In traveling over undulating surfaces, the operators strike their heads on the top of the canopy. Other injuries have also occurred involving the use of canopies.

9. Petitioner has experimented with various cab and canopy designs on the electrical face equipment presently in use but has not been able either to develop or purchase an effective and safe configuration which will eliminate the hazards set forth above.

10. MESA's Technical Support Group has been unable to provide Petitioner with suggestions or methods of alleviating the hazards referred to above.

11. Numerous UMW members employed at Petitioner's mines have complained that installation of cabs or canopies on the present electrical face equipment in the coalbed heights shown will reduce safety. In some cases UMW members have threatened to stop work if they are required to operate electrical face equipment hampered by a cab or canopy which creates the hazards described above.

12. Petitioner contends that application of 30 CFR 75.1710 and 1710-1(a) (4-5) to its present electrical face equipment in the coalbed heights shown in paragraph 2 at its Homer City Mine will result in a diminution of safety in the operation of said equipment.

13. Petitioner proposes the following alternative method for maintenance of safe roof and rib conditions in connection with operation of its presently used electrical face equipment at the subject mine:

(a) Petitioner will replace its present electrical face equipment as that equipment wears out with new redesigned smaller equipment with cabs or canopies installed to the extent that the cabs or canopies on such new equipment may be developed to satisfy the human and physical engineering problems identified in paragraphs 3 through 8 above.

(b) Petitioner will continue to perform research in order to develop an experimental design of a cab or canopy which will overcome or alleviate the human and physical engineering problems outlined in paragraphs 3 through 8 of this petition.

(c) If a workable design is discovered, said design will be implemented for evaluation by Petitioner, MESA and UMW personnel under actual working conditions. If said operation is successful, Petitioner will retrofit those pieces of electrical face equipment with the form of cab or canopy for which successful evaluation has been made.

(d) Petitioner will affirmatively seek ideas from UMW personnel as to designs for cabs and canopies for use in low coal.

(e) Petitioner will, by letter, advise MESA's local District Manager with jurisdiction over the subject mine of the progress being made if requested by the District Manager.

(f) In addition to complying with the roof control plan in effect at the subject mine, Petitioner will reinstruct all face workers and section supervisory and inspection personnel in roof and rib fall recognition and prevention techniques as well as safe equipment operation.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MARCH 24, 1976.

[FR Doc.76-9217 Filed 3-31-76;8:45 am]

[Docket No. M 76-128]

JEWELL RIDGE COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Jewell Ridge Coal Corporation has filed a petition to modify the application of 30 CFR 75.1710 to its following mines located near Jewell Valley, Virginia:

1. *SEABOARD NO. 1 MINE.* This mine operates four continuous mining sections using the continuous miners in association with roof bolters and shuttle cars, with seam heights from 42 to 72 inches.

2. *SEABOARD NO. 2 MINE.* This mine operates three continuous mining sections using the continuous miners in association with roof bolters and shuttle cars, with seam heights from 42 to 72 inches.

3. *TILLER MINE.* This mine operates four continuous mining sections using the continuous miners in association with roof bolters and shuttle cars with seam heights from 40 to 60 inches.

4. *NO. 11 MINE.* This mine operates two continuous mining sections using the continuous miner in association with roof bolters and battery tractors as well as three conventional sections with cutting machines, loading machines, roof bolters and battery tractors, with seam heights from 25 to 34 inches.

5. *NO. 11C MINE.* This mine operates one continuous mining section using the continuous miner in association with the roof bolter and battery tractors with seam heights from 25 to 34 inches.

6. *No. 12A MINE.* This mine operates two continuous mining sections using the continuous miners in association with roof bolters and shuttle cars as well as two conventional sections with cutting machines, loading machines, roof bolters and shuttle cars with seam heights from 30 to 38 inches.

7. *NO. 12 MINE.* This mine operates three continuous mining sections using the continuous miner in association with roof bolters and shuttle cars as well as one conventional section with a cutting machine, loading machine, roof bolter and shuttle cars, with seam heights from 40 to 60 inches.

8. *NO. 18A. MINE.* This mine operates three continuous mining sections using continuous miners in association with roof bolters and shuttle cars, with seam heights from 25 to 36 inches.

9. *NO. 18 MINE.* This mine operates two continuous mining sections using the continuous miner in association with roof bolters, and shuttle cars as well as one conventional section with a cutting machine, loading machine, roof bolter and shuttle cars, with seam heights from 40 to 72 inches.

10. In all of these mines, top rock must be taken to operate with miners and shuttle cars and with canopies. This can be done in places where strata separates and allows removal. This cannot be done where the strata does not come away, and when top rock is disturbed, roof becomes difficult to control.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner is constantly encountering undulations in the height of its coal seam.

2. As a result of the undulations in seam height the likelihood of jamming the canopy against the roof is increased. Moreover, safe clearance from the roof is not assured in that roof bolts have been and will continue to be sheared or dislodged thereby creating a greater risk of roof fall and injury to employees than would exist otherwise.

3. Technology in the industry is not available to design, and install canopies on existing equipment which will protect the operators in the conditions described above, insure visibility and safe operability, and prevent the hazards described herein. Instead, results of attempts to do so have included the following:

(a) Cramped and awkward operator positions cause operators to leave cabs more frequently, and in situations which expose them to hazards of mining equipment.

(b) Poor visibility causes operators to put their heads outside of the equipment, which exposes them to hazards of moving equipment.

(c) Changes in conditions after installation of canopies, caused by variations in seam height and undulations, cause equipment clearance to be inadequate and cause collisions with the top, sheared roof bolts, damaged cross beams, and destroyed equipment and roof support.

4. Existence of the cab itself becomes a hazard in seams, or in portions of seams, in which the Petitioner operates as described above, because present equipment known to the Petitioner limits the paths of escape of an operator faced with a roof or rib fall in a confined space.

5. Much of the equipment used in these mines was not manufactured or designed for the installation of canopies and Petitioner has been unable to construct or purchase suitable canopies without encountering all of the foregoing problems.

6. In petitioning for modification of the mandatory standard herein, Petitioner is forced to request relief from all time limits set forth in 30 CFR 75.1710-1 as applied to date because of the variations described above within each mine. The standard prescribed time limits for use of canopies based upon maximum height within a mine. If the standard becomes immediately applicable throughout the mine, Petitioner is being forced to install canopies in the lower reaches of coal before other coal mine operators in like situations. If the different time limits are to apply to the separate mining sections or other areas in the mines, then Petitioner is faced with a vague situation as mining uncovers new conditions and he is faced with little time to comply or a situation where compliance is impossible as described herein, and his mine may be rendered worthless.

7. In view of all of the foregoing, Petitioner requests that since the standard involved herein will result in a diminution of safety at its mines, and since technology is not available at present to satisfactorily accomplish the desired result of increased safety, the standard be modified to not require Petitioner to install canopies at its mines.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

MARCH 24, 1976.

[FR Doc.76-9218 Filed 3-31-76;8:45 am]

[Docket No. M 76-241]

KANAWHA COAL CO.
Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Kanawha Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Madison Mine No. 1 and its Madison Mine No. 2, both located in Boone County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines have mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. This petition for modification relates to areas of Madison Mine No. 1 and Madison Mine No. 2, of Kanawha Coal Company, wherein the mining heights are less than forty-eight (48) inches. It is the operator's position that the application of the mandatory standard in such areas will result in the diminution of safety to miners in the following specific respects:

(a) The installation of said canopies will severely restrict the vision offered to operators of the equipment.

(b) The installation of said canopies will create the added danger of impact between the canopies and roof or rib sections.

(c) The installation of said canopies in areas where the mining height is less than forty-eight (48) inches will create dangerous and crowded seating conditions for the operators of the equipment.

(d) The installation of said canopies, by decreasing the vision of the operators of the equipment, will necessarily increase the probability of said equipment impacting with other equipment, temporary or permanent support members, or workers in the mining area.

2. Petitioner is of the opinion and is prepared to offer evidence to the effect that the technology available with respect to installation of canopies under the particular conditions in certain sections of its mines is not advanced to such a degree as to allow the application of such technology from a practical and financial standpoint. In addition, an attempted installation of said canopies under these specific conditions will result in a diminution of safety to miners.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 3, 1976. such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MARCH 24, 1976.

[FR Doc.76-9219 Filed 3-31-76;8:45 am]

[Docket No. M 76-118]

NACCO MINING CO.
Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Nacco Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its Aulds Run No. 2 Mine, its Conemaugh No. 1 Mine and its Josephine No. 2 Mine, all located in Indiana County, Pennsylvania.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. By memorandum to all district managers dated September 20, 1973, the MESA Acting Assistant Administrator interpreted the above sections to mean that the mining heights listed in 30 CFR 75.1710-1 were "the distance from the floor to the finished roof less 12 inches."

2. The *actual* mine heights (from which 12 inches must be subtracted to determine "mining height" for purposes of the regulations) at the Aulds Run No. 2, Conemaugh No. 1, and Josephine No. 2 Mines are as follows:

	Mine height in inches	
	Minimum	Average
Aulds Run No. 2	39	42
Conemaugh No. 1	50	61
Josephine No. 2	36	38

3. The design characteristics of the electrical face equipment presently in use at the subject mines will not permit the installation of cabs or canopies which will allow the operator proper vision for safe operation of the equipment while remaining under the cab or canopy.

4. The design characteristics of the electrical face equipment presently in use at the subject mines will not permit the installation of cabs or canopies which will clear the top in areas where the equipment must operate in these mines.

5. The design characteristics of the electrical face equipment presently in use at the subject mines will not permit the installations of cabs or canopies which will allow the operator to rapidly escape the confines of such cabs or canopies in the event of an emergency.

6. Operators of canopied equipment have complained of cramped conditions therein which induce fatigue and, therefore, an impairment of alertness and safety. In addition, the inconvenience to the operators has been known to induce them to attempt to operate equipment from outside the canopy, thereby exposing themselves and fellow workers to further hazard.

7. Because of reduced vision, operators have and may continue to lean out of the cab while in motion, thereby exposing themselves to danger.

8. In traveling over undulating surfaces, the operators strike their heads

on the top of the canopy. Other injuries have also occurred involving the use of canopies.

9. Petitioner has experimented with various cab and canopy designs on the electrical face equipment presently in use but has not been able either to develop or purchase an effective and safe configuration which will eliminate the hazards set forth above.

10. MESA's Technical Support Group has been unable to provide Petitioner with suggestions or methods of alleviating the hazards referred to above.

11. Numerous UMW members employed at Petitioner's mines have complained that installation of cabs or canopies on the present electrical face equipment in the coalbed heights shown will reduce safety. In some cases UMW members have threatened to stop work if they are required to operate electrical face equipment hampered by a cab or canopy which creates the hazards described above.

12. Petitioner contends that application of 30 CFR 75.1710 and 1710–1(a) (4–5) to its present electrical face equipment in the coalbed heights shown in paragraph 2 at its Aulds Run No. 2, Conemaugh No. 1, and Josephine No. 2 Mines will result in a diminution of safety in the operation of said equipment.

13. Petitioner proposes the following alternative method for maintenance of safe roof and rib conditions in connection with operation of its presently used electrical face equipment at the subject mines:

(a) Petitioner will replace its present electrical face equipment as that equipment wears out with new redesigned smaller equipment with cabs or canopies installed to the extent that the cabs or canopies on such new equipment may be developed to satisfy the human and physical engineering problems identified in paragraphs 3 through 8 above.

(b) Petitioner will continue to perform research in order to develop an experimental design of a cab or canopy which will overcome or alleviate the human and physical engineering problems outlined in paragraphs 3 through 8 of this petition.

(c) If a workable design is discovered, said design will be implemented for evaluation by Petitioner, MESA and UMW personnel under actual working conditions. If said operation is successful, Petitioner will retrofit those pieces of electrical face equipment with the form of cab or canopy for which successful evaluation has been made.

(d) Petitioner will affirmatively seek ideas from UMW personnel as to designs for cabs and canopies for use in low coal.

(e) Petitioner will, by letter, advise MESA's local District Manager with jurisdiction over the subject mines of the progress being made if requested by the District Manager.

(f) In addition to complying with the roof control plan in effect at the subject mines, Petitioner will reinstruct all face workers and section supervisory and inspection personnel in roof and rib fall recognition and prevention techniques as well as safe equipment operation.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MARCH 24, 1976.

[FR Doc.76-9220 Filed 3-31-76;8:45 am]

[Docket No. M 76-117]

ONEIDA MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Oneida Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 4 Mine located in Indiana County, Pennsylvania.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710–1 which is pertinent part provides:

Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. By memorandum to all district managers dated September 20, 1973, the MESA Acting Assistant Administrator interpreted the above sections to mean that the mining heights listed in 30 CFR 75.1710–1 were "the distance from the floor to the finished roof less 12 inches."

2. The *actual* mine heights (from which 12 inches must be subtracted to determine "mining height" for purposes of the regulations) at the Oneida No. 4 Mine are as follows:

Minimum mine height: 30 inches.
Average mine height: 36 inches.

3. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit the installation of cabs or canopies which will allow the operator proper vision for safe operation of the equipment while remaining under the cab or canopy.

4. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit the installation of cabs or canopies which will clear the top in areas where the equipment must operate in this mine.

5. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit the installation of cabs or canopies which will allow the operator to rapidly escape the confines of such cabs or canopies in the event of an emergency.

6. Operators of canopied equipment have complained of cramped conditions therein which induce fatigue and, therefore, an impairment of alertness and safety. In addition, the inconvenience to the operators has been known to induce them to attempt to operate equipment from outside the canopy, thereby exposing themselves and fellow workers to further hazard.

7. Because of reduced vision, operators have and may continue to lean out of the cab while in motion, thereby exposing themselves to danger.

8. In traveling over undulating surfaces, the operators strike their heads on the top of the canopy. Other injuries have also occurred involving the use of canopies.

9. Petitioner has experimented with various cab and canopy designs on the electrical face equipment presently in use but has not been able either to develop or purchase an effective and safe configuration which will eliminate the hazards set forth above.

10. MESA's Technical Support Group has been unable to provide Petitioner with suggestions or methods of alleviating the hazards referred to above.

11. Numerous UMW members employed at Petitioner's mines have complained that installation of cabs or canopies on the present electrical face equipment in the coalbed heights shown will reduce safety. In some cases UMW members have threatened to stop work if they are required to operate electrical face equipment hampered by a cab or

canopy which creates the hazards described above.

12. Petitioner contends that application of 30 CFR 75.1710 and 1710-1(a)(5) to its present electrical face equipment in the coalbed heights shown in paragraph 2 at its Oneida No. 4 Mine will result in a diminution of safety in the operation of said equipment.

13. Petitioner proposes the following alternative method for maintenance of safe roof and rib conditions in connection with operation of its presently used electric face equipment at the subject mine:

(a) Petitioner will replace its present electrical face equipment as that equipment wears out with new redesigned smaller equipment with cabs or canopies installed to the extent that the cabs or canopies on such new equipment may be developed to satisfy the human and physical engineering problems identified in paragraphs 3 through 8 above.

(b) Petitioner will continue to perform research in order to develop an experimental design of a cab or canopy which will overcome or alleviate the human and physical engineering problems outlined in paragraphs 3 through 8 of this petition.

(c) If a workable design is discovered, said design will be implemented for evaluation by Petitioner, MESA and UMW personnel under actual working conditions. If said operation is successful, Petitioner will retrofit those pieces of electrical face equipment with the form of cab or canopy for which successful evaluation has been made.

(d) Petitioner will affirmatively seek ideas from UMW personnel as to designs for cabs and canopies for use in low coal.

(e) Petitioner will, by letter, advise MESA's local District Manager with jurisdiction over the subject mine of the progress being made if requested by the District Manager.

(f) In addition to complying with the roof control plan in effect at the subject mine, Petitioner will reinstruct all face workers and section supervisory and inspection personnel in roof and rib fall recognition and prevention techniques as well as safe equipment operation.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MARCH 24, 1976.

[FR Doc.76-9221 Filed 3-31-76;8:45 am]

[Docket No. M 76-143]

SCOTIA COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Scotia Coal Company has filed a petition to modify the application of 30 CFR 77.215 to its Scotia Mine located in Letcher County, Kentucky.

30 CFR 77.215 provides:

(a) Refuse deposited on a pile shall be spread in layers and compacted in such a manner so as to minimize the flow of air through the pile.

(b) Refuse shall not be deposited on a burning pile except for the purpose of controlling or extinguishing a fire.

(c) Clay or other sealants shall be used to seal the surface of any refuse pile in which a spontaneous ignition has occurred.

(d) Surface seals shall be kept intact and protected from erosion by drainage facilities.

(e) Refuse piles shall not be constructed so as to impede drainage or impound water.

(f) Refuse piles shall be constructed in such a manner as to prevent accidental sliding and shifting of materials.

(g) No extraneous combustible material shall be deposited on refuse piles.

(h) After October 31, 1975, new refuse piles and additions to existing refuse piles shall be constructed in compacted layers not exceeding 2 feet in thickness and shall not have any slope exceeding 2 horizontal to 1 vertical (approximately 27°) except that the District Manager may approve construction of a refuse pile in compacted layers exceeding 2 feet in thickness and with slopes exceeding 27° where engineering data substantiates that a minimum safety factor of 1.5 for the refuse pile will be attained.

(i) Foundations for new refuse piles and additions to existing refuse piles shall be cleared of all vegetation and undesirable material that according to current, prudent engineering practices would adversely affect the stability of the refuse pile.

(j) All fires in refuse piles shall be extinguished, and the method used shall be in accordance with a plan approved by the District Manager. The plan shall contain as a minimum, provisions to ensure that only those persons authorized by the operator, and who have an understanding of the procedure to be used, shall be involved in the extinguishing operation.

The substance of Petitioner's statement is as follows:

1. The above regulation was effective November 1, 1975, and the portion of same about which the Petitioner seeks a modification is paragraph (j) above set out.

2. The refuse pile for which Petitioner seeks a modification is a refuse pile of several years duration which is not in active use in that no refuse is being added to same. The refuse pile has not been in active use for several years and was not in active use on November 1, 1975, the effective date of the regulation sought to be modified. Further, the particular refuse pile in question is located approximately one-quarter of a mile from Petitioner's preparation plant on Meeting House Branch off of Poor Fork River. This refuse pile is not on or near active mine workings. The closest that any of the employees come to the said refuse pile is in travelling on a road located within some 20 to 25 feet of the said refuse pile.

3. This particular refuse pile has burned for a considerable period of time and there is a great probability that caverns in the burning areas now exist which are so extensive as to weaken the surface of the said refuse pile and increase the possibility of a cave-in. Therefore, in the opinion of Petitioner, it would be a hazard to life to attempt to seal this particular refuse pile by means of clay or other sealant or to slope the said refuse pile by the use of men and machinery as it is probable that this would create a cave-in and thus result in the loss of life and equipment.

4. Presently, while this refuse pile is burning, it is creating little disturbance of the surrounding area by smoke or other noxious fumes. Any disturbance would create additional smoke and noxious fumes by exposing other portions of this refuse pile to air and would result in a hazard not only to life through the said smoke fumes and burning particles but would pollute the surrounding area before the same could be extinguished, if it could in fect be extinguished. It is the Petitioner's contention, as a result of its study of this area, that in the present smoldering condition the refuse pile is no hazard to the surrounding area or to the mining personnel.

5. To the knowledge of the Petitioner the only methods for the extinguishment of a burning refuse pile such as the one in question are the use of the grouting method or the sealing method through clay or other type material. In the present location of this refuse pile neither of these methods would be effective in the extinguishment of this fire but instead would create other hazards. This particular refuse pile is located in a head of a hollow or a ravine which drains toward the river and preparation plant of the Petitioner. The grouting method and the sealing method would both have the effect of creating a dam behind this refuse pile therefore impounding water and eventually causing a greater hazard to persons and property below the said refuse pile. Further, the regulations sought to be modified under paragraph (e) thereof prohibits such refuse pile from being constructed in such a manner as to impede drainage or impound water. To grout or seal this particular refuse pile would have that very effect.

6. Petitioner states that if it were required to seal the said refuse pile by clay or other sealant the result would be a dis-

turbance of other properties unnecessarily for the removal of clay or other suitable material to place on this said refuse pile. There are no properties in the present location containing this type of materials and it would be necessary to haul these materials for a considerable distance and thus possibly create a hazard in other areas by the removal of same.

7. As the situation presently exists, local county governments have requested of the Petitioner and the Petitioner has permitted, free of charge, their use of burned out portions of this refuse pile for maintenance upon their county roads and highways. By the doing of this the counties are in effect disposing of this refuse pile and if it is permitted to remain in ths present condition, it will eventually all be dsposed of and removed.

8. Petitioner proposes the following as an alternative to the regulation requiring the submission of a plan and extinguishment of fires in refuse piles:

(a) The surrounding area bordering the refuse pile be cleaned and all combustible material which may come in contact with the refuse pile be removed.

(b) That a suitable barrier be erected to prohibit vehicular and pedestrian traffic from entering in and about or running over into the location of the said refuse pile.

(c) That as the various portions of the said refuse pile burn out, the material be removed as is presently being done and has been done in the past by local county governments for use as maintenance on their roads and by Petitioner for use as maintenance on its roads.

9. The alternate proposal of the Petitioner would in effect, in the location of this particular refuse pile, effectively make the area safe for vehicular and pedestrian traffic, eliminate the possibility of loss of life through the excavation or sealing or grouting of same, and insure, the eventual complete removal of the said refuse pile from the area restoring the surrounding properties to their natural contour. Further, apart from loss of an opportunity to realistically improve coal mine safety, irreparable harm could result if the requirements of 77.215 were insisted upon prior to disposition of this Petition for Modification.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MARCH 24, 1976.

[FR Doc.76-9222 Filed 3-31-76;8:45 am]

[Docket No. M 76-131]

SEWELL COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Sewell Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its following mines:

1. *SEWELL NO. 1 MINE.* This mine is located at Nettie, West Virginia, and operates five mining sections in seam heights of 39 to 84 inches, with associated roof bolters, shuttle cars and battery scoops with heights from 28 to 48 inches. Primary problems and hazards occur in this mine due to abrupt changes in seam heights and undulations in mine floor.

2. *SEWELL NO. 1A MINE.* This mine is located at Nettie, West Virginia, and operates three mining sections in seam heights of 42 to 144 inches, with associated roof bolters, shuttle cars and battery scoops with heights from 28 to 50 inches. Primary problems occur in this mine due to abrupt changes in seam heights and undulations in mine floor.

3. *SEWELL NO. 2 MINE.* This mine is located at Nettie, West Virginia, and operates one section in seam heights of 27 to 50 inches, with associated roof bolters, shuttle cars and battery scoops with heights from 22 to 26 inches. Primary problems and hazards occur in this mine due to abrupt changes in seam heights and undulations in mine floor.

4. *SEWELL NO. 4 MINE.* This mine is locataed at Nettie, West Virginia, and operates seven sections in seam heights of 27 to 144 inches, shuttle cars and battery scoops with heights from 22 to 50 inches. Primary problems and hazards occur in this mine due to abrupt changes in seam heights and undulations in mine floor.

5. *MEADOW RIVER NO. 1 MINE.* This mine is located at Nettie, West Virginia, and operates four mining sections in seam heights of 36 to 54 inches, with associated roof bolters, shuttle cars and battery scoops with hights from 22 to 32 inches. Primary problems and hazards occur in this mine due to abrupt changes in seam heights and undulations in mine floor.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner is constantly encountering undulations in the height of its coal seam.

2. As a result of the undulations in seam height the likelihood of jamming the canopy against the roof is increased. Moreover, safe clearance from the roof is not assured in that roof bolts have been and will continue to be sheared or dislodged thereby creating a greater risk of roof fall and injury to employees than would exist otherwise.

3. Technology in the industry is not available to design, and install canopies on existing equipment which will protect the operators in the conditions described above, insure visibility and safe operability, and prevent the hazards described herein. Instead, results of attempts to do so have included the following:

(a) Cramped and awkward operator positions cause operators to leave cabs more frequently, and in situations which expose them to hazards of mining equipment.

(b) Poor visibility causes operators to put their heads outside of the equipment, which exposes them to hazards of moving equipment.

(c) Changes in conditions after installation of canopies, caused by variations in seam heights and undulations, cause equipment clearance to be inadequate and cause collisions with the top, sheared roof bolts, damaged cross beams, and destroyed equipment and roof support.

4. Existence of the cab itself becomes a hazard in seams, or in portions of seams, in which the Petitioner operates as described above, because present equipment known to the Petitioner limits the path of escape of an operator faced with a roof or rib fall in a confined space.

5. Much of the equipment used in these mines was not manufactured or designed for the installation of canopies and Petitioner has been unable to construct or purchase suitable canopies without encountering all of the foregoing problems.

6. In petitioning for modification of the mandatory standard herein, Petitioner is forced to request relief from all time limits set forth in 30 CFR 75.1710-1 as applied to date because of the variations described above within each mine.

The standard prescribes time limitations for use of canopies based upon maximum height within a mine. If the standard becomes immediately applicable throughout the mine, Petitioner is being forced to install canopies in the lower reaches of coal before other coal mine operators in like situations. If the different time limits are to apply to the separate mining sections or other areas in the mines, then Petitioner is faced with a vague situation as mining uncovers new conditions and he is faced with little time to comply or a situation where compliance is impossible as described herein, and his mine may be rendered worthless.

7. In view of all of the foregoing, Petitioner requests that since the standard involved herein will result in a diminution of safety at its mines, and since technology is not available at present to satisfactorily accomplish the desired result of increased safety, the standard be modified to not require Petitioner to install canopies at its mines.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MARCH 24, 1976.

[FR Doc.76-9223 Filed 3-31-76;8:45 am]

[Docket No. M 76-132]

SNAP CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Snap Creek Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its following mines:

1. *Snap Creek No. 6 Mine.* This mine is located near Lyburn, West Virginia, and operates two (2) sections in seam heights from 32 to 42 inches, using coal drills, cutters and loaders, and associated roof bolters and shuttle cars, of heights from 24 to 36 inches.

2. *Snap Creek No. 7 Mine.* This mine is located near Lyburn, West Virginia, and operates one (1) section in seam heights from 29 to 32 inches, using coal drills, cutters and loaders, and associated roof bolters and shuttle cars, with heights of 24 to 35 inches.

3. Principal problems in attempting to use canopies at these mines has been shearing of roof bolts and refusal of individual miners to operate the equipment.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner is constantly encountering undulations in the height of its coal seam.

2. As a result of the undulations in seam height the likelihood of jamming the canopy against the roof is increased. Moreover, safe clearance from the roof is not assured in that roof bolts have been and will continue to be sheared or dislodged thereby creating a greater risk of roof fall and injury to employees than would exist otherwise.

3. Technology in the industry is not available to design, and install canopies on existing equipment which will protect the operators in the conditions described above, insure visibility and safe operability, and prevent the hazards described herein. Instead, results of attempts to do so have included the following:

(a) Cramped and awkward operator positions cause operators to leave cabs more frequently, and in situations which expose them to hazards of mining equipment.

(b) Poor visibility causes operators to put their heads outside of the equipment, which exposes them to hazards of moving equipment.

(c) Changes in conditions after installation of canopies, caused by variations in seam heights and undulations, cause equipment clearance to be inadequate and cause collisions with the top, sheared roof bolts, damaged cross beams, and destroyed equipment and roof support.

4. Existence of the cab itself becomes a hazard in seams, or in portions of seams, in which the Petitioner operates as described above, because present equipment known to the Petitioner limits the path of escape of an operator faced with a roof or rib fall in a confined space.

5. Much of the equipment used in these mines was not manufactured or designed for the installation of canopies and Petitioner has been unable to construct or purchase suitable canopies without encountering all of the foregoing problems.

6. In petitioning for modification of the mandatory standard herein, Petitioner is forced to request relief from all time limits set forth in 30 CFR 75.1710-1 as applied to date because of the variations described above within each mine. The standard prescribes time limitations for use of canopies based upon maximum height within a mine. If the standard becomes immediately applicable throughout the mine, Petitioner is being forced to install canopies in the lower reaches of coal before other coal mine operators in like situations. If the different time limits are to apply to the separate mining sections or other areas in the mines, then Petitioner is faced with a vague situation as mining uncovers new conditions and he is faced with little time to comply or a situation where compliance is impossible as described herein, and his mine may be rendered worthless.

7. In view of all of the foregoing, Petitioner requests that since the standard involved herein will result in a diminution of safety at its mines, and since technology is not available at present to satisfactorily accomplish the desired result of increased safety, the standard be modified to not require Petitioner to install canopies at its mines.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MARCH 24, 1976.

[FR Doc.76-9224 Filed 3-31-76;8:45 am]

[Docket No. M 76-135]

TRIANGLE ENTERPRISES CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Triangle Enterprises Company has filed a petition to modify the application of 30 CFR 75.1710 to its Bren-Mar Mine located in Greene County, Pennsylvania.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner respectfully requests modification of the application of the mandatory safety standard set forth in Section 75.1710–1(a) of Title 30, Code of Federal Regulations, with respect to the Bren-Mar Mine for the reason that the application of such standard to such mine will result in a diminution of safety to the miners.

2. Petitioner avers that technology does not presently exist to enable it to equip the self-propelled electric face equipment in its Bren-Mar Mine with suitable canopies or cabs to protect and provide for the safety of the operators of such self-propelled face equipment.

3. Petitioner further avers that based upon its recent experience with presently available cabs and canopies, the use of these cabs and canopies results in a diminution of safety to the miners in its Bren-Mar Mine. Petitioner's experience indicated the following:

(a) When operating the self-propelled electric face equipment equipped with presently available cabs and canopies in the Bren-Mar Mine, the operators' vision is severely impaired to the point that operation of such equipment becomes hazardous to the operators and to all other persons in the working area.

(b) The use of presently available cabs and canopies on the self-propelled electric face equipment in the Bren-Mar Mine has resulted in close confinement of the operators in the cabs of such equipment.

(c) Because of the combination of the severely limited vision and close confinement of the operators in the cabs of such equipment, the appendages of the operators' bodies, such as their heads, arms, hands or feet, hang out in such manner that said appendages are in jeopardy of being crushed between the equipment and the coal rib.

(d) Ingress to and egress from the cabs of the self-propelled electric face equipment is severely reduced and so limited that the operators are held captive and cannot immediately escape when the action of the roof clearly warrants such retreat.

(e) Because of the severely limited vision, close confinement in the cabs and severely limited ingress to and egress from under the cabs and canopies, operators repeatedly attempt to operate the controls from outside the self-propelled electric face equipment while standing between such equipment and the rib, thus exposing themselves to the severe risk of being crushed and seriously injured.

(f) In the event of machine malfunction, cable damage or power failure of any kind, the operators of the self-propelled electric face equipment may be held captive by the cabs or canopies for an indefinite period.

(g) The operators of the self-propelled electric face equipment in the Bren-Mar Mine are under fully supported roof at all times, which fully supported roof is provided by an approved roof control plan. Such roof support is deemed satisfactory for all other personnel in the mine, including the helpers on the self-propelled electric face equipment. The helpers and other supporting personnel freely move around adjacent to such equipment under the protection of the proper roof support. Hence, the addition of cabs and canopies of the type presently available, rather than providing additional safety for the operators, introduces an instrument capable of inflicting serious bodily harm or death.

4. Petitioner avers that the cabs and canopies which have been installed on the self-propelled electric face equipment in its Bren-Mar Mine and utilized by the miners in said mine diminish rather than increase the overall safety of the miners.

5. At present, Petitioner is unaware of any proposed commercially manufactured canopy or cab which could be installed and utilized by the miners in its Bren-Mar Mine which would provide the same degee of safety to the miners as the complete removal of the cab or canopy would insure.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MARCH 24, 1976.

[FR Doc.76-9225 Filed 3-31-76;8:45 am]

[Docket No. M 76-145]

YOUGHIOGHENY AND OHIO COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), The Youghiogheny and Ohio Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Allison Mine located in Belmont County, Ohio.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. The Petitioner respectfully requests the modification of the mandatory safety standard 30 CFR 75.1710–1(a) with respect to the subject mine for the reason that the application of such standard results in a hazard in various areas of the mine.

2. Petitioner avers that technology does not presently exist to enable it to equip

its self-propelled electric face equipment with suitable canopies to provide for the safety of the operator in various areas of this mine. Petitioner's experience indicates the following:

(a) When canopies of the specified type are installed they come in contact with the roof due to the minor variations of seam height and are torn off and in the process become a hazard to the operators. Further use of these canopies in this mine in the areas where the seam is low will cause injury to the opeartors.

(b) While operating with these canopies installed, the vision of the operators is so reduced that it is hazardous to them and to others in the area.

(c) Due to the combination of limited vision and severe confinement of the operators, they operate the equipment with various parts of their bodies outside the canopies which can result in their getting crushed against the ribs.

(d) Due to the fact that there is only one way in and out of the cab, the operators are held captive if their machines are against the rib. In the case of a power failure or equipment failure and/or fire, entrapment could result.

(e) Due to the severe confinement by the canopy, the operators repeatedly attempt to operate the equipment from outside the capony between the equipment and the rib where they can be crushed.

(f) Roof bolter operators have refused to operate the roof bolters due to the additional hazard created by the overhanging capony when it is lowered.

(g) Canopies have loosened roof bolts thereby setting up an additional serious hazard.

3. The operators of the equipment, except the roof bolter operators who are under approved temporary roof support, are at all times under fully supported roof in accordance with the approved roof bolting plan. Such roof support is considered adequate for all other persons in the mine, including the required helpers on the bolters and the miners. Hence, the addition of canopies in these low coal areas does not provide additional protection and safety and it does introduce an instrument capable of inflicting serious bodily harm or death to the operators and others in the face areas.

4. The Petitioner states that with respect to the low ceiling areas and the rolling bottom, the use of currently available canopies on mobile electrical face equipment severely diminishes rather than increases the overall safety of the miners.

Request for Hearing or Comments. Persons interested in this pettiion may request a hearing on the petition or furnish comments on or before May 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MARCH 24, 1976.

[FR Doc.76-9226 Filed 3-31-76;8:45 am]

National Park Service

ANACOSTIA MARINA, INC.

Intention To Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Anacostia Marina, Inc., authorizing it to continue to provide concession facilities and services for the public in Section E, Anacostia Park, District of Columbia, for a period of approximately six (6) years from date of execution through December 31, 1981.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the National Capital Parks Office, 1100 Ohio Drive, S.W., Washington, D.C. 20242.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing permit, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. However, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before May 3, 1976.

Interested parties should contact the Assistant Director, Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: March 19, 1976.

PHILLIP STEWART,
Acting Associate Director, National Park Service.

[FR Doc. 76-9236 Filed 3-31-76;8:45 am]

MID-ATLANTIC REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Mid-Atlantic Regional Advisory Committee will be held at 9:00 a.m., EST, on April 26, 27, 1976, at the office of the Regional Director at 143 South Third Street, Philadelphia, Pennsylvania.

The Committee was established pursuant to Public Law 91-383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Mid-Atlantic Region of the National Park Service.

The members of the Committee are as follows:

Mr. Hyman J. Cohen
Mrs. Beverly B. Fluty
Mrs. Otto F. Haas
Dr. M. Graham Netting
Mr. Meade Palmer
Mr. Henry G. Parks, Jr.
Mr. John O. Simonds
Mr. John A. H. Sweeney
Mrs. Anne St. Clair Wright

The matters to be discussed at this meeting include:

1. The Bicentennial Program—1976
2. Delaware Water Gap National Recreation Area Master Plan Status and Assateague Island National Seashore Management Plan
3. Post Bicentennial Thrust—Shenandoah and Civil War Areas
4. Fort McHenry—I-95

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact George A. Palmer, Special Assistant to the Regional Director, Mid-Atlantic Regional Office, at Area Code 215-597-7015. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Mid-Atlantic Region, 143 South Third Street, Philadelphia, Pennsylvania, 19106.

Dated: March 22, 1976.

CHESTER L. BROOKS,
Regional Director, Mid-Atlantic Region, National Park Service.

[FR Doc.76-9237 Filed 3-31-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 3]

LOAN PROGRAMS—1973 AND SUBSEQUENT CROP SUPPORT PROGRAMS AND FARM STORAGE AND DRYING EQUIPMENT LOAN PROGRAM

Announcement of Interest Rate

The revised announcement by Commodity Credit Corporation published on page 35403 of the FEDERAL REGISTER of October 1, 1974, as amended in the issue

of March 31, 1975, at page 14347, and further amended in the issue of October 1, 1975, at page 45211, of the rate of interest applicable to price support programs on 1973 and subsequent crops or production and to financing the purchase or construction of farm storage facilities and drying equipment is hereby amended to announce the interest rate on such loans effective April 1, 1976.

Paragraph A1(d) of the announcement is amended to read as follows:

(d) For 1975 crops, loans shall bear interest at the per annum rate of 6.125 percent from the date of disbursement through September 30, 1975, and at the per annum rate of 7.500 percent from October 1, 1975, through March 31, 1977.

Paragraph A1(e) is added to read as follows:

(e) For 1976 crops, loans shall bear interest at the per annum rate of 7.500 percent from date of disbursement. This rate will be effective through March 31, 1977.

Paragraph B is amended to read as follows:

B. Farm Storage and Drying Equipment Loan Program. Loans made for the purchase, construction, erection, or installation of farm storage facilities or drying equipment shall bear interest as follows: Loans disbursed by CCC on applications filed on or after October 1, 1974, shall bear interest at the per annum rate of 9.375 percent from the date of disbursement through March 31, 1975, at the per annum rate of 6.125 percent from April 1, 1975, through September 30, 1975, and at the per annum rate of 7.500 percent from October 1, 1975, through March 31, 1977.

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

Signed at Washington, D.C. on March 24, 1976.

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

[FR Doc.76-9247 Filed 3-31-76;8:45 am]

1975-CROP LOAN COTTON

Acquisition

All outstanding loans on cotton under the 1975 Cotton Loan Program of Commodity Credit Corporation (CCC) mature and are due and payable on the last day of the tenth calendar month from the first day of the month in which the loan (or advance) was made, unless CCC makes demand for payment at an earlier date. If the maturity date falls on a nonworkday for county offices, the date of maturity shall be the next workday. Notice is hereby given that if the borrower or a purchaser of his equity does not redeem the cotton securing any outstanding loan on or before the close of business on the date of maturity and if CCC has not made demand for payment at an earlier date, CCC will, pursuant to the provisions of the loan agreement covering such loan, acquire title to such cotton at the close of business on the maturity date, and title thereto shall, without a sale thereof, vest in CCC at that time: Provided, That, CCC will not acquire title to such cotton if repayment has been mailed to the county ASCS office by letter postmarked (not patron postage meter date stamped) not later than the maturity date. As provided in the loan agreement, CCC will not pay for any market value which the cotton may have in excess of the loan value plus applicable charges and interest. If warehouse receipts representing any such cotton are sent to a local bank at the request of the producer or a purchaser of his equity, the loan value of the cotton, plus charges and interest, must be received by the local bank not later than the close of business on the maturity date.

In the event a producer has made a fraudulent representation in the loan documents or in obtaining the loan, the producer shall be personally liable for any amount by which the amount due on the loan exceeds the market value of the cotton securing the loan as of the date title vests in CCC, as determined by CCC. In the event a person who has filed a Form CCC-813 with a county ASCS office fails to redeem the cotton covered by the Form CCC-813, CCC may elect to purchase the cotton on the maturity date, and such person shall be liable for any amount by which the amount due on the loan on such cotton exceeds the market value of the cotton as of the maturity date, as determined by CCC.

Effective date: April 1, 1976.

Signed at Washington, D.C., on March 24, 1976.

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

[FR Doc.76-9245 Filed 3-31-76;8:45 am]

Forest Service

LAND USE PLAN—SIWASH PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Land Use Plan—Siwash Planning Unit, Forest Service Report Number USDA-FS-R1 (04) DES-Adm-76-14.

The environmental statement concerns the proposed implementation of a revised Land Use Plan for the Siwash Planning Unit, Avery Ranger District, St. Joe National Forest, Shoshone County, Idaho. About 29,200 acres of National Forest land are affected. The planning unit is divided into eight subunits of similar resource potential and management emphasis. Significant values, management direction, and specific statements to guide land management have been developed for each subunit.

This draft environmental statement was transmitted to CEQ on March 22, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.

USDA, Forest Service, Northern Region, Federal Building, Missoula, Montana 59801.

USDA, Forest Service, Idaho Panhandle National Forests, 218 North 23rd St., Coeur d'Alene, Idaho 83814.

USDA, Forest Service, Avery Ranger District, Avery, Idaho 83802.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Ralph D. Kizer, Idaho Panhandle National Forests, 218 North 23rd Street, Coeur d'Alene, Idaho 83814.

Comments must be received by May 22, 1976, in order to be considered in the preparation of the final environmental statement.

Dated: March 22, 1976.

ROBERT L. RICE,
Acting Forest Supervisor, Idaho
Panhandle National Forests.

[FR Doc.76-9227 Filed 3-31-76;8:45 am]

QUETICO-SUPERIOR COMMITTEE

Cancelled Meeting

The meeting of the President's Quetico-Superior Committee scheduled for March 23 at the Regional Forester's Office, 633 West Wisconsin Avenue, Milwaukee, Wisconsin was cancelled. Further notification will appear in this Register when new dates have been selected.

Dated: March 24, 1976.

JAY H. CRAVENS,
Regional Forester.

[FR Doc.76-9250 Filed 3-31-76;8:45 am]

WINEMA NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The *Winema National Forest Grazing Advisory Board will meet at 1:00 p.m. on April 22, 1976* and *at the home of A. E. Wampler, Rocky Point, Oregon.* A map of the location can be obtained at the Forest Supervisor's Office, Post Office Building, 7th & Walnut, Klamath Falls, Oregon 97601.

The purpose of this meeting is: 1. Review of two proposed permit clauses concerning fire tool requirements and conversion of temporary to term; 2. Re-

view environmental range analysis of the former Klamath Indian Forest; 3. Trapping requirements of National Forest Lands and status of predator control by the State of Oregon; 4. Proposal on Base property requirements and Upper Limits; 5. Funding proposals for FY 77 & FY 78; 6. Change in Range Administration on the Forest; 7. FY 77 Grazing Fees and Proposals by Congress; 8. Trespass; and 9. Other matters as time permits.

The meeting will be open to the public. Persons who wish to attend should notify Robert S. Snoich, Post Office Building, 822-7761. Written statements may be filed with the committee before or after the meeting.

The Committee has established that public members may speak up at anytime.

R. M. SKIRP,
Forest Supervisor.

MARCH 25, 1976.

[FR Doc.76-9251 Filed 3-31-76;8:45 am]

Soil Conservation Service

ESPANOLA-RIO CHAMA WATERSHED PROJECT, NEW MEXICO

Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Espanola-Rio Chama Watershed Project, Rio Arriba and Sandoval Counties, New Mexico, USDA-SCS-EIS-WS-(ADM)-76-1(D)-NM.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment and ten floodwater retarding structures with principal spillway outlets, which will convey releases to the Rio Grande or to the Rio Chama. The outlets consist of 4.83 miles of pipelines, 1.11 miles of earth channel work, and 0.59 miles of lined channels. All the earth channel work will be in existing arroyos with ephemeral flows. The ten floodwater structures will provide for 3,379 acre-feet of sediment storage and 1,684 acre-feet of floodwater detention capacity.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, 517 Gold Avenue, S.W., Room 3301, Albuquerque, New Mexico 87103.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to:

A. W. Hamelstrom, State Conservationist, SCS, 517 Gold Avenue, S.W., Room 3301, Albuquerque, New Mexico 87103.

Comments must be received on or before May 10, 1976, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: March 25, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-9206 Filed 3-31-76;8:45 am]

MUDDY CREEK WATERSHED PROJECT, MISSISSIPPI AND TENNESSEE

Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Muddy Creek Watershed Project, Tippah County, Mississippi and Hardeman County, Tennessee.

The environmental impact statement concerns the channel portion of a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment, supplemented by channel work. The channel work will involve clearing and debris removal on 8.2 miles of existing channels and enlargement of 23.2 miles of existing channels. The entire 31.4 miles of channel work will be accomplished on previously modified channels. The lower one-third of main Muddy Creek (about 8.0 miles) is perennial with the upper two-thirds of main Muddy Creek and the tributaries being intermittent. Most of the planned land treatment measures, 17 floodwater retarding structures, one multiple-purpose structure, and 28 sediment control structures have been installed or covered under a negative declaration.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, P.O. Box 610, Jackson, Mississippi 39205.

Copies of the draft environmental impact statement have been sent for comments to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to W. L. Heard, State Conservationist, Soil Conservation Service, P.O. Box 610, Jackson, Mississippi 39205.

Comments must be received on or before May 18, 1976, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: March 24, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-9205 Filed 3-31-76;8:45 am]

TWIN-RUSH CREEK WATERSHED PROJECT, INDIANA

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council of Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for one single purpose floodwater retarding structure in the Twin-Rush Creek Watershed Project, Washington County, Indiana.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. Cletus J. Gillman, State Conservationist, Soil Conservation Service, USDA, 5610 Crawfordsville Road, Building 3, Indianapolis, Indiana 46224, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection, water supply, and flood prevention. The planned works of improvement, as described in the negative declaration, include conservation land treatment supplemented by one floodwater retarding structure.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Services, USDA, 5610 Crawfordsville Road, Indianapolis, Indiana 46224.

Requests for single copies of the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until April 16, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Service.)

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-9204 Filed 3-31-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

GEORGIA STATE UNIVERSITY

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 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1975).

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: 76–00192–01–77030. Applicant: Georgia State University, Department of Chemistry, University Plaza, Atlanta, Georgia 30303. Article: Fourier Transform NMR Spectrometer, FX–60. Manufacturer: JEOL Ltd., Japan. Intended use of article: The foreign article will be used to study a variety of compounds such as compounds of the type p-G-phenyl-X-C(Y)-Z (where G is various substituents; x is NH,O,S or absent: Y is O or S and Z is $N(cH_3)_2$ or $Y(H_3)$; $Zn(CF_3)_2$, $Zn(cH_2:(cH_3)_3)_2$, Zn $(cF_3COCHCOCF_3)_2$, R_2NH, and R_2O; $CHCL_3$, $C1C_2$ #CC1H, C_6H_5C #CH, R_2NH and R_2O; guinolinemethanoaminis; napthothiopheneelhanolamines; acridine derivatives; Nucleotides, oligonucleotides, and polynucleotides as well as their deoxy derivatives. The studies will involve inter alia ^{13}C and ^{1}H nmr spectra, T_1p, Nuclear Overhauser effect, varying temperatures, varying solvents, signal broadening, signal coalescence, varying delution, H_1, determination of delta G, ^{19}F shifts, $J_{13}c$-H, determination of equilibrium constants, evaluation of changes in electron density in C–H bonding, ^{13}C chemical shifts and ^{1}H chemical shifts. The article will also be used in several courses to teach undergraduate as well as graduate students.

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, is being manufactured in the United States. Reasons: The foreign article provides the capability to perform T–1 rho experiments using built in frequency synthesizer with digital phase shifting capabilities. The National Bureau of Standards (NBS) advises in its memorandum dated February 24, 1976 that the capability described above is pertinent to the applicant's intended purposes. NBS also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicants intended use.

(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.76–9273 Filed 3–31–76;8:45 am]

JEWISH HOSPITAL OF ST. LOUIS

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 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1975).

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: 75–00407–33–46040. Applicant: Jewish Hospital of St. Louis, 216 South Kingshighway, St. Louis, Missouri 63110. Article: Electron Microscope, Model EM 201C and Accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for multiple medical research projects which include the following topics:

(1) Studies on the etiology of viral hepatitis to isolate and purify from postmortem human hepatitis B livers various classes of serologically specific particles, especially those which contain nucleic acid.

(2) Experimental cytomegalovirus (CMV) of the mouse inner ear to evaluate the effect of the virus on the structures of the inner ear.

(3) Chelation compounds for growth control in normal and malignant cells to (a) study the role of metal ions in nucleic acid metabolism, (b) evaluate the possibiility that metal ions may be involved in the regulation of DNA synthesis and cell growth and (c) establish a rational molecular basis for the use of chelation compounds to manipulate the metal ion content of cells to control normal and malignant growth processes.

(4) Purification and properties of specific granules of human neutrophils.

(5) Biochemical and morphological studies of osteogenesis imperfecta (O.I.) directed toward defining the biochemical lesion(s) underlying O.I. and further evaluating the structural abnormalities of collagen which attend this disease both before and after calcitonin therapy.

(6) The study of intrinsic renal disease.

(7) Definition of neoplastic tissue obtained at surgery especially for distinguishing between mesenchymal and epithelial neoplasms and for defining the nature of a variety of epithelial neoplasms (e.g. malignant melanoma).

The article will also be used as an integral part of the training of residents in pathology as well as medical students.

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

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 75–00032–33–46040 which was denied without prejudice to resubmission on November 21, 1974 for informational deficiencies.

In this application, the applicant, in response to Questions 8 and 9, alleged that the foreign article provides the following pertinent features:

(1) A guaranteed resolution of 4 angstroms (Å) point to point (pt.), 3.5Å lattice, with 2.5Å obtainable.

(2) Range of magnification is 200 to 200,000x with excellence in optics as well as full control magnification and main lens illumination.

(3) Article is transistorized with prealigned optics, low heat output and is relatively compact without auxiliary cabinets.

(4) Relatively simple to use and maintain.

(5) Requires availability of a high degree of maintenance and maintenance personnel.

(6) Low "down" time resulting in high productivity.

(7) Standard specimen pump down time of less than 20 seconds.

The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated April 3, 1975 that the intended use of the article is research oriented so that the Model EMU–4C electron microscope, supplied by the Adam David Company, is the most closely comparable domestic instrument. HEW further advises that the applicant provides no pertinent specification within the meaning of Subsection 301.2 (n) of the regulations upon which duty-free entry could be based. As to the specific allegations of the applicant, in the order listed above, the following is noted:

(1) Subsection 301.11(a) of the regulations stipulates that guaranteed specifications [as opposed to those obtainable] of the foreign article and the most closely comparable domestic instrument shall be utilized in the determination of scientific equivalency. HEW advises that the difference between the article's 4Å pt. guarantee and the 5Å pt. resolution guarantee of the EMU–4C is not scientifically significant [for the applicant's intended purposes]. Therefore, this difference is not pertinent.

(2) The EMU–4C provides a magnification range of 250X or less for scanning plus 1400 to 240,000X without a pole

piece change. The foreign article provides a magnification range of 200X for scanning plus 1500 to 200,000X without a pole piece change. Accordingly, HEW advises that the EMU-4C provides equivalent magnification ranges. HEW also advises that the magnification controls and the illumination claims are non-pertinent conveniences.

(3) HEW advises that the degree of transistorization with prealigned optics, heat output, and space requirements of the article are non-pertinent conveniences.

(4) HEW advises that it is not established that the article is a simpler instrument and that this feature is not pertinent. The Department notes that ease of maintenance is a cost-related feature which is not pertinent within the meaning of Subsection 301.2(n) of the regulations.

(5) HEW advises that the need for speed and quality of service [or maintenance] are cost-related features which are not pertinent [according to Subsection 301.2(n) of the regulations]. In this connection, we note that spare parts are available for the EMU-4C and service is provided by the Radio Corporation of America Service Organization.

(6) HEW advises that projected down time and productivity are cost-related features which are non-pertinent [according to Subsection 301.2(n) of the regulations].

(7) HEW advises that the pump-down speed of the foreign article is a non-pertinent convenience.

Based on the foregoing reasons, we find that the Model EMU-4C electron microscope is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

(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.76-9274 Filed 3-31-76;8:45 am]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

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 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975).

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: 76-00190-00-46040. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Massachusetts 02139. Article: Double Tilt Cooling Stage System. Manufacturer: Oxford Instrument Company Ltd., United Kingdom. Intended use of article: The articles are accessories to an existing electron microscope intended to be used primarily to study the defect microstructure of alkali halides by transmission electron microscopy. Of greatest interest is the dislocation structure in alkali halides produced by hot pressing. The article will also be used for educational purposes in the following courses: 3.142J Introduction to Electron Microscopy, 3.082 Materials Laboratory II, 3.30 Electron Microscopy: Image Interpretation, 3.32 Electron Optics.

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, is being manufactured in the United States.

Reasons: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

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

RICHARD M. SEPPA,
Director,
Speical Import Programs Division.

[FR Doc.76-9275 Filed 3-31-76;8:45 am]

NATIONAL BUREAU OF STANDARDS, WASHINGTON, D.C.

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 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975).

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: 76-00232. Applicant: National Bureau of Standards, Thermal Engineering Section, Room B104, Building 226, Washington, D.C. 20234. Article: Long-wave Radiometer. Manufacturer: Center for Building Science and Technology, France. Intended use of article: The article is intended to be used to measure the long wavelength radiation from building surfaces to the sky.

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, is being manufactured in the United States. Reasons: The foreign article is capable of measuring night time long wave radiation from building surfaces to the sky. The National Bureau of Standards (NBS) advises in its memorandum dated February 26, 1976 that the capability of the article described above is pertinent to the article's intended use. NBS further advises that it knows of no domestically manufactured instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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 is being manufactured in the United States.

(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.76-9276 Filed 3-31-76;8:45 am]

NATIONAL INSTITUTES OF HEALTH

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 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1975).

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 75-00022-33-46040. Applicant: National Institute of Neurological Diseases and Stroke, National Institutes of Health, Bethesda, Maryland 20014. Article: EM201C Electron Microscope, Eucentric Goniometer Stage and Image Intensifier System. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used for morphological examination of thin sections and fracture replicas of neural and receptor tissue. The imaging of morphological details will depend on electron opacity or scattering properties of tissue elements stained, shadowed, or impregnated with heavy metals. Morphological experiments will be conducted with developmental, genetic and biochemical tracer manipulations.

Comments: Comments dated September 26, 1974 have been received from the Adam David Company which alleges *inter alia*, "In the past the Philips Company

was claiming resolution as a basis for duty-free entry. Now that there have been some denials on this ground we note the switch to eucentric goniometer. We believe that the salesman uses this device to obtain duty-free entry. If the mere addition of another new gimmick allows duty-free entry, then it is virtually impossible for a domestic supply to ever obtain the protection of a tariff."

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, is being manufactured in the United States.

Reasons: The foreign article is equipped with an eucentric goniometer stage (with 360 degree rotation and ±60 degree eucentric tilting).

At the time the foreign article was ordered, the most closely comparable domestic instrument was the model EMU–4C electron microscope manufactured by the Adam David Company. The Model EMU–4C provided only ±30 degrees of noneucentric tilt. The National Bureau of Standards (NBS) advises in its memorandum dated January 6, 1975 that the article equipped with a eucentric goniometer stage is pertinent to the applicant's studies of such three-dimensional structures as cell junctions and cell components, including organelles. As to comments by Adam David Company, NBS notes that its assignment is to provide a determination as to whether a domestic instrument does exist that is scientifically equivalent to the foreign article in question. NBS finds that consideration of the pertinency of a specification requiring an eucentric goniometer stage appropriate to that task when such a specification is claimed pertinent by the applicant. (In this connection we note that NBS has considered the eucentric goniometer stage, found that this stage is pertinent, found that the foreign article satisfies this pertinent requirement and that the domestic EMU–4C does not). Finally, NBS advises that it knows of no domestic electron microscope of equivalent scientific value to the foreign article for the applicant's intended use.

For the foregoing reasons, we find that the EMU–4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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 is being manufactured in the United States.

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

BERNARD ASCHER,
Acting Director,
Office of Import Programs.

[FR Doc.76-9277 Filed 3-31-76;8:45 am]

NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act (40 F.R. 12253 et seq., 15 CFR 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00299. Applicant: North Carolina Agricultural & Technical State University, Greensboro, North Carolina 27411. Article: (7 cases) 314–40, Flasks, Graduated, Stoppered, 1001 ml and (20 cases) 701–42, Bored Caps for sliding joints S.V.L. joint #22. Manufacturer: Sovirel of France, France. Intended to be used in measurements of hydrocarbons produced from lipid oxidation in freeze-dried foods. Experiments will be conducted to establish a method to evaluate the degree of rancidity (lipid oxidation) in freeze dried meats. Application received by Commissioner of Customs: February 18, 1976.

Docket Number: 76–00314. Applicant: University of Arkansas Medical Center, Department of Pathology, 4301 West Markham Street, Little Rock, Arkansas 72201. Article: Electron Microscope, Elmiskop 102. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used to study primarily parathyroid, skin and bone. In addition, to studying the normal ultrastructure, it is planned to study the fate and distribution of ionic materials in the tissue. Among the elements to be studied are calcium, phosphorus, cobalt, and lead. Experiments will be conducted to provide a better understanding of the mechanisms of control of protein synthesis and secretion in the parathyroid glands. Comparisons will be made with the control of synthesis of the specialized proteins of the epidermis and hair. Graduate students and postdoctoral fellows will use the article as part of their theses or research projects. The article will also be used to train graduate students and postdoctoral trainees in the use of electron microscope as a tool of experimental pathology. Application received by Commissioner of Customs: March 1, 1976.

Docket number: 76–00315. Applicant: University of Pennsylvania Department of Physiology, School of Medicine, 37th & Hamilton Walk (A303 Richards G4) Philadelphia, Pennsylvania 19174. Article: Coherent NMR Spectrometer, Model CPS–2 & Probe Head. Manufacturer: Spin-Lock Electronics Ltd., Canada. Intended use of article: The article is intended to be used to measure T_1, T_2 and $T_{1\rho}$ for ^{39}K within a variety of cells, including those from human lymphocytes, the urinary bladder of the toad, frog striated muscle and rat lymphocytes. The relationship of the NMR properties of potassium to physiologically significant changes in tissue activity will be studied. Application received by Commissioner of Customs: March 1, 1976.

Docket number: 76–00316. Applicant: University of Nebraska—Lincoln, Department of Chemistry, Lincoln, Nebraska 68588.

Article: Gas Chromatograph/Mass Spectrometer, Model MS–5074.

Manufacturer: AEI Scientific Apparatus Ltd., United Kingdom.

Intended use of article: The article is intended to be used for the following research projects:

I. *Identification and Structure Proof of Organic Compounds and Natural Products*—Identification of reaction products and intermediates to separate and identify reaction mixtures and naturally occurring mixtures.

II. *Development of Chemical Ionization as a Selective Structural Tool.*—Development of new reagent gases to aid in the location of double bonds in alkenes, fatty acids, esters, and alcohols, and other natural products.

III. *Gas phase kinetics and Equilibria.*—Examination of various chemical and physical properties of gas phase ions and neutral molecules using chemical ionization.

IV. *Ion Structures and Mechanisms of Ionic Decompositions.*

V. *Analytical Applications of Metastable Ion Studies.*

VI. *Pattern Recognition.*

VII. *Biochemical Research.*—Analytical methods will be investigated using both chemical ionization, GC introduction, and high resolution to determine the chemical modifications of polynucleotides induced by UV light and chemical mutagens, and to analyze various components extracted from cell membranes.

VIII. *Inorganic Research.*—Mass spectral studies of uranium organometallics, manganese (III) porphyrins, and dinitrogen complexes of transition metals will be made in an attempt to elucidate structure and fragmentation pathways.

The article will also be used by graduate students conducting the above listed

research projects in programs directed at the acquisition of either a M.S. or Ph.D. degree. Application received by Commissioner of Customs: March 1, 1976.

Docket number: 76-00317. Applicant: IIT Research Institute, 10 West 35th Street, Chicago, Illinois 60616. Article: Mass Spectrometer MAT 311A. Manufacturer: Varian MAT GmbH, West Germany. Intended use of article: The article is intended to be used in the following mass spectral studies:

(a) Characterization of the species present in air comprising the following environments: ambient air; stationary source emissions; occupied spaces; worker environments, indoor and outdoor; fire generated atmosphere; aircraft-generated events, aircraft-range sampling.

(b) Characterization of laboratory generated atmospheres: combustion/degradation emissions; product effluents; laboratory simulated process operations; explosives effluents.

(c) Characterization of organic species in water: industrial wastewaters; receiving waters; drinking water.

(d) Characterization of organic species adsorbed on environmental particulate samples.

(e) Characterization of species present in lung effluents.

(f) Detection and quantification of specific analytes in environmental samples: air; water; biota.

(g) Detection and quantification of specific analytes for chronic bioassays in animal tests designed to establish their carcinogenic potential.

(h) Identification and characterization of organic compounds synthesized for study as potential therapeutic agents.

(i) Identification and characterization of toxic environmental contaminants synthesized for toxicologic study and for investigation of their potential carcinogenic properties.

(j) Identification and characterization of mass isotope-labeled compounds synthesized for metabolism studies and the detection, identification and characterization of metabolites obtained in these studies.

(k) Characterization and monitoring of very low levels of vapor pressure ($<10^{-8}$ mm Hg).

(l) Characterization of the sphingomyelins, cerebrosides, sulfatides and gangliosides in relation to genetically transmitted neurological diseases.

(m) Identification of the mycolic acids associated with various strains of *Mycobacteria* smegmatis.

(n) Structural alterations in the pulmonary surfactant phospholopids due to oxygen toxicity, proteinosis, and air pollutant oxidants.

(o) Studying the possible role of folic acid in the formation of cyclopropanoid fatty acids in L. *casei* using $S^{-13}C$-methyladenosylmethionine.

(p) Screening studies of the nucleoside distribution in normal tissue and "hard mass" carcinomas.

Application received by Commissioner of Customs: March 1, 1976.

Docket number: 76-00318. Applicant: Mobile Infirmary Association, Inc., West End, Center Street, Post Office Box 2144, Mobile, Alabama 36601. Article: EMI Brain Scanner with Diagnostic Display Console. Manufacturer: Emitronics Inc., United Kingdom.

Intended use of article: The article is intended to be used for the examination of patients and the study of various brain diseases. These studies will include evaluation of brain diseases such as tumor, infarction, hemorrhage, atrophy, and other conditions. Comparative studies will be undertaken to evaluate the relative efficacy of this new modality, the Computerized Tomography, with conventional examinations such as Cerebral Angiography, Radionuclide Brain Scan and Pneumoencephalography.

In addition, the article will be used in the Course: *Computed Tomography of the Brain*, in which medical students will be instructed in the basis theory and applications of the methods of examination of the brain. Application received by Commissioner of Customs: March 1, 1976.

Docket number: 76-00319. Applicant: University of Oregon, Dept. of Biology, Eugene, Oregon 97403. Article: Glass Micro-Electrode Puller, Model PE-2. Manufacturer: Narishige Scientific Instrument Lab., Japan. Intended use of article: The article is intended to be used for studies of single living nerve cells. Experiments will consist of identifying nerve cells in regard to their locations and functional roles. These nerves will then be injected with dye and other chemicals, then studied morphologically. The article will also be used as a research tool in the training of advanced students Commissioner of Customs: March 5, 1976.

Docket number: 76-00320. Applicant: C. S. Wilson Memorial Hospital (Chandler Leasing Div. Pepsico Corp.), 33-57 Harrison Street, Johnson City, New York 13790. Article: EMI Scanner with Magnetic Tape System. Manufacturer: EMI Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies related to the circulation in the brain.

Application received by Commissioner of Customs: March 5, 1976.

Docket number: 76-00321. Applicant: University of Vermont, Burlington, Vermont 05401. Article: Electron Microscope, Model EM 201C. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for the study of human and animal tissue, as well as, a variety of inorganic particles. Experiments to determine pathogenetic mechanisms, pathology, and etiology agents in a variety of diseased human and animal tissues will include the following:

(a) Investigation of structure and function of pulmonary, kidney and central nervous system components.

(b) Virologic studies on human and animal tissues, including virus morphology and negative staining.

(c) Studies of structure and function of tracheobronchial components *in vitro*.

(d) Ultrastructural studies on a variety of cell types and organs cultured and maintained *in vitro*.

(e) Assessment of morphological nature of inorganic particulates derived from cigarette tobacco, smoke, and smokers' lungs, as well as, patients with mineral pneumoconiosis.

Application received by Commissioner of Customs: March 5, 1976.

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

BERNARD ASCHER,
Acting Director,
Office of Import Programs.

[FR Doc.76-9284 Filed 3-31-76;8:45 am]

RAMAPO COLLEGE

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 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1975).

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: 75-00447-33-46040. Applicant: Ramapo College, Ramapo Valley Road, P.O. Box 542, Mahwah, New Jersey 07430. Article: Electron Microscope, Model JEM 100S. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the study of ultrastructure of biological material, characteristics of air and water pollution and the detection and characterization of waterborne viruses. The article will also be used in courses to provide students with sound introduction to the theory and practice of specimen preparation, electron microscope operation, dark room procedures, and familiarize students with available techniques applicable to their particular study and the application of these techniques to solving particular problems.

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 (June 11, 1974). Reasons: The foreign article provides distortion free micrographs over a magnification range 100 to 200,000x without a pole-piece change. The most closely comparable domestic instrument available is the Model EMU-4C electron

microscope currently supplied by the Adam David Company (Adam David). When the article was ordered the Model EMU–4C with its standard pole-piece, had a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range could be reduced to 400 magnifications or less. But the continued reduction of magnification induced an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU–4C that for highest quality, low magnification electron micrographs, an optional low magnification pole piece providing 500–70,000x should be used. It is noted that changing the pole piece on the Model EMU–4C requires a break in the vacuum of the column that induces the danger of contamination which would very likely lead to the failure of the experiment. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 4, 1976 that the article's full range of magnifications, without a pole piece change as described above is pertinent to the applicant's purposes. HEW also advises that the magnification range without pole piece change of the domestic Model EMU–4C is not scientifically equivalent to that of the foreign article for the applicant's intended use.

We, therefore, find that the Model EMU–4C was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used 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.76-9278 Filed 3-31-76;8:45 am]

TEXAS TECH UNIVERSITY

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 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975).

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: 76–00181–33–43400. Applicant: Texas Tech University School of Medicine, P.O. Box 4050, Lubbock, Texas 79409. Article: Micromanipulator Mark III. Manufacturer: Singer Instrument Company Limited, United Kingdom. Intended use of article: The article is intended to be used for the placement of microelectrodes on the live embryos of small animals (i.e., rats) in utero, and for the cannulation of microscopic sized blood vessels leading to and from the embryos and to and from the various endocrine glands. Experiments will be conducted to learn the controlling factors of embryo development and maldevelopment, as well as, the endocrine glands controlling mechanisms and product variation. The article will also be used for teaching the microcannulation and the microelectrode placement techniques to medical and graduate students.

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, is being manufactured in the United States. Reasons: The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 4, 1976, that the fineness of movement, precision and control of the article are pertinent to the applicant's research studies and are not matched in comparable domestic instruments.

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 is being manufactured in the United States.

(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.76-9279 Filed 3-31-76;8:45 am]

UNIVERSITY OF ALABAMA

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 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975).

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: 76-00157-01-28500. Applicant: University of Alabama in Birmingham, Laboratory of Membrane Biology, University Station, Birmingham, Ala. 35294. Article: FF5 Free Flow Electrophoresis. Manufacturer: Garching Instruments Co., West Germany. Intended use of article: The article is intended to be used to separate tumor cells from a mixture of normal and tumor cells for further diagnostic study.

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, is being manufactured in the United States. Reasons: The foreign article is capable of separating tumor cells from mixtures of electrical charge differences. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 4, 1976 that the capability described above is pertinent to the applicant's studies. HEW further advises that it knows of no domestic instrument of equivalent scientific value to the article for such purposes as the article is intended to be used.

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 is being manufactured in the United States.

(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.76-9280 Filed 3-31-76;8:45 am]

UNIVERSITY OF ALASKA

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 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq. 15 CFR 701, 1975).

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: 76–00063–56–17500. Applicant: University of Alaska-Institute of Marine Science, Fairbanks, Alaska 99701. Article: RCM 4, recording current meter w/temp., conductivity & pressure sensors (10 each). Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The articles will be used for the investigation of current speed and direction; conductivity; temperature and pressure of ocean and estuarine waters to determine current flow patterns and identify water types.

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

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: In the reply to Question 8, the applicant alleges that the foreign

article provides the following pertinent features: a self-contained instrument with the capability of measuring (1) conductivity, (2) temperature, (3) pressure and (4) speed and direction. From this data the applicant intends to calculate density. The most closely comparable domestic instrument is the Model 135M recording current meter manufactured by InterOcean Systems Incorporated. The Model 135M is a self-contained instrument which provides all the features ((1) to (4) above) alleged to be pertinent by the applicant. The National Oceanic and Atmospheric Administration (NOAA) advises in its memorandum dated October 9, 1975—that the model 135M is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used. Moreover, NOAA advised that it knows of several combinations of other domestic instruments that satisfy the requirements found pertinent and cited above.

For the foregoing reasons, we find that the domestic manufactured Model 135M is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

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

BERNARD ASCHER,
Acting Director,
Office of Import Programs.

[FR Doc.76-9281 Filed 3-31-76;8:45 am]

UNIVERSITY OF CALIFORNIA, SAN DIEGO

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 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975).

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: 76-00229. Applicant: University of California, San Diego, 3175 Miramar Road, Physics Dept., Mail Code B-019, La Jolla, CA 92093. Article: Thermometer NMR Platinum Model PLM-3, Electronics Console and Preamplifier, Two (2) Option 31, Plug in Cards. Manufacturer: Instruments for Technology OY, AB, Finland. Intended use of article: The article is intended to be used for measurement of temperature in the range of a few thousandths of a degree above absolute zero in experiments on true properties of ^{3}He. These properties include flow, thermal and magnetic properties, as well as, the phase diagram. The purpose of the measurements is to achieve a fundamental understanding of the quantum superfluid liquid ^{3}He.

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, is being manufactured in the United States. Reasons: The foreign article provides the capability to measure the temperature of ^{3}Helium at nearly absolute zero. The National Bureau of Standards (NBS) advises in its memorandum dated February 25, 1976 that the capability described above is pertinent to the applicant's intended purposes. NBS also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

(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.76-9282 Filed 3-31-76;8:45 am]

UNIVERSITY OF CALIFORNIA, SAN DIEGO

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 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975).

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: 76-00198-01-10100. Applicant: University of California, San Diego, 2038 Basic Science Building, La Jolla, California 92037. Article: Components for a Temperature-jump Spectrometer, consisting of: (1) Temperature-jump Generator (2) Photomultiplier and preamplifier power supply, (3) Cell compartment, and (4) Microcell. Manufacturer: Messanlagen Studiengesellschaft, West Germany. Intended use of article: The article is intended to be used for research involving the study of drug-macromolecule complexation with the objective of gaining a greater understanding of the molecular basis of pharmacologic specificity. The ligand-macromolecule systems being studied are sulfonaimides-carbonic anhydrase, cholinergic ligands-nicotinic receptors and quarternary cholinesterase inhibitors-acetylcholinesterase. The article will also be used for training of graduate students in the research laboratory.

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, is being manufactured in the United States. Reasons: The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 5, 1976 that the split beam feature, speed and sensitivity of the foreign article are pertinent to the applicant's research studies. HEW further advised that the pertinent features of the article are not matched in comparable domestic instruments.

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 is being manufactured in the United States.

(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.76-9283 Filed 3-31-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Notice of Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of May 1976:

NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

May 3-4; 9:30 a.m.
Conference Rooms "G" and "H", Parklawn Bldg., Rockville, Maryland
Open—May 3
Closed—Otherwise
Contact Helen F. Osheroff, Parklawn Building, Room 14C-04, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4703

Purpose: The National Advisory Council on Alcohol Abuse and Alcoholism advises the Secretary, Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration and the Director, National Institute on Alcohol Abuse and Alcoholism regarding policy direction and program issues of national significance in the area of alcohol abuse and alcoholism. Reviews all grant applications submitted, evaluates these applications in terms of scientific merit and coherence with Department policies, and makes recommendations to the Secretary with respect to approval and amount of award.

Agenda: May 3 will be devoted to a discussion of policy issues. It will include a discussion of (1) Board of Scientific Advisors; (2) renewal legislation; (3) budget status; (4) status of Research Program; (5) President's Biomedical Research Panel Report; (6) Alcohol Beverage Labeling and Legislation; (7) Institute priorities for FY 1977; (8) training in ADAMHA; and (9) report on status of the Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism.

From 9:30 a.m. to adjournment, May 4, the Council will conduct a final review of selected grant applications for Federal assistance and this session will not be open to the public in accordance with the determination by the

Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

Agenda items are subject to change as priorities dictate.

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ALCOHOL TRAINING REVIEW COMMITTEE

May 23-25; 9:00 a.m.
Conference Room A, Parklawn Building, Rockville, Maryland
Open—May 23, 9:00-11:00 a.m.
Closed—Otherwise
Contact Dr. Melvin Davidoff, Parklawn Building, Room 16C-26, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-1056

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism, ADAMHA, relating to training activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda: From 9:00 to 11:00 a.m., May 23, the Committee will be open for reports and announcements of administrative and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

* * * * *

Substantive information may be obtained from the contact person listed above.

The NIAAA Information Officer who will furnish summaries of the meetings and rosters of the Committee members is Mr. Harry Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 6C-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3306.

Dated: March 29, 1976.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76-9308 Filed 3-31-76;8:45 am]

Food and Drug Administration

[NADA No. 45-691V]

HENWOOD FEED ADDITIVES, INC.

Tylosin-Sulfa Premix 20; Notice of Withdrawal of Approval of New Animal Drug Application

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following notice is issued:

New animal drug application (NADA) 45-691V held by Henwood Feed Additives, Inc., 211 Western Rd., Lewisburg, OH 45338, provides for a premix intended for use in manufacturing medicated feed for swine.

The applicant requested that approval of the application be withdrawn since the drug is no longer being marketed, and has waived opportunity for hearing.

Therefore, in accordance with 21 CFR 514.115(d), notice is given that approval of NADA No. 45-691V and all supplements and amendments thereto is hereby withdrawn, effective April 1, 1976.

Dated: March 25, 1976.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.76-9248 Filed 3-31-76;8:45 am]

Health Services Administration

INTERAGENCY COMMITTEE ON EMERGENCY MEDICAL SERVICES

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory body scheduled to assemble during the month of April 1976:

INTERAGENCY COMMITTEE ON EMERGENCY MEDICAL SERVICES

Date and Time: April 26, 1976, 9:00 a.m.
Place: Conference Rooms G & H, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852
Open for entire meeting.

Purpose: The Committee provides for the communication and exchange of information necessary to maintain the coordination and effectiveness among such Federal programs and activities and makes recommendations to the Secretary respecting the administration of grants and contracts under Title XII, including the making of regulations for the emergency medical systems program.

Agenda: The agenda will consist of: Review of proposed legislation affecting EMS, Report on National EMS Conferences, Reports from EMS Workgroups, and Review of EMS program plans.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact John D. Reardon, Room 320, 6525 Belcrest Road, Hyattsville, Maryland 20782, Telephone (301) 436-6284. Public seating is limited to forty (40). Please contact at least 72 hours before the meeting.

Agenda items are subject to change as priorities dictate.

Dated: March 26, 1976.

WILLIAM H. ASPDEN, Jr.,
Acting Associate Administrator for Management.

[FR Doc.76-9249 Filed 3-31-76;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Meeting

Notice of Public Meeting of the Committee on Program Effectiveness and Evaluation of the National Advisory Council on Adult Education.

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the Committee on Program Effectiveness and Evaluation of the National Advisory Council on Adult Education will meet on April 30, 1976, from 9:30 a.m. to 4:30 p.m., Office of Education Conference Room, Federal Office Bldg., 19th and Stout Streets, Denver, Colorado.

The National Advisory Council on Adult Education is established under Section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Committee shall be open to the public. The proposed agenda will include the review of the Evaluation Design for the 311(d) Project.

Records shall be kept of the Committee proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Adult Education located in Room 323, Pennsylvania Bldg., 425 13th Street, N.W., Washington, D.C. 20004).

Signed at Washington, D.C. on March 26, 1976.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc.76-9254 Filed 3-31-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-76-416]

ASSISTANT SECRETARY FOR ADMINISTRATION AND GENERAL COUNSEL

Delegation of Authority

Section A. *Assistant Secretary for Administration.* The Assistant Secretary for Administration and the Deputy Assistant Secretary for Administration, each is authorized to act as the responsible Department official in all matters relating to the carrying out of the requirements of the Privacy Act of 1974 (Pub. L. 93-579), 5 U.S.C. 522(a), except that Privacy Appeals Officer functions are to be handled by the General Counsel as set forth below.

Sec. B. *General Counsel.* The Department has transferred its Privacy Appeals Officer functions from the Assistant Secretary for Administration to the General Counsel. Consistent with this transfer, a new paragraph 7 is being added to sec-

tion A of the delegation of authority from the Secretary to the General Counsel and Deputy General Counsel, published at 36 FR 11052, June 8, 1971. Accordingly, section A is amended by adding paragraph 7 which reads as follows:

7. To act upon the appeals and issue final determinations on appeals of denial of access or record correction under the Privacy Act of 1974 (Pub. L. 93–579), 5 U.S.C. 552(c).

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Effective date. This delegation and amendment shall be effective April 1, 1976.

JOHN B. RHINELANDER,
Acting Secretary of Housing and Urban Development.

[FR Doc.76-9350 Filed 3-31-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76 054]

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE

Open Meeting

The Chemical Transportation Industry Advisory Committee's Task Group on Chemical Vessels will conduct an open meeting on 20 April 1976, room 8334, Coast Guard Headquarters, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. The meeting is scheduled to begin at 9:30 AM.

The purpose of the meeting is to discuss amendments to the IMCO Chemical Code and other appropriate matters that may be brought before the task group.

The Coast Guard Chemical Transportation Industry Advisory Committee was established to provide advice and consultation to the Marine Safety Council on water transportation of hazardous materials. The Task Group on Chemical Vessels deals with bulk transport of hazardous liquid cargoes.

Members of the committee and task group serve voluntarily without compensation from the Federal Government for either travel or per diem.

Interested persons may obtain additional information by writing to:

W. E. McConnaughey, Executive Director, Chemical Transportation Industry Advisory Committee, U.S. Coast Guard (G-MHM-1/83), Washington, D.C. 20590.

or by calling (202) 426-2306.

This notice is issued under section 10(a) of the Federal Advisory Committee Act (P.L. 92-463), 96 Stat. 770, 5 U.S.C. App. I).

Dated: March 26, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76-9365 Filed 3-31-76;8:45 am]

Federal Railroad Administration

[FRA Waiver Petition Docket No. SA-74-5]

DELTA VALLEY AND SOUTHERN RAILWAY CO.

Waiver of Railroad Safety Appliance Standards

The Delta Valley and Southern Railway Company (DVS) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain railroad safety appliance standards concerning locomotives used in switching service in 49 CFR Part 231.

The requested exemption would apply to a four axle, 45 ton, diesel-electric industrial locomotive, manufactured by General Electric. This unit, which is the only switching locomotive owned by DVS, is equipped with end footboards, a prohibited appurtenance under 49 CFR § 231.30(d)(2). Petitioner asserts that the removal of the end footboards and the installation of switching steps (required by 49 CFR § 231.30(c)) and vertical handholds (required by 49 CFR 231.30(e)), would be impractical due to the design of the locomotive and would create a more dangerous situation than currently exists.

Petitoner's only operation is a freight service between Delpro and Elkins, in Mississippi County, Arkansas, a distance of two miles. Its only point of interchange is at Delpro, with the Saint Louis-San Francisco Railway Company.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on this petition since the facts do not appear to warrant it. An opportunity to present oral comments will be provided, however, if requested by any interested person prior to April 15, 1976. All communications concerning this petition should identify the appropriate Docket Number (FRA Waiver Petition Docket Number SA-74-5) and shall be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Massif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before May 17, 1976, will be considered by the FRA before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

This notice is issued under the authority of 45 U.S.C. 431; and section 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.40(n).

Issued in Washington, D.C.

DONALD W. BENNETT,
Chief Counsel, Federal Railroad Administration.

[FR Doc.76-9242 Filed 3-31-76;8:45 am]

AMERICAN INDIAN POLICY REVIEW COMMISSION

INVESTIGATION OF THE URBAN, RURAL AND NON-RESERVATION INDIANS

Hearings

Notice is hereby given pursuant to the provision of the Joint Resolution establishing the American Indian Policy Review Commission (Pub. L. 93-580) as amended, that hearings related to their proceedings will be held in conjunction with Commission Task Force No. 8's investigation of the urban, rural and non-reservation Indians.

Hearings have been scheduled on April 19, 1976 at the Page Belcher Federal Building, 4th Floor-Jury Assembly Floor, 4th and Denver, Tulsa, Oklahoma, and on April 28, 1976, at the Post Office Building Auditorium, Room 269, 1823 Stout Street, Denver, Colorado both starting at 9:00 a.m.

The American Indian Policy Review Commission has been authorized by Congress to conduct a comprehensive review of the historical and legal developments underlying the unique relationship of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of the Indian community elected by the Congressional members.

The actual investigations are conducted by eleven task forces in designated subject areas. These hearings will focus on issues related to the studies of Task Force No. 8 concerning urban, rural and non-reservation Indians.

Persons wanting to submit testimony may call Ernestine Lewis at 202-225-2235, 2979 or 2984 or write to the American Indian Policy Review Commission, HOB Annex No. 2, Second and D Streets, SW, Washington DC 20515—Attention: E. Lewis.

Dated: March 29, 1976.

KIRKE KICKINGBIRD,
General Counsel.

[FR Doc.76-9412 Filed 3-31-76;8:45 am]

INVESTIGATION OF INDIAN HEALTH

Hearings

Notice is hereby given pursuant to the provision of the Joint Resolution establishing the American Indian Policy Review Commission (Pub. L. 93-580), as amended, that hearings related to their proceedings will be held in conjunction with Commission Task Force No. 6's investigation of Indian health.

Hearings have been scheduled on April 20 and 21 at the Holiday Inn, 2247 E. Van Buren, Phoenix, Arizona; and April 24 and 25 at the Bonneville Power Building, 1002 NE Holiday, Portland, Oregon, both starting at 9:00 a.m.

The American Indian Policy Review Commission has been authorized by Con-

gress to conduct a comprehensive review of the historical and legal developments underlying the unique relationship of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from House of Representatives and five members of the Indian community elected by the Congressional members.

The actual investigations are conducted by eleven task forces in designated subject areas. These hearings will focus on issues related to the studies of Task Force No. 6's investigation of Indian health.

For further information, or to send a prepared statement, please contact Al Cayous, 202–225–2235, 2979 or 2984, or write the American Indian Policy Review Commission, HOB Annex No. 2, 2nd and D Sts, SW, Washington, DC 20515.

Dated: March 29, 1976.

KIRKE KICKINGBIRD,
General Counsel.

[FR Doc.76–9413 Filed 3–31–76;8:45 am]

[Docket No. 28255]

CIVIL AERONAUTICS BOARD

HUGHES AIRWEST, SUBPART M APPLICATION (BURBANK-PHOENIX)

Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on April 13, 1976 (41 F.R. 11346, March 18, 1976), is postponed to April 21, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., March 26, 1976.

[SEAL] FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.76–9341 Filed 3–31–76;8:45 am]

[Docket No. 28933]

SHULMAN AIR FREIGHT, INC.

Nonacceptance Tariff Rule, Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 15, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Thomas P. Sheehan.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements and issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties, and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before April 7, 1976, and the other parties on or before April 13, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., March 26, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76–9342 Filed 3–31–76;8:45 am]

COMMISSION ON CIVIL RIGHTS

MINNESOTA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a planning meeting of the Minnesota Advisory Committee (SAC) to this Commission will convene at 4:30 pm. and end at 7:30 p.m. on April 21, 1976, Radisson Downtown, 45 S. 7th Street, Minneapolis, Minnesota 55402.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to review hearing issues and procedures for the Committee's informal factfinding meeting on school desegregation in Minneapolis to be held April 22–24, 1976.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 29, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76–9267 Filed 3–31–76;8:45 am]

MINNESOTA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Minnesota Advisory Committee (SAC) to this Commission will convene at 9:30 a.m. to 6:30 p.m. on April 22, 1976, Federal Building and U.S. Courthouse, Court Room No. 3, 110 South 4th Street, Minneapolis, Minnesota 55401, and will reconvene on April 23, 1976, 9:30 a.m. to 7:00 p.m. same address, and will hold the final session on April 24, 1976, 9:30 a.m. to 12:30 p.m., same address.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to examine the school desegregation process in Minneapolis. Public officials, school administrators, parents, students, and community leaders are expected to be called as witnesses. The Minneapolis informal hearing is part of a new Commission study regarding School Desegregation.

All scheduled witnesses will be issued written invitations to appear. Limited time will be available for previously unscheduled witnesses. Persons wishing to be added an unscheduled witnesses must make prior arrangements with Commission staff, and will be allowed to appear if they have information revelant to the subject under study and providing sufficient time is available during the meeting. All witnesses are encouraged to submit written statements detailing their testimony prior to the day of the meeting. All relevant statements and documents submitted before, during, and after the meeting will be made a part of the meeting record in Commission files and will be considered in the development of the Advisory Committee's report and findings and recommendations. A detailed list of witnesses will be available at the meeting site on April 22, 1976.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 29, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76–9268 Filed 3–31–76;8:45 am]

COUNCIL ON WAGE AND PRICE STABILITY

IMPACT OF GOVERNMENT REGULATION ON THE STEEL INDUSTRY

Meeting

On February 25, 1976, the Council on Wage and Price Stability announced its intention to study the total impact of federal regulation upon the domestic steel manufacturing industry. This FEDERAL REGISTER notice is to announce the date, time and place of a public meeting where interested parties are invited to present their views about (i) the appropriate scope of such a study and (ii) the procedures to be followed in collecting data about the various federal regulations that affect the steel industry and their impact.

The Council on Wage and Price Stability Act authorizes the Council to "review and appraise" the inflationary impact of programs of the various federal agencies and departments, and also to intervene in rulemaking, ratemaking, licensing and other federal agency proceedings in order to present the Council's analysis of the potential inflationary impact of agency actions. See Section 3(a) of the Council on Wage and Price Stability Act, 12 U.S.C. Section 1904 note. The Council has analyzed individual regulatory proposals and participated in

federal agency proceedings on numerous occasions. In addition, the Council monitors the federal Executive Branch agencies' compliance with the Executive Order 11821 requirement that each agency analyze the inflationary impact of specific regulatory proposals.

The Council is aware that, while there is increasing economic analysis of individual regulatory proposals, there has been little analysis of the total economic impact of federal regulation on various industries. As explained in the February 25 press release, it is for this reason that the Council has undertaken such a study of federal regulations of the steel industry.

The Council has identified the following five major steps for the initiation of its steel regulation study. First, the Council intends to create an all-inclusive catalog of the existing federal regulations that have an impact on the steel industry. Second, the Council intends to identify any areas of overlapping or contradictory regulation of the industry. Third, the Council will catalog proposed or contemplated regulations that would affect the steel industry. Fourth, the Council will review existing estimates of the costs and benefits (to steel producers, to employees, consumers and also the general public) of regulation. And fifth, the Council will analyze the various methodologies for measuring the economic impact of regulation in the steel industry.

Because of the importance of this project to various business, labor, consumer, governmental and other interests, the Council intends to conduct several public meetings to obtain their views on the study, on nonconfidential data collected during the study, and on any reports issued by the Council. The cooperation of these various interests will be an important element of the Council's study.

This notice is intended to announce the first public meeting, the purpose of which will be to obtain views about the scope and procedures for the Council's steel regulation study. This meeting will be held on April 28, 1976, at 10:00 a.m. in Room 2010 of the New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20506. Any person wishing to present views at this meeting should by April 16, 1976 submit his or her name, the nature of his or her interest in the steel regulation study, a summary of the views to be presented and the amount of time requested for presentation to Mr. Morris Feibusch at the Council on Wage and Price Stability, Room 4020, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20506, telephone 202–456–6757. Persons interested in observing, but not participating, should contact Mr. Morris Feibusch by April 26, 1976 to arrange for building clearance.

MICHAEL H. MOSKOW,
Director.

[FR Doc.76–9415 Filed 3–31–76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

1976 ERNEST ORLANDO LAWRENCE MEMORIAL AWARD

The General Advisory Committee Solicits Nominations

The General Advisory Committee to the U.S. Energy Research and Development Administration invites all members of the public to submit nominations for the 1976 E. O. Lawrence Memorial Awards.

These awards recognize especially meritorious contributions to the development, use, or control of atomic energy in areas of all the sciences related to atomic energy, including medicine and engineering. Each award consists of a citation and a monetary prize. Not more than five awards are made in any one year and each recepient receives a $5,000 award. All eligible individuals must be United States citizens, and, for the 1976 award, must have been born on or after January 1, 1931.

Nominations for the 1976 award should be received by the Chairman, General Advisory Committee, U.S. Energy Research and Development Administration, Washington, D.C. 20545, not later than June 1, 1976. A Nomination Form may be obtained by writing to the above address or by calling AC 202–376–4678.

FISHER HOWE,
Secretary.

APRIL 1, 1976.

[FR Docs.76–9553 Filed 3–31–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 513–4; PP6G1697/T37]

BENTAZON

Establishment of a Temporary Tolerance

BASF Wyandotte Corp., Cherry Hill Rd., Parsippany NJ 07054, has submitted a pesticide petition (PP 6G1697) to the Environmental Protection Agency (EPA). This petition requests that a temporary tolerance be established for residues of the herbicide bentazon (3-isopropyl-1*H*-2,1,3-benzothiadiazin-4 (3 *H*)-one-2,2-dioxide) and its 6-and 8-hydroxy metabolites in or on the raw agricultural commodity group seed and pod vegetables (dry), with the exception of soyebans, at 0.05 part per million (ppm). A tolerance has been previously established for residues of the herbicide and its metabolites in or on soybeans at 0.05 ppm [40 CFR 180.355]. Establishment of this temporary tolerance will permit the marketing of the above raw agricultural commodities treated in accordance with an experimental use permit which is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An elevation of the scientific data reported in the petition has shown that the requested tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerance will protect the public health. The temporary tolerance is established for the herbicide, therefore, with the following provisions:

1. The total amount of the herbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. BASF Wyandotte Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires March 25, 1977. Residues not in excess of 0.05 part per million remaining in or on the above raw agricultural commodity group after expiration of this temporary tolerance will not be considered to be actionable if the herbicide has been legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this herbicide indicate such revocation is necessary to protect the public health.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].

Dated: March 25, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76–9426 Filed 3–31–76;8:45 am]

[FRL 514–5]

ENVIRONMENTAL HEALTH ADVISORY COMMITTEE TASK GROUP ON EPIDEMIOLOGIC STUDIES

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that a two-day meeting of a Task Group on Epidemiologic Studies of the Science Advisory Board's Environmental Health Advisory Committee will be held on April 20 and 21, 1976 in Conference Room M–303, Environmental Research Center, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina. The meeting will start at 9:00 a.m. on April 20, 1976. The Environmental Research Center is located at the intersection of Highway N.C. 54 and T.W. Alexander Drive.

The purpose of the meeting will be to brief and consult the Task Group on plans and protocols for a program of epidemiologic studies relating to health effects of atmospheric pollutants.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Secretariat, Science Advisory Board (A–101), U.S. Environmental Protection Agency, Washington, D.C. 20460 by c.o.b. April 15, 1976. Please ask for

Mrs. Shirley Smith or Miss Mary Ann Igou.

The telephone number is (703) 557-7720.

THOMAS D. BATH,
Staff Director,
Science Advisory Board.

March 26, 1976.

[FR Doc.76-9424 Filed 3-31-76;8:45 am]

[FRL 512-6]

FUELS AND FUEL ADDITIVES

Lifting of Suspension of Enforcement of Regulations for Control of Lead Additives in Gasoline

On December 6, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 3373) final regulations controlling the amount of lead additives in gasoline. On December 20, 1974, the U.S. Court of Appeals for the District of Columbia set aside the regulations. For this reason, enforcement of the promulgated regulations was suspended by EPA. Notice of the suspension of enforcement was published in the FEDERAL REGISTER on February 20, 1975, (40 FR 7480).

On March 17, 1975, the Court granted the Agency's petition for rehearing of the case enbanc and at the same time, vacated the prior judgment and opinions. The Court's decision to vacate the prior judgment served to reinstate the regulations. Nevertheless, because of the uncertainties raised by the litigation, EPA decided to continue to suspend enforcement of the regulations until after a final decision by the Court following rehearing. Rehearing was held May 30, 1975. On March 19, 1976, the Court issued its judgment upholding the regulations. EPA now lifts, in part, the suspension of enforcement of the regulations in the manner set forth below:

Reporting Under 40 CFR 80.20(a)(3) and 80.25. Under the promulgated regulations, refiners must submit quarterly reports on the use of lead additives in gasoline, and lead additive manufacturers must submit quarterly reports on the shipment of lead additives to refineries. The first quarterly reports will be due by July 15, 1976, for the April through June quarter. Subsequent reports shall be submitted in accordance with the promulgated reporting requirements. If a refiner or lead additive manufacturer has not fully implemented data collection procedures by April 1, reasonable estimates, clearly identified as such, of the information required to be reported may be submitted for the April-June quarter. Forms for making such reports are available by writing:

Director, Mobile Source Enforcement,
Division (EN-340),
U.S. Environmental Protection Agency,
401 M Street, SW.,
Washington, D.C. 20460.

Enforcement of the Lead Reduction Schedule. Due to continuing uncertainty pending appeal of the Court of Appeals' decision to the Supreme Court, the suspension of enforcement of the promulgated lead reduction schedule will continue until further notice.

Dated: March 24, 1976.

STANLEY W. LEGRO,
Assistant Administrator
for Enforcement.

[FR Doc.76-9425 Filed 3-31-76;8:45 am]

[FRL 513-6 PF32]

PESTICIDE AND FOOD ADDITIVE PETITIONS

Notice of Filing

Pursuant to the provisions of Sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency gives notice that the following petitions have been submitted to the Agency for consideration.

PP 6F1749. Diamond Shamrock Corp., Cleveland OH 44114. Proposes that 40 CFR 180.275 be amended to establish a tolerance for residues of the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the raw agricultural commodities peaches at 25 parts per million (ppm) and cherries (tart and sweet) at 15 ppm. Proposed analytical method for determining residues is a gas chromatography procedure coupled with electron capture detection. PM21

FAP 6H5102. FMC Corp., 100 Niagara St., Middleport NY 14105. Proposes that 21 CFR 561 be amended by establishing a regulation permitting the use of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl - 7 - benzofuranyl-N-methylcarbamate) on growing soybeans with a tolerance limitation for residues of the insecticide and its carbamate metabolite 2,3-dihydro-2,2-dimethyl - 3 - hydroxybenzofuranyl-N-methylcarbamate and its phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo - 7 - benzofuranol and 2,3-dihydro-2,2-dimethyl - 3 - 7 - benzofurandiol at 6 ppm (of which no more than 1 ppm is carbamates) in the fatty acids of soybean soapstock (reflecting residues of 2 ppm phenolic metabolites and 0.33 ppm carbamates in alkaline soapstock). PM12

PP 6F1753. Rhodia Inc., Agricultural Division, 23 Belmont Dr., Somerset NJ 08873. Proposes that 40 CFR 180.263 be amended by establishing a tolerance for residues of the insecticide phosalone (S-(6-chloro-3-(mercaptomethyl)-2 - benzoxazolinone) O,O-diethyl phosphorodithioate) including its oxygen analog S-[6-chloro - 3 - (merchaptomethyl)-2-benzoxazolinone] O,O-diethyl phosphorothioate in or on the raw agricultural commodity alfalfa at 100 ppm. Proposed analytical method for determining residues is by a gas-liquid-chromatography procedure. PM12

FAP 3H5032. Tennessee Valley Authority, 268-401 Building, Chattanooga TN 37401. Proposes that 21 CFR 123.100 be amended to establish a regulation permitting the use of the herbicide and plant regulator 2,4-dichlorophenoxyacetic acid (2,4-D) in potable water with a tolerance limitation of 0.1 ppm for residues resulting from the application of its dimethylamine salt or its butoxyethanol ester for Eurasian watermilfoil control in programs conducted by the TVA in dams and reservoirs of the TVA system. PM23

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., East Tower, Room 401, Washington, DC 20460. Three copies of the comments should be submitted to facilite the work of the Agency and others interested in inspecting them. The comments should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 25, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-9427 Filed 3-31-76;8:45 am]

[FRL 514-7]

PESTICIDE ENFORCEMENT POLICY STATEMENT NO. 3

Certain Enforcement Policies To Be Followed During the Phased Implementation of FIFRA Section

I. GENERAL BACKGROUND

On May 5, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER a document entitled "Institution of Enforcement Policy Statements" [40 Fed. Reg. 19526]. It was the Agency's purpose in instituting this series of Pesticide Enforcement Policy Statements (PEPS) to inform the general public and persons engaged in the formulation, distribution, sale, application, or other use of pesticides of the policies adopted by the Agency in the enforcement of the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972 and 1975 [P.L. 92-516, 86 Stat. 973; P.L. 94-140, 89 Stat. 751; 7 U.S.C. 136 et seq.; hereinafter referred to as FIFRA]. PEPS are published by EPA's Office of Enforcement. Unless otherwise expressely provided, a PEPS indicates how the Agency will exercise its prosecutorial discretion, and does not interpret the law or otherwise define what is and what is not lawful conduct under FIFRA. A detailed explanation of the purpose and scope of the PEPS series was set forth in the May 5, 1975, FEDERAL REGISTER notice.

On July 3, 1975, the Agency promulgated regulations governing registration, reregistration and classification procedures pursuant to FIFRA section 3 [40

Fed. Reg. 28242]. The section 3 regulations became effective on August 4, 1975.[1] The regulations prescribe procedures and policies governing the Federal pesticide registration program, and are designed to implement the significant changes to that program which were mandated by Congress in the 1972 amendments. The Agency has attempted to implement these significant changes in a common sense manner causing minimum disruption to pesticide manufacturers, distributors, and users, while at the same time accomplishing the changes required by Congress. Accordingly, the Agency has provided for a period of phased implementation of the new requirements. This PEPS addresses several important problems which have arisen during the phased implementation of the modifications to the Federal registration program, and indicates the policies which the Agency will follow in these areas during the implementation period. Specifically, this PEPS:

1. Resolves certain questions which have arisen concerning the authority of States under FIFRA to authorize the distribution, sale or other movement in commerce of pesticide products through actions taken under state law, including State registration of pesticide products. [Part II]

2. Identifies classes of pesticide products which were not Federally registered on August 4, 1975, and delineates the circumstances under which enforcement discretion will be exercised under section 12(a)(1)(A) of FIFRA to permit the continued movement in commerce of certain classes of these pesticide products pending final action regarding their registration under FIFRA. [Part III]

3. Delineates the circumstances under which enforcement discretion will be exercised under section 12(a)(2)(A) of FIFRA to permit a Federally registered pesticide product to be converted to a State registered product, other than by repackaging the Federally registered pesticide product. [Part IV].

As stated in the document announcing the inception of the PEPS series, the policies announced in a PEPS will remain in effect until amended or modified by subsequent PEPS or by subsequent regulations promulgated by the Administrator. Because the policies announced in Parts II and III of this PEPS pertain only during the phased implementation of the modifications to the federal registration program, the enforcement policies announced in Parts II and III of this PEPS will remain in effect only until the completion of the reregistration process, unless amended or modified in the manner described above prior to that date.

Finally, the Agency cautions that producers and distributors of pesticide products are subject to numerous requirements under other provisions of FIFRA and regulations promulgated thereunder, which are beyond the scope of this PEPS. These other requirements include, without limitation, the following:

1. recordkeeping requirements [FIFRA section 8; 40 CFR Part 169];

2. requirements that EPA inspectors be given access to establishments and records [FIFRA sections 8 and 9];

3. prohibitions against violations of stop sale, use, removal or seizure orders issued under FIFRA section 13 [FIFRA section 12(a)(2)(I)];

4. prohibitions against violations of any suspension or cancellation order issued under FIFRA section 6; [FIFRA sections 12(a)(2)(J) and 12(a)(2)(K)]; (and)

5. prohibitions against falsification of records [FIFRA section 12(a)(2)(M)].

II. Authority of States To Register Pesticides Under FIFRA[2]

The 1972 amendments to FIFRA significantly broadened the Federal requirement for registration of pesticides by making it unlawful for

any person *in any state* to distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive (and having so received) deliver or offer to deliver to any person any pesticide [which is not registered pursuant to FIFRA]. [FIFRA, sections 3(a)(1) and 12(a)(1)(A)] [emphasis added].

Previously, the Federal registration requirement had only applied to pesticides in *interstate* commerce. It is clear from the legislative history that extension of Federal pesticide regulation "* * * to actions entirely within a single State" [S. Rep. No. 92-838, 92d Cong., 2d Sess. 1 (1972)] was one of the most important aspects of the new legislation. The House Committee on Agriculture noted in its first paragraph comparing the 1972 amendment with the prior legislation, that:

The amendments [to FIFRA] * * *, which is a registration and labeling law, would extend the regulation of pesticides to their manufacture and use, and Federal regulatory authorities would apply throughout the States, not just to the interstate commerce of pesticides [H. Rept. No. 92-511, 92d Cong., 1st Sess., 12 (1971)].

The Senate Committee on Commerce noted that, while prior to 1972 FIFRA did not "regulate pesticides moving solely in intrastate commerce," the 1972 amendments would require "that all pesticides moving in interstate or intrastate commerce be registered with EPA" [S. Rept. No. 92-970, 92d Cong., 2d Sess. 8 (1972)].

In addition to the extension of the Federal registration requirement to products sold and distributed exclusively in intrastate commerce, the 1972 amendments prohibit a State from permitting any sale or use prohibited pursuant to FIFRA, by actions taken under its own law. This prohibition is found in section 24(a) of FIFRA. The combined effect of the establishment of a Federal registration requirement, and the creation of the section 24(a) prohibition was to eliminate the authority of a State to register or otherwise authorize the movement in commerce of a pesticide product which was not already registered by EPA.[3] This extinguishment of State authority to authorize the movement in commerce of pesticide products which were not Federally registered did not, however, become effective immediately upon the enactment of the 1972 amendments to FIFRA. Rather, it became effective on August 4, 1975, the effective date of the regulations which the Agency promulgated to implement section 3 of the 1972 amendments.

In order to provide for an orderly transition to the new registration requirements, section 162.17 of the section 3 regulations established special provisions regarding intrastate pesticide products which had valid State registrations on August 4, 1975. Section 162.17 provided that registrants of such products could submit, within 60 days of the effective date of the section 3 regulations, a notice of application for Federal registration. Products with respect to which such a notice was filed within the time prescribed were allowed to remain in commerce pending final decision either approving or denying Federal registration subject to certain conditions discussed in more detail below. In addition, section 162.17(b) specifically permitted states to renew the State registration of a product which had a valid State registration on August 4, 1975, and with respect to which notice of application for Federal registration was filed on or before October 3, 1975.

Section 24(c) of FIFRA gives the Administrator authority to give back to

[1] The final section 3 regulations were published in the Federal Register on July 3, 1975 [40 Fed. Reg. 28242], and became effective on August 4, 1975, in the sense that after that date they governed Agency action regarding pesticide registration matters. However, pursuant to section 4(a) of the 1972 Amendments, enforcement action could not be taken for violations of requirements effectuated by the new regulations until 90 days after the date of publication, i.e., October 3, 1975.

[2] This part of PEPS No. 3 presents the Agency's legal interpretation of the effect of the 1972 amendments and the implementing regulations on the authority of States to register pesticide products, or otherwise authorize the movement of a pesticide product in commerce. As indicated above, PEPS generally describe how the Agency will exercise its prosecutorial discretion under FIFRA. Except in rare instances, a PEPS does not interpret the law or otherwise prescribe what is and what is not lawful conduct under FIFRA. As in this instance, any portion of a PEPS which interprets the law will be accompanied by an express indication that the portion is in fact interpretive. All interpretive portions of a PEPS have the concurrence of the Agency's Office of General Counsel.

[3] The section 3 regulations define "pesticide product" as "a pesticide offered for distribution and use, and includ[ing] any labeled container and any supplemental labeling." [40 CFR 162.3(hh)] Accordingly, any change in the label or labeling of a Federally registered pesticide product creates a different pesticide product, which is not a Federally registered pesticide product. Section 24(a) therefore extinguished State authority to supplement Federal registrations by adding uses, because in so doing the States would be permitting the distribution of a pesticide product not registered pursuant to FIFRA, and thereby would be permitting the distribution of a pesticide product prohibited under FIFRA. Additionally, section 24(a) prohibits States from authorizing uses which are inconsistent with the Federally registered label, since by so doing the State would be authorizing a use prohibited under FIFRA.

States some of their authority which was extinguished on August 4, 1975. Section 24(c) authorizes the Administrator to certify a State to register pesticides for "special local needs", upon finding that the State is

> capable of exercising adequate controls to assure that [registrations issued by it] will be in accord with the purposes [of FIFRA].

Proposed regulations to implement section 24(c) were published in the FEDERAL REGISTER on September 3, 1975 [40 Fed. Reg. 40538]. The Agency is currently in the process of evaluating comments which were received, and preparing final regulations. The preamble to the proposed regulations announced an interim section 24(c) certification program, which would be in effect during the time period necessary to promulgate final section 24(c) regulations and certify States pursuant to the final regulations. A number of States have received Interim Certification to issue special local needs registrations pursuant to section 24(c).

Finally, it is important to note that section 24(a) of FIFRA expressly authorizes State regulation of the sale or use of pesticides, provided that such regulation does not permit any sale or use prohibited by FIFRA. This authority clearly permits a State to register or otherwise regulate the distribution or use of pesticide products which have been registered pursuant to FIFRA.

In summary, after August 4, 1975 a State may register or otherwise authorize the intrastate sale, distribution or other movement in intrastate commerce of the following types of pesticide products:

> 1. A pesticide product which had a valid State registration on August 4, 1975, and with respect to which a notice of application for Federal registration was filed before October 3, 1975;
> 2. a pesticide product for a special local need, provided that the State has been certified pursuant to FIFRA section 24(c), to issue the type of special local need registration concerned; and
> 3. a pesticide product which has a valid EPA registration pursuant to FIFRA.

III. ENFORCEMENT STATUS OF NON-FEDERALLY REGISTERED PRODUCTS DURING PHASED IMPLEMENTATION OF FIFRA SECTION 3.

A. GENERAL

Section 12(a)(1)(A) of FIFRA makes it unlawful for any person in any State

> to distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person * * * any pesticide which is not registered [pursuant to FIFRA].

Persons who violate this provision are subject to enforcement liability under FIFRA. The Agency will review each alleged violation and will assign enforcement liability to any person (as defined by FIFRA) out of whose action or failure to act the violation arose. Upon a finding of enforcement liability the Agency may take the following types of enforcement actions under FIFRA: (1) issuance of notices of warning under FIFRA section 9(c)(3) in the case of minor violations, (2) commencement of civil or criminal proceedings under FIFRA section 14, (3) issuance of stop-sale orders, stop-use orders, or removal orders under FIFRA section 13(a), or (4) commencement of proceedings in an appropriate Federal District Court (a) specifically to enforce the Act or to prevent and restrain violations of the Act [FIFRA section 16(c)], or (b) to seize or confiscate pesticides which violate specified provisions of the Act [FIFRA section 13(b)].

B. CATEGORIES OF NON-FEDERALLY REGISTERED PRODUCTS, AND THEIR ENFORCEMENT STATUS DURING PHASED IMPLEMENTATION OF FIFRA SECTION 3

1. Pesticide Products Manufactured or Formulated for the First Time After August 4, 1975

Products in this category are those created for the first time after the effective date of the new section 3 regulations. The guiding concept behind the Agency's policy of phased implementation of the new registration requirements is to disrupt as little as possible the manufacture and distribution of products which were in commerce before the effective date of the new requirements, consistent with the Agency's discharge of its augmented responsibilities under FIFRA. This policy has no applicability to pesticide products manufactured for the first time after August 4, 1975. Accordingly, the Agency will take enforcement action against any person distributing, selling or otherwise moving in intrastate or interstate commerce any pesticide product manufactured for the first time after August 4, 1975.

2. Pesticide Products Manufactured or Formulated for the First Time Prior to August 4, 1975

a. Pesticide Products Distributed, Sold or Otherwise Moved in Interstate Commerce Before August 4, 1975.

Pesticides products in this category were subject to the Federal registration requirement before August 4, 1975. The changes in the requirement for Federal registration effected no change in the status of these products under FIFRA. Accordingly, the policy of phased implementation of the changes in the Federal registration requirement has no applicability with respect to products in this category, and the Agency will in most circumstances take enforcement action against any person distributing, selling or otherwise moving any such products in interstate or intrastate commerce.

b. Pesticide Products Distributed, Sold or Otherwise Moved Solely in Intrastate Commerce Before August 4, 1975 ("Intrastate Products")

(1) *Intrastate Pesticide Products Which Had Valid State Registrations on August 4, 1975, Or Had Otherwise Received Permission To Be Distributed Or Otherwise Moved in Intrastate Commerce, Pursuant to Other Procedures Authorized by State Law.*

Section 162.17(a) of the section 3 regulations authorized persons (including State and Federal agencies) who held valid State registrations for pesticide products on August 4, 1975, to submit, within 60 days [i.e., by October 4, 1975], notices of application for Federal registration. In practice, the Agency has extended this same opportunity to persons (including State or Federal agencies) who had on August 4, 1975 valid permission pursuant to other procedures authorized by State law [e.g. the California "use variance" procedure] to distribute, sell or otherwise move a pesticide product in intrastate commerce or to use a pesticide product within a State in a manner inconsistent with its approved labeling.

Pursuant to section 162.17, the timely filing of a notice of application with respect to a product in this category has important consequences on the status of the product during the implementation period. Specifically, section 162.17(a) allows the distribution or sale of the product in intrastate commerce pending a final decision on the Federal registration application, provided that the product satisfies certain minimum requirements in areas such as labeling and packaging. These minimum requirements are set out in section 162.17(f) of the section 3 regulations, and are restated below in this PEPS.[4]

As noted, section 162.17(a) only authorizes the distribution or other movement in intrastate commerce of qualifying state registered products, with respect to which notices of application for federal registration were filed by October 4, 1975. In the exercise of its prosecutorial discretion, the Agency will generally not take enforcement action under section 12(a)(1)(A) against persons shipping, distributing or moving in interstate commerce an intrastate product which otherwise satisfies the requirements of 40 CFR section 162.17, provided that the product is intended for distribution for use or sale for use only within the State where the product is registered.

Intrastate pesticide products with valid State registrations or other valid State authorizations on August 4, 1975, with respect to which notices of application for Federal registration were *not* timely filed cannot lawfully be distributed, sold or otherwise moved in interstate or intrastate commerce. In view of the fact that special procedures were included in the section 3 regulations to provide for a smooth transition to the new requirements for products in this class, there is no basis for exercising enforcement discretion with respect to those products for which the special procedures were not followed. Accordingly, the Agency will institute enforcement proceedings against persons distributing, selling, or otherwise moving in intrastate or interstate commerce pesticide products which had valid State registrations or other valid State authorizations on August 4,

[4] As provided in the section 3 regulations, persons using a product in this category in a manner inconsistent with its labeling are subject to enforcement liability under FIFRA section 12(a)(2)(G). See 40 CFR 162.17(f).

1975, but for which no timely notice of application for Federal registration was filed.

(2) *Intrastate Pesticide Products Which Were Subject to State Requirements, But Which Did Not Have Valid State Registrations or Other Authorizations Required Under Applicable State Law on August 4, 1975.*

Intrastate pesticide products in this class were being distributed or otherwise moved in intrastate commerce illegally on August 4, 1975, under applicable State laws. Sound principles of comity between State and Federal governments alone militate against exercise of enforcement discretion with respect to such products. Therefore, enforcement action will be taken against any person distributing, selling or otherwise moving any such product in interstate or intrastate commerce.

(3) *Intrastate Products Classified as Pesticides Under FIFRA, But Not Subject to State Registration Requirements.*

Certain pesticide products which were distributed, sold or otherwise moved solely in intrastate commerce before August 4, 1975 are considered to be pesticides under FIFRA, but were not subject to registration or other authorization requirements under applicable State law. Depending upon the State concerned, such products may include certain disinfectants, sanitizers, pesticide-fertilizer blends and products containing antimicrobial agents intended for the purification of drinking water (sometimes referred to as "water purifiers").[5]

On September 17, 1974, in a FEDERAL REGISTER notice entitled "Notice Concerning Federal Requirements for Registration-Intrastate Pesticides" [39 Fed. Reg. 33395], the Agency stated that

> [s]hipment of such pesticides [products which are defined as pesticides under FIFRA, but which were not legally required to be registered under applicable State law] in the absence of final Federal registration will be in violation of FIFRA after the effective date of the regulations under section 3.

This prohibition was included in the section 3 regulations, and is now codified at 40 CFR 162.17(c):

> Products currently being shipped, distributed, and sold solely within intrastate commerce and which are not legally required to be registered under State law must meet the registration requirement of the Act if the product is a pesticide * * * No person may distribute, sell, offer for sale, hold for sale, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person any such product until the product has been finally registered [pursuant to FIFRA].

However, under the policy announced in the September 17, 1974, FEDERAL REGISTER and otherwise authorized under 162.17 of the section 3 regulations, producers of products not required to be registered or otherwise authorized under applicable State law were not afforded the opportunity of filing notices of application for Federal registration, and continuing to distribute the product pending final action on their Federal registration applications. As indicated in section 162.17(c), it is now illegal to distribute, sell or otherwise move any such products in interstate or intrastate commerce, unless they are registered pursuant to FIFRA.

One of the fundamental assumptions underlying the decision not to make the notice of application procedure available to these products was that it was not possible to make informed judgments concerning whether these products as a class generally satisfied minimum standards in such areas as labeling, packaging and product formulation, because they had never been subject to any registration requirement. Another key assumption underlying the approach taken with respect to these products was that it would be possible to process applications for Federal registration of such products under the 1947 FIFRA prior to the effective date of the section 3 regulations. Thus, one of the primary purposes of the September 17, 1974 FEDERAL REGISTER notice was to alert producers of products in this class to obtain registrations under the 1947 FIFRA prior to the effective date of the section 3 regulations.

Many producers of products in this class are small businesses, and apparently in some instances notice of the requirement to obtain Federal registration before the effective date of the section 3 regulations was not received. Strict enforcement of section 12(a)(1)(A) with respect to products in this class would be seriously disruptive, if not fatal, to these small businesses. Moreover, the Agency believes that some products in this class meet minimum standards in such areas as labeling, packaging and formulation, and pose no greater hazard to man or the environment than other products which are being allowed to remain in commerce pending a full review of and final decision on applications for Federal registration. Accordingly, while the distribution, sale, or other movement in intrastate or interstate commerce of products in this class at this time is a violation of section 12(a)(1)(A), the Agency, in the exercise of its prosecutorial discretion, will not generally take enforcement action against persons moving such products in intrastate commerce, if the following conditions are satisfied:

(i) The producer or distributor had no knowledge of the requirement to obtain Federal registration for the product prior to the effective date of the section 3 regulations;

(ii) The use patterns and formulation of the product satisfy the requirements specified below;

(iii) The product satisfies the labeling, packaging and formulation requirements specified in 40 CFR 162.17(f), and restated below;

(iv) The producer or distributor satisfies the requirements specified below with respect to obtaining Federal Registration for the product; (and)

(v) The product is produced in an establishment registered pursuant to FIFRA section 7.

If the Agency determines that intrastate products in this class either do not satisfy these requirements or no longer satisfy these requirements, a stop sale order, as provided in section 13(a) of FIFRA, will be issued immediately. Pursuant to section 13(a), no further distribution or sale of the product may take place until such stop sale order has been vacated. The stop sale order may be vacated if information is provided which shows that the product or its labeling have been modified to bring it into full compliance with all the requirements specified above. In addition to the issuance of a stop sale order, persons distributing, selling or otherwise moving the product in commerce may be subjected to other enforcement remedies, as set forth in Part III A, above. Prosecutorial discretion will be exercised only until the product is accorded full Federal registration or a notice of denial of registration for the product is issued. If registration is denied, continued distribution, sale or other movement of the product in commerce will result in enforcement action under section 12(a)(1)(A) of FIFRA.

(i) *Knowledge of the Requirement to Obtain Federal Registration.* The Agency will determine whether the person distributing, selling or otherwise moving an unregistered intrastate product in this class in commerce had knowledge of the requirement for Federal registration prior to the effective date of the section 3 regulations on a case by case basis. In the case of manufacturers and formulators, a primary consideration in reaching this determination will be whether the person manufactures or formulates other products which have Federal registration and, in particular, whether the person had applied for Federal registration with respect to other products produced by him not subject to State regulation in the period before the effective date of the section 3 regulations. It is important to note, however, that in announcing this policy the Agency is not making lack of knowledge of the requirement for Federal registration an affirmative defense to a violation of section 12(a)(1)(A) in this or any other instance. Instead, the Agency is indicating that it will not initiate or pursue enforcement action against a person for a violation of FIFRA section 12(a)(1)(A), in cases where it is persuaded that the person did not have knowledge of this re-

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[5] In some instances, States have by regulation exempted products which are pesticides pursuant to FIFRA from State registration requirements. For example the regulations of the State of Washington provide that:

> Germicides, disinfectants, or sterilizers for use in hospitals, public swimming pools, on glassware in public establishments, for dental, or purely public health uses outside the field of agriculture and related activities are not subject to registration under the Washington Pesticide Act if the label and claims do not exceed those boundaries.

WAC 16-222-020(2), effective March 22, 1973.

In other instances, States have not exercised regulatory jurisdiction over certain types of products which are pesticides pursuant to FIFRA.

quirement, provided that the other conditions controlling the exercise of prosecutorial discretion in this instance are satisfied.

(ii) *Requirements Regarding Use Patterns and Formulation of the Product.* Products which fall in this class must be substantially similar to products with valid Federal registrations. A product will be deemed to be substantially similar to a product with a valid Federal registration if:

(1) The formulation[6] of the product is substantially similar to the formulation of a product with a valid Federal registration, and

(2) The use patterns[7] of the product are substantially similar to the use patterns of a product with a valid Federal registration which has a substantially similar formulation.

The determination as to whether a product is substantially similar to products with valid Federal registrations will be made by the scientific and technical personnel in the Agency's Office of Pesticide Programs.

In addition, the product must not be a product with any of the following characteristics:

(1) Any product containing an active or inert ingredient not contained in any EPA-registered product;

(2) Any product which contains an active or inert ingredient which was included in a product whose registration has been suspended or cancelled by EPA because it contained that ingredient, or which has been the subject of an EPA notice of intent to suspend or cancel because of human health, environmental or efficacy considerations with regard to such ingredients;

(3) Any product or use which is substantially similar to a product or use has been the subject of a notice of denial of registration published in the FEDERAL REGISTER pursuant to section 3(c)(6) of FIFRA; or

(4) Any product or use which can reasonably be expected to (a) result in residues on or in food or feed unless the use is supported by the necessary tolerances, exemptions, or other clearances under the Federal Food, Drug and Cosmetic Act [21 U.S.C. Section 301 et seq.], or (b) violate any applicable standard issued under the Safe Drinking Water Act [42 U.S.C. 1401 et seq.].

(iii) *Requirement to Obtain Federal Registration.* Persons distributing, selling, or otherwise moving in intrastate commerce an unregistered intrastate product in this class must initiate an application for Federal registration and pursue this application in good faith. In order to satisfy this requirement, the person must:

(1) File an application for Federal registration with the Registration Division, Office of Pesticide Programs, within 60 days after notice that the product is being distributed, sold or otherwise moved in commerce in violation of section 12(a)(1)(A); (and)

(2) Pursue the registration application in good faith according to procedures governing the Federal registration process.

The Agency cautions that it will review the status of applications for Federal registration for products in this class on a regular basis. Persons found not to be pursuing an application for Federal registration in good faith will be subject to appropriate enforcement action.

(iv) *Requirements Regarding Labeling and Packaging and Other Subjects.* In the Implementation Plan which was published in the FEDERAL REGISTER shortly after enactment of the 1972 amendments to FIFRA, the Agency provided a list of the requirements imposed by the amendments on intrastate pesticide products in such areas as labeling and formulation. [38 Fed. Reg. 1142, January 7, 1963]. These requirements became effective on October 21, 1972, the date of enactment of the amendments. These requirements were again listed in the preamble to the proposed section 3 regulations [39 Fed. Reg. 36973, 36976 (October 16, 1974)]. In addition, the requirements were included in the section 3 regulations, as express limitations on the authorization extended to certain State registered products to remain in commerce pending Federal registration [40 CFR 162.17(f)]. Unregistered intrastate products in the class under discussion are subject to these requirements. They are summarized here for convenience to pesticide manufacturers and distributors, and in order to assure the widest possible dissemination of this information.

(1) *Minimum Labeling Requirements.* The labeling of all intrastate pesticide products which are not Federally registered must contain at a minimum the folowing elements, placed prominently with such conspicuousness (as compared with other words, statements, or other graphic matter) as to render it likely to be read and understood by an ordinary individual under customary conditions of purchase and use [see FIFRA, sections 2(q)(1)(E) and 12(a)(1)(E)]:

(a) Necessary directions for use [see FIFRA, sections 2(q)(1)(F) and 12(a)(1)(E)];

(b) Necessary precautionary statements or warnings [see FIFRA, sections 2(q)(1)(G) and 12(a)(1)(E)];

(c) Necessary signal words and statements regarding practical treatment [See FIFRA, sections 2(q)(2)(D) and 12(a)(1)(E)];

(d) An ingredient statement [see FIFRA, sections 2(q)(2)(A) and 12(a)(1)(E)];

(e) The name and address of the producer or person for whom the product was produced [see FIFRA, sections 2(q)(2)(C)(i) and 12(a)(1)(E)];

(f) The name, brand or trademark under which the pesticide is sold [see FIFRA, sections 2(q)(2)(C)(ii) and 12(a)(1)(E)];

(g) The net weight and measure of content of the product [see FIFRA, sections 2(q)(2)(C)(iii) and 12(a)(1)(E)]; (and)

(h) The registration number assigned under section 7 to each establishment in which the product was produced [see FIFRA, sections 2(q)(1)(D) and 7].

In addition, the labeling of a product must not contain any statement, design or graphic representation relative thereto which is false or misleading in any particular [See FIFRA, sections 2(q)(1)(A) and 12(a)(1)(E)], and the product must not be an imitation of, or be offered for sale under the name of, another pesticide [see FIFRA, sections 2(q)(1)(E) and 12(a)(1)(E)].

(2) *Minimum Requirements in Areas Other Than Labeling.*

Intrastate pesticide products which are not Federally registered are subject to the following requirements in areas other than labeling:

(a) The product must be contained in a package or other container or wrapping conforming to standards established by the Agency [see FIFRA, sections 2(g)(1)(B) and 12(a)(1)(E)]; and

(b) The product must satisfy any requirements concerning coloration by the Agency [See FIFRA, section 12(a)(1)(D)].

In keeping with the general objective of achieving a smooth transition to the new requirements, the Agency intends to apply these requirements in a common sense manner. Generally, enforcement action will be taken when, in the Agency's judgment, deviations from these requirements are significant and might result in serious harm to man or the environment. In addition, the Agency expects to coordinate enforcement actions with state agencies exercising pesticide regulatory responsibilities.

(v) *Establishment Registration Requirement.* Establishments in which intrastate pesticide products are produced have been subject to the establishment registration requirement of section 7(a) of FIFRA since October 21, 1974. See 40 CFR 167.2(d). Accordingly, persons producing intrastate products in unregistered establishments have since October 21, 1974, been in violation of section 7(a), and have been subject to enforcement action under FIFRA section 12(a)(2)(L). In the exercise of its enforcement discretion, and subject to the limitation stated below, the Agency will not take enforcement action under section 12(a)(1)(L) against a person for violating section 7(a) by producing in an unregistered establishment an unregistered intrastate product subject to this subpart (i.e. a product not subject to a State registration requirement), if the person submits an application for establishment registration within ten (10) days after notification that he is subject to the establishment registration requirement. However, the Agency will only afford this grace period in cases where it has determined that the pro-

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[6] As used in this PEPS, the term "formulation" has the same meaning as the term "pesticide formulation" in the section 3 regulations:

> The term 'pesticide formulation' means the substance or mixture of substances comprised of all active and inert (if any) ingredients of a pesticide product. [40 CFR 162.3(gg)].

[7] As used in this PEPS, the term "use pattern" has the same meaning given it in the section 3 regulations:

> The term 'use pattern' means the manner in which a pesticide is applied, and includes the following parameters of pesticide application:
> (1) Target pest,
> (2) Crop or animals treated,
> (3) Application site, and
> (4) Application technique, rate and frequency. [40 CFR 162.3(gg)].

ducer did not know about the establishment registration requirement.

IV. CONVERSION OF A FEDERALLY REGISTERED PRODUCT TO A STATE REGISTERED PRODUCT SATISFYING THE REQUIREMENTS OF 40 CFR 162.17

Currently, many products which possess identical chemical formulations are validly registered with both EPA and State agencies. In some cases, however, the Federal and State labels contain different provisions, reflecting the terms of their respective State or Federal registrations, with regard to the method or rate of application, target pests, protective clothing requirements, or other warning and precautionary statements.

FIFRA section 12(a)(2)(A) makes it unlawful "to detach, alter, deface, or destroy, in whole or in part, any labeling required under this Act." The antecedent to this provision in the 1947 Act [section 3(c)(1); 61 Stat. 163] was interpreted to prohibit most stickering or pasting over of a Federal label by a State label or any removal of a Federal label for replacement by a State label. The accepted alternatives have been (1) to repackage or reformulate and repackage a Federally registered product to produce a State-registered product, or (2) to obtain a Federal registration for the State-registered product, limited to use only in the State in question.

The Agency believes that there is justification for the exercise of prosecutorial discretion regarding certain violations of section 12(a)(2)(A), during the phased implementation period for the new registration requirements. Thus, the Agency will not take enforcement action under section 12(a)(2)(A) against a person who converts a Federally registered pesticide product into a chemically identical State registered product, in the following circumstances:

(1) The resulting State registered pesticide product satisfies the requirements of 40 CFR 162.17. That is, the product must have had a valid State registration or other valid State authorization on August 4, 1975; a notice of application for Federal registration must have been filed before October 3, 1975; and the product must satisfy the minimum requirements in such areas as labeling, packaging and product formulation set out in 162.17(f), and reiterated in Part III of this PEPS.

(2) Conversion is accomplished by

(a) *completely* replacing or covering the Federal label with the State label; or

(b) adding supplementary labeling, approved by the State, which accompanies any movement of the product in commerce. Such supplemental labeling must contain the proper EPA Establishment Number; (and)

(3) No confusion results to the consumer, as to safety cautions, directions for use, ingredients, efficacy and acceptance by various regulating agencies.

It is emphasized that enforcement action will be taken under section 12(a)(2)(A) with respect to persons stickering, partially re-labeling, or performing any other act which only partially obscures the approved label on a Federally registered product. In addition, conversion must result in a product which satisfies all the requirements of 40 CFR 162.17. A conversion which results in any other type of product is outside the scope of this section. Thus, a conversion of a Federally registered product into an intrastate product of the type which is not regulated by the State in which it is to be sold or used [described in Part III (B)(2)(b)(3) of this PEPS] will result in enforcement action under section 12(a)(2)(A) of FIFRA.

V. PUBLIC COMMENT

The Administrative Procedures Act [5 U.S.C. § 553(b)] provides that the solicitation of comments is not required of Federal agencies for "interpretative rules, general statements of policy, or rules of agency organization procedure, or practice." EPA has determined that this PEPS falls within this exemption from the requirement to solicit public comment. Accordingly, the Agency is not soliciting public comment regarding matters published in this notice. However, interested persons may submit written comments regarding the policy set forth in this PEPS to the Pesticide Enforcement Division (EN-342), Office of Enforcement, U.S. Environmental Protection Agency, 401 M St. SW., Room 3624, Washington, D.C. 20460. Three copies of these comments should be submitted to facilitate the work of the EPA and others interested in inspecting such documents.

Dated: March 24, 1976.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

[FR Doc.76-9423 Filed 3-31-76;8:45 am]

[FRL 513-7; OPP-33000/385]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [P.L. 94-140], and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these Federal Register documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed on or before June 1, 1976. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before May 3, 1976.

Dated: March 23, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-33000/385)

EPA File Symbol 3276-EA. A&L LABORATORIES, Inc., 1001 Glenwood Ave., Minneapolis MN 55405. AL-SAN 10. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl am-

monium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 37962-R. Andfel Co., 319 N. Western Ave., Chicago IL 60612. ANDFEL'S SANI-POL. Active Ingredients: dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 5481-ROR. Amvac Chemical Corp., 4100 E Washington, Blvd, Los Angeles CA 90023. ALCO BUG BOMB II PROFESSIONAL STRENGTH. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.027%; d-trans Allethrin (allyl homolog of Cinerin I) 0.400%; Related compounds 0.030%; Aromatic petroleum hydrocarbons 0.265%; Petroleum distillate 6.500%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 10083-LO. Athea Laboratories, Inc., 4180 N First Street, Milwaukee WI 53212. STERICIDE II. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 36430-1. Better Living Laboratories, Inc., 2873 Director's Cove (Memphis TN 38131. H20K PORTABLE DRINKING WATER PURIFIER. Active Ingredients: Metallic Silver 1.05%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: added uses. PM33

EPA Reg. No. 1022-476. Chapman Chemical Co., P.O. Box 9158, Memphis TN 38109. PQ-8. Active Ingredients: Copper 8-Quinolinolate 5.40%. Method of Support: Application proceeds under 2(a) of interim policy. PM22

EPA File Symbol 100-LIU. Ciba-Geigy Corp., Agr. Div., PO BOX 11422, Greensboro NC 27409. MILOGARD 4L. Active Ingredients: Propazine: 2-chloro-4,6-bis (isopropylamino)-s-triazine 44%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM25

EPA File Symbol 11741-RA. D. W. Davies & Co., 3200 Phillips Ave, Racine WI 53403. DAVIES "DAIRY-QUAT". Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 33791-R. Dowood Company, 17320 W. 7 Mile Rd, PO Box 3825, Lake Park MI 48237. WATER WONDER CONCENTRATED 20% ALGAECIDE-FUNGICIDE. Active Ingredients: N-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 10%; N-Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chlorides 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10854-I. Environmental Control Systems, Inc., 7801 Pulaski Hwy, Baltimore MD 21237. DOUSE. Active Ingredients: n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) dimethyl benzylammonium chlorides 4.5%; n-Alkyl (C12 68%, C14 32%) dimethyl ethylbenzyl ammonium chlorides 4.5%; Sodium carbonate 4.0%; Tetrasodium ethylenediamine tetraacetate 2.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 37605-E. Fried Industries, PO Box 91, Milltown NJ 08850. CAGE WASH. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 37605-G. Fried Industries. KENL-CIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds 2(b) of interim policy. PM31

EPA File Symbol 37605-U. Fried Industries. STERI-CIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 8343-7. Gabriel Chemicals Ltd. AGRISECT MALATHION 80 E.C. Active Ingredients: Malathion (0,0-Dimethyl Dithiophosphate of Diethyl Mercaptosuccinate) 80.0%; Aromatic Petroleum Derivative Solvent 11.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted; added claims. PM16

EPA Reg. No. 3125-302. Chemagro Agricultural Div., Mobay Chemical Corp., Box 4913, Kansas City MO 64120. MORESTAN 25% WETTABLE POWDER MITICIDE-FUNGICIDE IN WATER SOLUBLE PACKETS. Active Ingredient: 6-Methyl-1,3-dithiolo[4,5-b]quinozalin-2-one 25%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM13

EPA Reg. No. 3125-117. Chemagro Agricultural Div., Mobay Chemical Corp. MORESTAN 25% WETTABLE POWDER MITICIDE-FUNGICIDE. Active Ingredient: 6-Methyl - 1,3 - dithiolo[4,5-b]quinozalin-2-one 25%. Method of Support: Application proceeds under 2(b) of interim policy. PM13

EPA File Symbol 9647-EG. Masury-Columbia Co., 1502 N. 25th Ave, Melrose Pk IL 60160. MYCO-Q-99-NR-II. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 9647-DU. Masury-Columbia Co. Q-256. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 6.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.25%; Tetrasodium ethylenediamine tetraacetate 3.60%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 23615-U. Morrison Products, Inc., 2443 Cherry Lane, Northbrook IL 60062. MPI-Q-ONE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5%C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 23615-R. Morrison Products, Inc. MPI-Q-THREE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl 68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 23615-E. Morrison Products, Inc. MPI-Q-TWO. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 432-502. S. B. Penick & Co., Comm. Development Pesticides, 215 Watchung Ave, Orange NJ 07050. SBP-1382-40 MF. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 40.00%; Related compounds 5.45%; Aromatic petroleum hydrocarbons 52.95%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added data. PM17

EPA File Symbol 37064-A. Pioneer Chemical Laboratories, 5419 Logan Ave N., Minneapolis MN 55430. PIONEER 450 DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 35348-R. Portion-Pac Chemical Corp., 360 E. Grand Ave, Chicago IL 60611. PORTION-PAC FORMULA 904 GERMICIDAL DETERGENT. Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 6.25%; n-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.25%; Tetrasodium ethylenediamine tetraacetate 3.60%; Sodium Sesquicarbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 1453-UR. J. L. Prescott Co., 27 8th St., Passaic NJ 07055. DAZZLE DISINFECTANT CLEANER. Active Ingredients: Didecyl Dimethyl Ammonium Chloride 2.5%; Tetrasodium Ethylene Diamine Tetraacetate 2.0%; Sodium Carbonate 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10742-RR. Prinova Co. Inc., 982 Terminal Way, San Carlos CA 94070. LADRIN CHEMICALS NUTRA-SAN. Active Ingredients: Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 5.35%; Alkyl (68% C12, 32% C14) Dimethyl Ethylbenzyl Ammonium Chloride 5.35%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 6487-RN. Reliance Chemical Co., 3301 Lakeside Ave., Cleveland OH 44114. RELIASAN II. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5%

C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10852-I. Scientific Packaging Corp., P O Drawer I, Elizabeth NJ 07207. SCIENTIFIC SANITIZER 1250. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 6.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.25%; Tetrasodium ethylenediamine tetraacetate 3.60%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10852-O. Scientific Packaging Corp. SCIENTIFIC SANITIZING RINSE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 6.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.25%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10852-RR. Scientific Packaging Corp. SCENTIFIC SANITIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.32%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.32%; Sodium Carbonate 0.426%; Tetrasodium ethylenediamine tetraacetate 0.142%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 10852-RE. Scientific Packaging Corp. SCIENTIFIC HOSPITAL DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.125%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.125%; Sodium Carbonate 1.5%; Tetrasodium ethylenediamine tetraacetate 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 1574-GE. Stanley Home Products, Inc., 333 Western Ave., Westfield MA 01085. "GERM-TROL" (R) PLUS. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%; Essential Oils 0.25%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 476-1995. Stauffer Chem. Co., 1200 S 47th St., Richmond CA 94804. DYFONATE 10 G. Active Ingredient: O-ethyl S-phenyl ethylphosphonodithioate 10.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM15

EPA File Symbol 557-RONR. Swift Agricultural Chemicals Corp., 111 W. Jackson Blvd., Chicago IL 60604. VIGORO BUG KILLER. Active Ingredients: Dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphonate 17.0%; S-(2-(Ethylsulfinyl) ethyl O,O-dimethyl) phosphorothioate 5.6%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement. PM16

EPA Reg. No. 1187-63. Virginia Chemicals, Inc., 3340 West Norfolk Rd, Portsmouth VA 23703. V EIGHT AEROSOL INSECTICIDE. Active Ingredients: 2,2-Dichlorovinyl Dimethyl Phosphate 2.74%; Related Compounds 0.21%. Method of Support: Application proceeds under 2(a) of interim policy. PM13

EPA File Symbol 35919-R. Water Purification Technology, Inc., 527 Madison Ave., New York NY 10022. PURITON BACTERIOSTATIC DRINKING WATER TREATMENT UNIT. Active Ingredient: Metallic Silver 5.25%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: change in use directions. PM33

[FR Doc.76-9429 Filed 3-31-76;8:45 am]

[FRL 514-8; OPP-33000/386]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [P.L. 94-140], and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

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Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed on or before June 1, 1976. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before May 3, 1976.

Dated: March 23, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-33000/386)

EPA File Symbol 25889-G. Chemical Products, 4233 Second St., NE, Minneapolis MN 55421. AC Pool ALGAECIDE. Active (dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 264-266. Amchem Products, Inc., Brookside Ave. Ambler PA 19002. SUPER 6 PREEMERGENCE HERBICIDE. Active Ingredients: 3-Amino-2,5-dichlorobenzoic acid, monomethylamine salt 42.5%; 3 Amino-2,5-dichlorobenzoic acid, ammonium salt 14.1%; Related aminodichlorobenzoic acids, monomethylamine salts 4.7%; Related aminodichlorobenzoic acids, ammonium salts 1.6%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM25

EPA File Symbol 36999-EU. B&M International, PO Box 1116, Thibodaux LA 70301. AQUA-FREEZE. Active Ingredients: Methylene Chloride 12.000%; (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 14.375%; Essential Oil 1.500%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 36999-EL. B&M International Inc. ENDO-KILL. Active Ingredients: Methylene Chloride 12.000% (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 14.375%; Essential Oil 1.500%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 38545-E. Chemical Sales Company, Inc., 1450 S Vandeventer, St. Louis MO 63110. ALGAE KILL CONCENTRATE. Active Ingredient: Poly[oxyethylene(dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 40.0%. Meth-

od of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 38545-R. Chemical Sales Company, Inc. ALGAE KILL. Active Ingredient: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 115-GU. Continental Chemical Company, 2750 Grand Ave., Cleveland OH 44104. ALGEX NO. 812. Active Ingredient: Poly[oxyethylene(dimethyliminio) ethylene-(dimethyliminio) ethylenedichloride] 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 115-GL. Continental Chemical Company. ALGEX NO. 813. Active Ingredient: Poly[oxethylene(dimethyliminio) ethylene-(dimethyliminio) ethylenedichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 32177-R. Electrofilm, Inc., 7116 Laurel Canyon Boulevard, N. Hollywood CA 91605. AQUAQUEEN WATERBED BACTERIACIDE. Active Ingredient: n-Alkyl(50% C14, 40% C12, 10% C16) Dimethyl Benzyl Ammonium Chloride 14%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 34077-RN. Excelsior Varnish, 2790 Grand Ave., Cleveland OH 44104. BIOCIDE NO. 164. Active Ingredient: Poly[oxyethylene(dimethyliminio) ethylene - (dimethyliminio) ethylenedichloride] 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 34077-RE. Excelsior Varnish. BIOCIDE NO. 165. Active Ingredient: Poly[oxyethylene(dimethyliminio) ethylene-(dimethyliminio) ethylenedichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 34077-RR. Excelsior Varnish. BIOCIDE NO. 163. Active Ingredient: Poly[oxyethylene(dimethyliminio) ethylene-(dimethyliminio) ethylenedichloride) 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 729-TG. Gulf Oil Corporation, Gulf Bldg., P.O. Box 1166, Houston, TX 77002. GULF SPRAY MULTI-PURPOSE INSECT KILLER FORMULA 15. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.027%; *d-trans*-Allethrin (allyl homolog of Cinerin I) 0.200%; Aromatic petroleum hydrocarbons 0.265%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 14475-E. Mon-Dak Chemical and Supply, Inc., 19 First St NE, Minot ND 58701. MON-DAK COOLING TOWER TREATMENT 5400. Active Ingredient: Poly[oxyethylene (dimethyliminio)ethylene-(dimethyliminio) ethylenedichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 14475-R. Mon-Dak Chemical and Supply, Inc. MON-DAK POOL ALGAECIDE 6400. Active Ingredient: Poly[oxyethylene (dimethyliminio)ethylene(dimethyliminio) ethylenedichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 2831-AE. Napasco International, P O Drawer 1219, Thibodaux LA 70301. AQUA-KILL. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cycloproanecarboxylate 0.200%; Related compounds 0.028%; d-trans allethrin (allyl homolog of Cinerin I) 0.150%; Related compounds 0.011%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 2831-AR. Napasco International. SUPER AQUA-KILL. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cycloproanecarboxylate 0.200% Related compounds 0.028%; d-trans allethrin (allyl homolog of Cinerin I) 0.150%; Related compounds 0.011%; Essential oils 2.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 2831-LO. NAPASCO International. SLING-SHOT PLUS. Active Ingredients: Methylene Chloride 12.000%; (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250% Related compounds 0.034%; 34%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 14.375%; Essential Oil 1.500%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 2831-AN. Napasco International. SUPER SLING-SHOT. Active Ingredients: Methylene Chloride 12.000%; (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounts 0.034%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 14.375%; Essentiol Oil 1.500%. Methods of Support: Application proceeds under 2(b) of interim policy. PM17

[FR Doc.76-9430 Filed 3-31-76;8:45 am]

[FRL 515-1, OPP-50089]

ZOECON CORP.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Zoecon Corporation, Palo Alto, California 94304. 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 3, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 20954-EUP-4) allows the use of 600 pounds A.I. of the insecticide hexadecyl cyclopropanecarboxylate on apples and pears to evaluate control of the European red mite. No more than 335 acres are involved; the program is authorized only in the States of California, Colorado, Connecticut, Georgia, Idaho, Illinois, Iowa, Kentucky, Maryland, Massachusets, Michigan, Minnesota, Misouri, Montana, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. The experimental use permit is effective from March 11, 1976, to March 11, 1977. A temporary tolerance for residues of the active ingredient in or on apples and pears 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. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 29, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-9428 Filed 3-31-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20732; FCC 76-248]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Instituting Investigation

1. In our Memorandum Opinion and Order released March 1, 1976, FCC 76-191 (41 FR 9594), we suspended the above-captioned tariff filing for one day and ordered an accounting insofar as rates were increased. We did not intend, however, to have the suspension and accounting apply to communications to the States of Hawaii and Alaska or to Canada and Mexico. Further, we had not intended to exempt any carrier participating in the service from this accounting. Accordingly, the language of our Order is revised as noted below:

2. Paragraph 14 is revised to read:

14. For the reasons indicated we shall order AT&T and all participating telephone companies to maintain accounts by service classes and subclasses, in the aggregate, specifying the amounts of all increases and the service classification for which such amounts are accounted. Classifications for which accounts must be kept are as follows: (1) private line services, by series; (2) MTS and WATS, insofar as rates have been increased, and for each classification of service (e.g., dial station, operator-assisted, inward WATS, outward WATS, etc.); (3) DDS; and (4) all other services.

AT&T shall coordinate with participating telephone companies and shall submit a complete list of all classifications it intends to use for this accounting within 30 days of the release of this Order. This accounting requirement shall not apply to service between the United States and Canada and Mexico or between the Mainland and Hawaii and Alaska.

In the matter of AMERICAN TELEPHONE AND TELEGRAPH COMPANY, Revisions of Tariffs, F.C.C. Nos. 259, 260, 263, 264, and 267, Transmittal No. 12497.

Paragraph 16 is revised to read:

16. Accordingly, IT IS ORDERED, That the tariff pages filed with AT&T's Transmittal No. 12497 ARE SUSPENDED for one day. This suspension shall not apply to those provisions which offer service between the United States and Canada and Mexico or between the Mainland and Hawaii and Alaska.

Paragraph 18 is revised to read:

18. IT IS FURTHER ORDERED, That AT&T and participating telephone companies are

required to keep accounts, until further order of this Commission, as provided in paragraph 14 herein.

Adopted: March 18, 1976.

Released: March 26, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[1] Commissioners Wiley, Chairman, and Hooks concurring.

[FR Doc.76-9290 Filed 3-31-76;8:45 am]

[Docket No. 20736; FCC 76-249]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Instituting Investigation; Instituting a Hearing

In the matter of American Telephone and Telegraph Company, Revision to Tariff F.C.C. No. 260 (Series 1000).

1. On January 22, 1976, the American Telephone and Telegraph Company filed revisions under Transmittal No. 12493 to its Tariff F.C.C. No. 260 (Private Line Service) which modify the rate structure and rate levels for Series 1000 service (sub-voice grade private line service). The revisions are scheduled to become effective on March 22, 1976. The currently effective rate structure for Series 1000 service consists of an interexchange channel element (IXC) and a service terminal element. The subject tariff revisions would substitute channel terminal and station terminal elements for the service terminal.[1] Although AT&T proposes to lower the IXC rate, the net result of the above-referenced tariff revisions will be increased revenues from Series 1000 service because the proposed channel and station terminal rates will produce revenues greater than those lost from the IXC rate reduction. AT&T claims that its revenues from Series 1000 service will increase by approximately $6,000,000.

2. Petitions seeking suspension and investigation of the above-described tariff revisions and imposition of a suitable accounting order have been filed by: The Associated Press (AP) and Commodity News Service, Inc. (CNS); United Press International, Inc., Beneficial Finance Corporation; Household Finance Corporation; Dial Financial Corporation; National Numismatic Network, Ltd; United States Teletype Service; The Facts Nationwide Teletype Circuit; Holiday Inns; and the Ohio River Valley Water Sanitation Commission (ORSANCO). These entities largely use Series 1000 service for low speed data transmission. AT&T has filed a "Reply" to the foregoing petitions.

3. The parties urging suspension of AT&T's revised Series 1000 schedules concentrate on: (a) the financial impact that the revisions will have on their communications expenditures and (b) the alleged inadequacy of the information AT&T tendered as support for the tariff revisions. AT&T's Series 1000 tariff revisions affect its customers to varying degrees. For example, the Facts Nationwide Teletype Circuit asserts that the revisions will mean a 24 percent increase in its Series 1000 bill; the Commodity News Service contends that its bill for Series 1000 service will rise by 208 percent; and the finance companies maintain that the revisions will result in them paying from 60 to 70 percent more for Series 1000 service. The parties argue that they cannot readily pass on the increased communications costs to their customers; that conversion to an alternative service would be both expensive and not easily or quickly accomplished; and that the sheer magnitude of the rate increase warrants suspension and investigation.

4. The parties make numerous arguments regarding AT&T's market and cost studies. Almost unanimously, they contend that AT&T has not documented the costs which purportedly warrant higher rate levels for the non-IXC rate elements, i.e., the channel and station terminals. Holiday Inns, Inc., and the finance companies note that the proposed Series 1000 rate structure may be more competition-related that cost-related. In this regard, they argue that the lower IXC rates in the proposed rate stucture reflects a further attempt by AT&T to meet competition from the Specialized Common Carriers. Moreover, these parties reason that since the revenues realized from Series 1000 are the total of the revenues from all the rate elements, including teletypewriter equipment, the Commission must analyze the impact of the station equipment cost/revenue relationship on the entire service. They suggest that the recent three percent across-the-board increase for terminal equipment which AT&T submitted under Transmittal No. 12497 may be inadequate, and that it may be inadequate because AT&T is countering competition in the terminal equipment market. The finance companies do not use AT&T teletypewriter equipment, and thus further argue that AT&T may be using the channel and station terminal elements to support its investment in teletypewriter equipment which may be obsolete. They assert that AT&T's support material is inadequate for purposes of resolving this concern. AT&T's support material allegedly is also materially defective, according to the finance companies, because it fails to justify pricing 1001–1005 services alike, and because it similarly does not justify the elimination of the 10 percent differential between half-duplex and full-duplex service. With respect to AT&T's market studies, several parties, including the finance companies and two of the numismatic related businesses, maintain that the rate revision will actually yield lower revenues than the current rates because the proposed structure and rate levels will severely constrict the demand for Series 1000 service. Specifically, they assert that AT&T erroneously relied on its Series 5000 experiences in estimating the effect that the subject revisions will have on demand for Series 1000 service because the customers and demand for the services are not comparable. Some contend that AT&T ultimately intends to eliminate the service. Holiday Inns, however, argues that the demand for Series 1000 service will not decline as rapidly as AT&T forecast, and that the subject revisions will increase AT&T's Series 1000 revenues by $14,000,000 rather than $6,000,000.

5. ORSANCO raises the argument that the above-described tariff revisions should be suspended until the Commission has had the opportunity to invoke and implement the environmental impact statement process. ORSANCO is charged with monitoring the pollution level in the Ohio rivers. It utilizes robot monitoring stations along the river and its tributaries to sample water quality, and uses Series 1000 service to transmit the data received from the sampling operations to a processing center in Cincinnati. According to ORSANCO, inasmuch as the proposed tariff revisions will increase its costs for Series 1000 service by about 125 percent, and since its budget allocation for leased line service is less than one half of the costs it will incur under the proposed revisions, it may be compelled to close certain monitoring stations, or remove the stations from the telemeter monitoring system. Either occurrence reportedly will have, "a potentially significant impact on the environment," and warrants utilization of the environmental impact statement process. Although we sympathize with ORSANCO's budgetary problems, we do not believe that the subject tariff revisions have a, "discernible impact on the physical environment * * *" and thus, "cannot be held to require preparation of an impact statement, no matter what social, economic or moral issues may otherwise be presented."[2] As we stated in the *Report and Order in Docket 19555:*

"An action made subject to the environmental impact statement process should have some reasonably proximate and predictable effect on the physical environment."[3]

Since ORANSCO can satisfy its responsibilities in numerous ways, the record fails to reveal any circumstances tending to

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[1] Section 2.5 of AT&T's Tariff F.C.C. No. 260 defines the term "Service Terminal" as follows:

"The term 'Service Terminal' when used in connection with private line services denotes the facilities required for terminating and connecting the interexchange channel of a private line service to a station".

The proposed revisions define the terms "Channel Terminal" and "Station Terminal" as follows:

"The term 'Channel Terminal' is used in connection with Series 1000, Series 2000, and Series 3000 channels and denotes the facilities required to terminate an interexchange channel at a Rate Center."

"The term 'Station Terminal' is used in connection with Series 1000, Series 2000, and Series 3000 channels and denotes the facilities required for connecting an interexchange channel to a station."

[2] *Implementation of the National Environmental Policy Act of 1969, Docket No. 19555,* FCC74-1042, 49 FCC2d 1313 (1974), reconsideration granted in part, 56 FCC 2d 635 (1975).

[3] *Id.*

show that the subject revisions will have a reasonably proximate, predictable, and adverse effect on the physical environment.

6. The arguments advanced by the parties named in paragraph 2 above regarding AT&T's market studies also fail to raise the kind of substantial questions which would warrant suspension of the subject tariff revisions. Market studies are by their nature projections; the effect of a tariff revision can only be estimated. The disparate arguments of the parties regarding the effect which the subject revision will have on market demand aptly illustrate the prognostic essence of market studies. Nevertheless, given the nature of Series 1000, we are persuaded that AT&T's market and demand studies substantially comply with Section 61.38 of the Rules. The demand for Series 1000 service has declined steadily as alternative services have become available and as the demand for higher speed data transmission has increased.[4] Although we now cannot know whether the subject revisions will accelerate the decline in demand for Series 1000 services, we are confident that the tariff revisions will not result in $14,000,000 of increased revenues as suggested by Holiday Inns.[5]

7. We, however, find that some of the arguments raised by the petitioners are persuasive because we have serious questions about the material which AT&T filed to support the proposed rate levels for the individual rate elements.[6] Specifically, Holiday Inns has noted a disturbing discrepancy between Bell's reported LRIC costs for Series 1000 main station terminals and Bell's claimed LRIC costs for Series 2000/3000 station terminals. AT&T asserts that its monthly costs by rate elements for Series 1000 are as follows:

[Baud-per-second service]

Item	75 or less	150
Main station terminal	$76.75	$114.22
Additional station terminal	58.67	93.62

The monthly costs which it claimed for the same rate elements in the *Hi-Lo* proceeding (55 FCC 2d 224, 234 (1975)) are as follows:

Station terminal—per terminal		
HID and LoD	$21.00	$21.00
Short haul	20.50	21.50

It does not appear that the main station terminal costs for Series 1000 service should be over three times as much as the Series 2000/3000 station terminal costs. AT&T has failed to explain this apparent discrepancy. Since, in this instance, the cost support material should support the rate levels for the rate elements, the wide variance between the reported costs for Series 1000 and Series 2000/3000 station terminals raises a substantial question as to whether the rate levels for the station terminal element under the subject revisions are just and reasonable. AT&T's proposed rate levels for station terminal service are as follows:

Item	75 Bd	150 Bd
Main station terminal	$40	$60
Additional station terminal	25	40

If AT&T's main station terminal LRIC costs for Series 1000 service are closer to $21.00 per station terminal rather than $76.00 per station terminal, AT&T's proposed rates for the station terminal element of its proposed rate structure may not be cost justified. AT&T has offered no justification other than cost for the proposed rate levels. In view of the failure of AT&T's cost support material to justify the proposed rate levels, we shall suspend the tariff revisions to AT&T's Tariff F.C.C. No. 260 which AT&T submitted under its Transmittal No. 12493.

8. Since the subject tariff revisions are part of AT&T's efforts to raise its rate of return on interstate and foreign services to the 9.5 percent which we recently prescribed in Docket No. 20376 as AT&T's fair rate of return for such services and since we also found that it is, "imperative to permit AT&T to realize this rate of return (9.5%) as soon as possible," we shall suspend the subject revisions only for one day. Our decision to suspend the subject revisions only for one day is consistent with our recent decision in *American Telephone and Telegraph Company, Docket No. 20732*, FCC 76-191, FCC 2d (1976).

9. Moreover, in order to fully protect the public, we shall require that all carriers participating in Series 1000 maintain an accounting by individual account of the revenues derived under these revised tariffs, for possible refund upon resolution of the lawfulness thereof, because the number of Series 1000 customers is relatively low, and thus accounting by individual account will not be unduly expensive.

10. Accordingly, IT IS ORDERED, That pursuant to the provisions of Sections 4(i), 201-205, and 403 of the Communications Act of 1934, as amended, an investigation and hearing is hereby instituted into the lawfulnes of the aforementioned schedule of charges, regulations, practices and classifications filed by AT&T under Transmittal No. 12493.

11. IT IS FURTHER ORDERED, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified; and that an Administrative Law Judge be designated to preside at the proceeding. An additional order shall issue setting forth the procedures to be followed in this investigation.

12. IT IS FURTHER ORDERED, That, without limiting the scope of the proceeding, it shall include consideration of the following:

(a) Whether any of the charges, classifications, regulations and practices contained in the tariff revisions are or will be unjust or unreasonable within the meaning of Section 201(b) of the Communications Act;

(b) Whether such revisions will make an unjust or unreasonable discrimination or will subject any person or class of persons to undue or unreasonable prejudice or disadvantage, or will give any undue or unreasonable preference or advantage to any person or class of persons, within the meaning of Section 202 (a) of the Communications Act;

(c) Whether such charges, regulations, practices and classification are in conformity with such rate-making principles and guidelines as may be adopted by the Commission in pending Docket No. 18128;

(d) Whether the Commission should prescribe just and reasonable charges, classifications, regulations and practices to be hereafter followed with respect to the service governed by such tariff revisions and, if so, the charges, classifications, regulations practices that should be prescribed.

13. IT IS FURTHER ORDERED, That the American Telephone and Telegraph Company, the Bell System Operating Companies, and the carriers concurring in AT&T's Tariff F.C.C. No. 260 are made parties respondent hereto, and that any other carrier and interested person shall have leave to intervene herein upon the filing of notice of intention to appear and participate within 20 days of the release date of this order in the Federal Register.

14. IT IS FURTHER ORDERED, That, pursuant to Section 204 of the Communications Act such tariff revisions ARE HEREBY SUSPENDED until March 23, 1976 and all carriers participating in Series 1000 shall, in the case of all increased charges and until further order of the Commission keep accurate account of all amounts received by reason of such increases specifying by whom and in whose behalf such amounts are paid.

Adopted: March 18, 1976.

Released: March 29, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[7]

[SEAL] VINCENT J. MULLINS,
Secretary

[4] AT&T's Form M reports to the Commission indicate that the number of teletypewriter circuits subscribed to have declined from 6,555 circuits in 1970 to 5,233 circuits in 1975.

[5] According to AT&T's fully distributed cost study, Series 1000 service earned—2.6 percent rate of return on revenues of $67,800,000 for the period which ended May 31, 1975. Increased revenues of $6,000,000 clearly will not raise AT&T's rate of return on Series 1000 above the 9.5 percent which we recently prescribed as the fair rate of return for Bell's interstate and foreign services. See, *American Telephone and Telegraph Co., Docket No. 20236*, FCC 76-100, ____ FCC 2d ____ (1976).

[6] At this time, we do not take issue with AT&T's contention that the return which it realizes on its investment in Series 1000 should be increased.

[7] Commissioner Hooks, concurring.

[FR Doc.76-9291 Filed 3-31-76;8:45 am]

[Report No. 799]

COMMON CARRIER SERVICES INFORMATION

Re: Applications Accepted for Filing

MARCH 29, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act of 1934) or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning any of these applications within 30 days of the date of this notice.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cutoff date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b) (3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21531–CD–P–76, Pacific Northwest Bell Telephone Company (KWT984), C.P. for additional facilities to operate on 459.950 MHz (Test) to be located at 1200 3rd Avenue, Seattle, Washington.

21632–CD–P–76, United Telephone Company of the Northwest (KON924), C.P. to change antenna system of existing facilities and to add base facilities to operate on 152.60 MHz to be located at Burdoin Mtn., 2.25 miles NE of White Salmon, Washington.

21633–CD–P–(3)–76, Radio Telephone Service, Inc. (New), C.P. for a new 1-way-signaling station to operate on 35.22 MHz, 43.22 MHz and 43.58 MHz to be located at 2210 Boardwalk, Atlantic City, New Jersey.

21634–CD–P–76, Fulmont Communications, Inc. (New), C.P. for a new station to operate on 454.075 MHz (Base) to be located 3.1 miles NNW of Johnstown, New York.

21635–CD–P–76, Fulmont Communications, Inc. (New), C.P. for a new station to operate on 43.58 MHz (Base) to be located 3.1 miles NNW of Johnstown, New York. (1-way-signaling)

21636–CD–P–76, Answer Iowa, Inc. (New), C.P. for a new 1-way-signaling station to be operated on 152.24 MHz (Base) to be located at 118 Broadway, Fargo, North Dakota.

21637–CD–AL–76, Metro-Radiophone Consent to Assignment of Radio Station License from L. Warren Stewart and David H. Smith, d/b/a Metro-Radiophone, ASSIGNOR, to David H. Smith, ASSIGNEE. Station: KUC977—Sussex, Wisconsin.

21638–CD–MP–76, Paging, Inc. (KWT884), Mod. C.P. to change antenna system, relocate antenna and replace transmitter operating on 158.70 MHz (Base) to be located at Price Mtn., 3.5 miles SW of Blacksburg, Virginia. (1-way-signaling)

21639–CD–P–(7)–76, The Pacific Telephone and Telegraph Company (KMA400), C.P. to replace transmitters and change antenna system for base facilities operating on 152.51, 152.57, 152.63, 152.69, 152.72, 152.78, and 152.81 MHz (Base) at Loc. #1: 2.6 miles NNE of Burbank, California; and to relocate base standby facilities operating on 152.72 and 152.63 MHz to location #1.

21640–CD–P–76, General Telephone Company of Indiana, Inc. (KSA623), C.P. to change antenna system of existing facilities and for additional base facilities to operate on 152.57 MHz (Base) to be located at Loc. #2: 4011 N. Clinton St., Fort Wayne, Indiana.

21641–CD–P–76, Lubbock Radio Paging Service, Inc. (KLF600), C.P. to change antenna system and replace transmitter operating on 152.24 MHz (Base) located at 7400 University Avenue, Lubbock, Texas. (1-way-signaling)

21642–CD–P–(2)–76, Lubbock Radio Paging Service, Inc. (KKE970), C.P. to change antenna system of existing facilities operating on 152.03 and 152.15 MHz (Base) at Loc. #1: 7400 University Avenue, Lubbock, Texas.

21643–CD–P–(4)–76, South Central Bell Telephone Company (KMM580), C.P. to change antenna system and antenna location operating on 152.54, 152.57, 152.63, 152.66 MHz (Base) to be located at 114 North Lamar Street, Jackson, Mississippi.

21644–CD–MP–76, Decatur Telephone Company, Inc. (KWT983), Mod. C.P. to change antenna system operating on 152.75 MHz (Base) located 1 mile W of Decatur, Mississippi; 4000' W. Hwy. 15 and 800' N. of Conehatta Rd., Decatur, Mississippi.

21645–CD–MP–76, Decatur Telephone Company, Inc. (KWT981), Mod. C.P. to change antenna system located 1 mile W. of Decatur, Mississippi; 4000' W. Hwy. 15, and 800' N. of Conehatta Rd., Decatur, Mississippi; also to change frequency to 152.84 MHz at same location.

21646–CD–R–76, New England Telephone and Telegraph Company (KA9446), Renewal of Developmental Radio Station License expiring April 25, 1976. Term: April 25, 1976 through April 25, 1977.

21647–CD–P–76, MetroTec, Inc. (KTS283), C.P. for additional facilities to operate on 72.02 MHz (Control) to be located at new site described as Loc. #4: 55 Shiawassie Avenue, Akron, Ohio.

21648–CD–P–76, Industrial Communications (KOP321), C.P. to change antenna system and replace transmitter operating on 459.325 MHz (Repeater) at Loc. #1: Blue Mountain, Utah.

Correction:

21268–CD–MP–(2)–76, Gulf Mobilphone Alabama, Inc. (KWH322), Correct entry previously shown on Public Notice Report #791, dated February 2, 1976 to read as follows: Mod. C.P. to relocate facilities operating on 454.200 MHz at Loc. #1: Top of Red Mtn., 81st Street Hill, Birmingham, Alabama; and 454.275 MHz at Loc. #2: Winona Rd., 1 mile South Graysville, Alabama.

INFORMATIVE

It appears that the following applications are mutually exclusive based on electrical interference and subject to the Commission's Rules concerning Ex Parte presentations.

New Jersey Frequency: 35.58 MHz, Call sign and file number

J. M. Blodgett, d/b/a Radio Page, Atlantic City, New Jersey, KWT885, 21185–CD–P–76.

Radio Dispatch Company, Atlantic City, New Jersey, NEW, 21506–CD–P–76.

INFORMATIVE

Mobile Services Division (MSD) is looking into the possible use of offset channels as a means of providing spectrum relief where needed. But offset channel operation can potentially cause interference unless its use is properly limited. We are anxious to determine what these limitations should be and are seeking data for this purpose. When MSD receives enough data, and assuming it is favorable, we propose to issue a Notice of Proposed Rulemaking to allow offset frequencies to be available on a permanent basis. If rules are then adopted regarding the use of offsets, Radio Common Carriers will have a few extra channels to relieve the overcrowding which is now the situation across the U.S.A.

MSD will issue developmental permits to carriers who are willing to test offsets and gather the necessary information that MSD needs to establish criteria for rule making. Note that MSD is not contemplating issuing a waiver of the rules to allow permanent authorizations, nor is MSD considering permitting service for hire on offset developmentals.

An application for developmental authority to test an offset frequency should consider the following points:

1. The application follows the same procedures and rules as other developmentals (See Section 21.400).

2. A comprehensive program of study should be submitted; not a statement that additional channels are needed.

3. Developmental authority will not be granted permanently. These are for gathering information. The only benefit to the carrier is that he is supplying data to assist in creating more channels.

4. The development report should contain data on:

A. How far mobiles on the adjacent channels can come to the base stations before desensitizing the base station receivers.

B. How close can base stations be placed depending on the effective radiated power considering the mobile's and pager's selectivity.

March 29, 1976

POINT-TO-POINT MICROWAVE RADIO SERVICE:

3059–CF–P–76, N-Triple-C, Inc. (WOI32), 3 Miles North of Pauls Valley, Oklahoma. Lat. 34°47'34" N., Long. 97°13'21" W. C.P. to change polarization to 5974.8V towards

Blanchard, Oklahoma and 5974.8V towards Sulphur, Oklahoma.

3060–CF–P–76, Same (WOI36), 1.5 Mile North of Aubrey, Texas. Lat. 33°19'28" N., Long. 96°58'20" W. C.P. to change frequency to 5974.8H towards Gainesville, Texas.

3061–CF–MP–76, Penn Service Microwave Co. (KGO20), Bears Head Mountain, One Mile North of Delano, Pennsylvania. Lat. 40°51'00" N., Long. 76°04'48" W. C.P. to change frequency to 6049.0V towards Bald Eagle Mountain, Pennsylvania on azimuth 299 degrees.

3062–CF–P–76, Michigan Bell Telephone Co. (WAX85), 114 North Division Street, Grand Rapids, Michigan. Lat. 42°57'57" N., Long. 85°40'03". C.P. to add 10835V towards Grand Valley, Michigan via passive reflector on azimuth 268 degrees.

3063–CF–P–76, American Television Relay, Inc. (New), 505 Marquette, NW., Albuquerque, New Mexico. Lat. 35°05'18" N., Long. 106°39'06" W. C.P. for a new station on 6301.0V towards Sandia Crest, New Mexico on azimuth 53.2 degrees. (Special Temporary Authority requested.)

3064–CF–P–76, Mid-Kansas, Inc. (New), 1.4 Miles SSE of Pratt, Kansas. Lat. 37°37'13" N., Long. 98°43'22" W. C.P. for a new station on 5960.0V towards Medicine Lodge, Kansas on azimuth 169.5 degrees.

3065–CF–P–76, MCI Telecommunications Corp. (WOG70), 8200 Ridge Avenue, Roxborough, Pennsylvania. Lat. 40°03'33" N., Long. 75°14'20" W. C.P. to add transmitter and to add 6286.2V towards Plumstead, Pennsylvania.

3066–CF–P–76, Same (WOG71), 0.4 Mile NNE of Plumsteadville, Pennsylvania. Lat. 40°23'37" N., Long. 75°08'44" W. C.P. to add transmitter and to change frequencies to 5974.8V; 6034.2V; 6093.5V; 6152.8V towards Roxborough, Pennsylvania and to add 6034.2V towards Neshanic, New Jersey; also add 6004.5H towards Roxborough, Pennsylvania.

3067–CF–P–76, Same (WOG72), 2.0 Miles SSW of Neshanic, New Jersey. Lat. 40°28'10" N., Long. 74°43'43" W. C.P. to add transmitter and 6256.5V towards Plumstead, Pennsylvania and 6256.5V towards South Amboy, New Jersey.

3068–CF–P–76, Same (WIU95), 0.5 Mile West of South Amboy, New Jersey. Lat. 40°28'51" N., Long. 74°17'56" W. C.P. to add transmitter, and to add 6004.5H towards Neshanic, New Jersey and 6123.1V towards 55 Water Street, New York, New York.

3069–CF–P–76, Same (WIU98), 55 Water Street, New York, New York. Lat. 40°42'10" N., Long. 74°00'34" W. C.P. to add transmitter and to add 6375.2V towards South Amboy, New Jersey and 11225H towards Newark, New Jersey.

3120–CF–P–76, Hi-Desert Microwave, Inc. (KPN79), Glass Butte, 12.0 Miles SE of Hampton, Oregon. Lat. 43°33'30" N., Long. 120°04'20" W. C.P. to replace transmitter, change emission to 30000F9 and to increase power output to 2.0.

3117–CF–P–76, The Ohio Bell Telephone Co. (New), Sunny Acres, 4310 Richmond Road, Warrensville Township, Ohio. Lat. 41°26'27" N., Long. 081°30'09" W. C.P. for a new station on 11305H towards Cleveland, Ohio on azimuth 292.51 degrees.

3118–CF–P–76, Same (KQL), 750 Huron Road, Cleveland Ohio. Lat. 41°29'53" N. Long. 081°41'12" W. C.P. to add 11175V towards V.A. Hospital, Ohio, on azimuth 74.37 degrees.

3137–CF–P–76, United Telephone Company of Florida. (KIQ75), 113 East Ventura Avenue, Clewiston, Florida. Lat. 26°45'00" N., Long. 080°56'03" W. C.P. to add transmitter and 6004.5V towards Hendry, Florida.

3138–CF–P–76, Same (KGG30), Road 80, 15MW Clewiston, Florida. Lat. 26°46'09" N., Long. 81°10'30" W. C.P. to add transter and 6256.5H towards LaBelle, Florida.

3139–CF–P–76, Same (KIQ72), Ft. Thompson Street, LaBelle, Florida. Lat. 26°45'58" N., Long. 81°26'18" W. C.P. to add transmitter and 6093.5H toward Lehigh Acre, Florida.

3140–CF–P–76, Same (KJC83), 539 Colorado Road, Lehigh Acres, Florida. Lat. 26°36'23" N., Long. 81°38'26" W. C.P. to add transmitter and 6404.8H toward Ft. Myers, Florida.

3141–CF–P–76, Same (KIP60), 1520 Lee Street, Ft. Myers, Florida. Lat. 26°38'39" N., Long. 81°52'06" W. C.P. to add new point of communication at 10935V towards WBBH, Florida on azimuth 172.4 degrees.

3070–CF–P–76, MCI Telecommunications Corp. (WLJ40), 1801 Raymond Blvd., Newark, New Jersey. Lat. 40°44'13" N., Long. 74°10'15" W. C.P. to add transmitter, and to add 11055V towards 55 Water Street, New York, New York and 11095V towards New York, New York.

3071–CF–P–76, Same (WLJ42), 1301 Avenue of the Americas, New York, New York. Lat. 40°45'42" N., Long. 73°58'48" W. C.P. to add transmitter and to add 11585H towards Newark, New Jersey.

3100–CF–P–76, American Television and Communications Corp. (New), 3 Miles SW of town, Wilson, North Carolina. Lat. 35°41'18" N., Long. 77°56'09" W. C.P. for a new station on 5989.7H and 6049.0H towards Rocky Mountain, North Carolina on azimuth 18.4 degrees.

1781–CF–P–76, The Chesapeake and Potomac Telephone Company of Virginia (KYZ84), 7th and Virginia Avenue, Norton, Virginia. Lat. 36°56'08" N., Long. 82°37'46" W. C.P. to add frequencies 11135V–10895V MHz toward Coeburn, Virginia on azimuth 74.5°; change polarization from Vertical to Horizontal on 10975 MHz toward Coeburn.

1782–CF–P–76, Same (KYZ83), 2 Miles of NW of Coeburn, Virginia. Lat. 36°57'39" N. Long. 82°30'56" W. C.P. to add frequencies 11545V, 11305V MHz toward Norton, Virginia on azimuth 254.6°; change polarization from Vertical to Horizontal on 11385 MHz toward Norton; add 11605V–11285V MHz toward a new station at Big Ridge, Virginia on azimuth 27.7°.

1783–CF–P–76, Same (New), Big Ridge, 2.06 Miles WSW of Clinchco, Virginia. Lat. 37°-08'54" N., Long. 82°23'34" W. C.P. for a new station on frequencies 11155V–10835V MHz toward Coeburn, Virginia on azimuth 207.7°; 11075V–10995V MHz toward Clintwood Passive Reflector on azimuth 277.8°, and from passive reflector toward a new station at Clintwood, Virginia on azimuth 155.8°.

1784–CF–P–76, Same (New), High Street, Clintwood, Virginia. Lat. 37°09'01" N., Long. 82°27'22" W. C.P. for a new station on frequencies 11525V–11445V MHz toward Clintwood Passive Reflector on azimuth 335.8°, and from passive reflector toward a new station at Big Ridge, Virginia on azimuth 97.8°.

Corrections:

The Offshore Telephone Company. Correct locations of the following stations to read:

7894–CF–R–76, WGI33, Vermilion 67A.
7895–CF–R–76, WGI34, Vermilion 164.
7896CFR76, WGI35, Vermilion 119D.

(All other particulars regarding the renewals for this applicant remain the same as reported on Public Notice dated 3–15–76, No. 797.)

Southern Bell Telephone and Telegraph Company, (KJL28), (KJL27), (KJL26), (KJL25), (KJL23). Correct file numbers to read 4171–CF–P–75, 4172–CF–P–75, 4173–CF–P–75, 4174–CF–P–75, 4175–CF–P–75 respectively. (All other particulars remain the same as reported on Public Notice dated June 2, 1975.)

[FR Doc.76-9294 Filed 3-31-76;8:45 am]

PERSONAL USE RADIO ADVISORY COMMITTEE

Notice of Establishment

The Federal Communications Commission announces the establishment of the Personal Use Radio Advisory Committee to advise the Commission on potential solutions to the interference and enforcement problems currently being experienced in the Citizens radio service. During the past two years, there has been an unparalleled increase in applications for Citizens radio licenses. There are, at present, 3.5 million Citizens licensees, and applications are being received at a rate of more than 500,000 per month.

The dramatic increase in use of Citizens radio has created a critical enforcement problem. The growth of this service has also exacerbated interference problems with television, hi-fi sets, and other electronic equipment. Accordingly, the Commission has determined that the establishment of the Personal Use Radio Advisory Committee to study these problems is in the public interest and necessary in order to discharge the agency's responsibilities.

Specific problem areas on which the committee will focus attention are:

(a) methods for improving rule compliance;

(b) electromagnetic compatability;

(c) formation of local groups to resolve problems of Citizens radio interference to home entertainment equipment;

(d) licensing systems;

(e) user education and training;

(f) technical standards in regulations.

It is expected that the Personal Use Radio Advisory Committee will consist of approximately 15–25 non-Commission members. The Commission desires to obtain members from a cross-section of the Citizens Band industry (manufacturers, importers, dealers). In addition, the Commission hopes to obtain members representing equipment users and the general public.

Individuals from both industry and the general public who have an interest in the areas to be considered by this committee and who desire to be considered for membership on the committee should contact Mr. John Johnston, Amateur and Citizens Division, Federal Communications Commission, Washington, D.C. 20554 by April 14. Written inquiries are preferred and should contain a brief statement of the individual's interest in and experience with Citizens radio.

The Personal Use Radio Advisory Committee expects to meet approximately four times per year during the next two years. It is anticipated that the first meeting will be held in late April or early

May. Details concerning the initial meeting will be published at a later date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-9289 Filed 3-31-76;8:45 am]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Meetings

In accordance with Public Law 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

RTCM SC 69/FCC WARC-79 ADVISORY COMMITTEE FOR MARITIME MOBILE SERVICE

Sixth Meeting.—2025 M Street NW., Washington, D.C., Room 8210, 9:30 a.m. to 12:30 p.m., Tuesday, April 20, 1976.

AGENDA

1. Call of the Agenda
2. Chairman's opening remarks
3. Reports of the Task Forces
4. Review work to be accomplished
5. Further Business
6. Set date for next meeting
7. Adjournment

CHARLES DORIAN,
Chairman SC 69,
COMSAT General,
950 L'Enfant Plaza, S.W.,
Washington, D.C. 20024,
Phone: (202) 554-6829.

To comply with the advance notice requirements of Public Law 92-463, a comparatively long interval of time occurs between publication of this notice and the actual meeting. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone (202) 632-6490).

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-9287 Filed 3-31-76;8:45 am]

WARC ADVISORY COMMITTEE FOR AMATEUR RADIO

Meeting

Date: May 4th, 1976.
Time: 9:15 a.m.
Location: Room 8210, 2025 M Street, NW, Washington, D.C.
Agenda: Chairman's welcome. Call of the Agenda. Review and approval of minutes. Jan. 20th 1976 meeting. Reports on action items. Review and discussion of FCC Public Notice No. 62477 dated March 22, 1976. Reports of research by Task Force Chairmen. Assignment of future task force research. Discussion of the ACAR Frequency Justification Report. Discussion of Committee operation and organization. Review of action items. Other business to be determined. Adjournment.
Public Participation: Meetings of the WARC Advisory Committee for Amateur Radio are open to U.S. Citizens. Persons not members of the Committee who desire to make an oral presentation at scheduled meetings should coordinate their presentation with the Secretary, WARC Advisory Committee for Amateur Radio: Peter M. Hurd, 6425 Cygnet Drive, Alexandria, Virginia 23307. Telephone: (202) 695-7222 or (703) 768-9535. Required information includes: Name, mailing address and telephone number of person making the presentation; outline of material to be presented; duration of presentation; audio/visual aids required. Written statements may also be submitted to the Committee, and should be addressed to the Chairman, WARC Advisory Committee for Amateur Radio (Safety and Special), Room 5114, Federal Communications Commission, Washington, D.C. 20554.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-9288 Filed 3-31-76;8:45 am]

[Docket No. 20738, 20739; FCC 76-257]

WEST JERSEY BROADCASTING CO. (WJJZ) AND MOUNT HOLLY RADIO CO.

Designating Applications for Consolidated Hearing on Stated Issues

In re applications of West Jersey Broadcasting Company (WJJZ), Mt. Holly, New Jersey, Has: 1460 kHz, 5 kW, DA-Day For Renewal of License. Docket No. 20738 Filed No. BR-4630.

John J. Farina & John H. Vivian, d/b as Mt. Holly Radio Company, Mt. Holly, New Jersey. Docket No. 20739 Filed No. BP-19899.

Requests: 1460 kHz, 5 kW, DA-Day For Construction Permit Designating Applications for Consolidated Hearing on Stated Issues.

1. The Commission has before it the above-captioned applications which are mutually exclusive in that they seek the same facilities in Mt. Holly, New Jersey.

2. Mt. Holly Radio Company [MHRC] has failed to comply with the requirements of the *Primer on the Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971). Since no demographic information is contained in the application of MHRC, it is impossible to determine whether the applicant is aware of the significant groups that make up its community and whether the leaders it contacted are representative of those groups. *Radio Marion, Inc.*, 52 FCC 2d 1229, 1232, 33 RR 2d 182 (1975). Moreover, we are told that MHRC utilized the services of a "former newsman" to survey 50 community leaders and members of the general public." Thus, among other deficiencies, it appears that MHRC has failed to comply with question and answer 11(a), *Primer, supra*, which requires that interviews of community leaders be conducted by an applicant's principals or management-level employees. See *RKO General, Inc. (WOR-TV)*, 51 FCC 2d 367, 32 RR 2d 1102 [Rev. Bd., 1975]. Accordingly, a *Suburban*[1] issue will be specified.

3. The Commission is presently unable to find MHRC financially qualified. Funds of $196,200 are needed to construct and operate the station for one year. While the application indicates an intention of purchasing equipment on a deferred basis, MHRC has not filed a manufacturer's letter of deferred credit with the application as required by section III, page 3, paragraph 4(e), of FCC Form 301. Further, MHRC states that a loan of up to $200,000 will be available from one of the partners, namely John H. Vivian, to cover the costs of construction and operation. However, Mr. Vivian's balance sheet, dated February 26, 1975, does not show sufficient liquid assets to meet this commitment. Therefore, a financial issue will be specified.

4. Section IV-A, page 4, paragraph 26, requires an applicant to state the maximum amount of commercial matter to be presented in a 60-minute segment. The paragraph also asks if this amount will ever be exceeded, and, if so, under what circumstances, and what limits would apply. MHRC states that it does not expect to exceed its limit of 18 minutes of commercial matter per hour except during heavy commercial seasons when advertiser demand is greatest. However, MHRC does not specify the limits it will impose on the additional advertising. Accordingly, an issue on this matter will be included.

5. On September 9, 1975, the Commission designated the applications of WWLE, Incorporated and Mechanicville Broadcasting Co., for hearing (Docket 20591).[2] In that Memorandum Opinion

[1] *Suburban Broadcasters*, 30 FCC 1021, 20 RR 951 (1961).
[2] *WWLE, Incorporated*, FCC 75-1029, released September 26, 1975.

and Order, we concluded that substantial and material questions concerning the character of John J. Farina, 50 percent owner of applicant MHRC, had been raised which might bear on his qualifications to be a Commission licensee. We noted that when a comparative hearing was ordered for the Mt. Holly facility, we would take into consideration the status or outcome of the proceeding ordered there.[a] Accordingly, the resolution of the character issue designated in *WWLE, Incorporated, supra*, shall be binding upon MHRC.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, IT IS ORDERED, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the efforts made by Mt. Holly Radio Company to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet those problems.

2. To determine whether Mt. Holly Radio Company is financially qualified to construct and operate its proposed station.

3. To determine with respect to Mt. Holly Radio Company:

(a) The amount of commercial matter proposed to be broadcast; and

(b) Whether, in light of the evidence adduced pursuant to (a), above, the application comports with the public interest.

4. To determine the effect of the Commission's decision in Docket 20591, on the basic and comparative qualifications of Mt. Holly Radio Company to be a licensee of the Commission.

5. To determine which of the proposals would, on a comparative basis, better serve the public interest.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. IT IS FURTHER ORDERED, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

[a] *Id.*, fn. 2.

9. IT IS FURTHER ORDERED, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by section 1.594(g) of the rules.

Adopted: March 18, 1976.

Released: March 30, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-9292 Filed 3-31-76;8:45 am]

[Report No. 973]

PETITIONS FOR RECONSIDERATION OF ACTIONS IN RULE MAKING PROCEEDINGS FILED

MARCH 26, 1976.

Docket or RM No.	Rule No.	Filed by—	Date received
20119	Part 15, subpart E.	Mac. E Hobbs, vice president for TeleTronics United, Inc.	Mar. 15, 1976
20119	do	Martin K. Franke, president for Radio Communication Co., Inc.	Mar. 18, 1976
20385	Sec. 73.202(b)	Norman E. Jorgensen, attorney for Basic Media, Ltd.	Mar. 23, 1976
20487	Part 76, subpart D.	Everett H. Erlick, Robert J. Kaufman, Mark D. Roth, James A. McKenna, Jr., Robert W. Coll, and Steven A. Lerman, attorneys for American Broadcasting Co., Inc.	Feb. 24, 1976
20487	do	James A. McKenna, Jr., Robert W. Coll, and Steven A. Lerman, attorneys for televisions station licensees (Forward Communications Corp., KCAU-TV, et al.).	Feb. 25, 1976
20487	Part 76	Michael S. Horne, attorney for Association of Maximum Service Telecasters, Inc.	Feb. 26, 1976

NOTE.—Oppositions to petitions for reconsideration must be filed within 15 days after publication of this public notice in the FEDERAL REGISTER. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-9293 Filed 3-31-76;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

FARMERS BANK OF THE STATE OF DELAWARE

Suspension of Trading

It appearing to the Federal Deposit Insurance Corporation that an extension of the suspension of trading in the common stock of Farmers Bank of the State of Delaware being traded otherwise than on a national securities exchange, ordered by the Federal Deposit Insurance Corporation on March 8, 1976, is required in the public interest and for the protection of investors;

Therefore, pursuant to Sections 12(i) and 12(k) of the Securities Exchange Act of 1934, the suspension of trading in such securities otherwise than on a national securities exchange is extended for the period beginning at 9:00 a.m. (e.s.t.) on March 28, 1976 through April 6, 1976 or ending upon termination of the suspension by the Federal Deposit Insurance Corporation, whichever occurs first.

By order of the Board of Directors, March 26, 1976.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.76-9240 Filed 3-31-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Approval by the Attorney General and the Submission of Views by the Federal Trade Commission

The Federal Energy Administration has received the approval of the Attorney General, after consultation with the Federal Trade Commission, of the Voluntary Agreement and Plan of Action to Implement the International Energy Program. Approval by the Attorney General is required pursuant to Section 252(d) of the Energy Policy and Conservation Act. Having been approved, the Agreement is effective March 21, 1976.

In addition, the Attorney General, after consultation with the Federal Trade Commission, has approved participation in the Agreement of the following oil companies:

Atlantic Richfield Company
Caltex Petroleum Corporation
Continental Oil Company
Exxon Corporation
Gulf Oil Corporation
Marathon Oil Company
Mobil Oil Corporation
Murphy Oil Corporation
Occidental Petroleum Corporation
Phillips Petroleum Company
Shell Oil Company

Standard Oil Company of California
Standard Oil Company of Indiana
Standard Oil Company of Ohio
Sun Oil Company
Texaco, Inc.
Union Oil Company of California

Upon request by the Administrator, each named company may become a participant in the Agreement by advising the Administrator in writing of its acceptance of the Administrator's request. Other oil companies which desire to become participants in the Agreement may ask that they be so requested pursuant to the procedures set out in Section 9(b)(2) of the Agreement.

Set forth below are the text of the Agreement (Annex A), the letter of the Attorney General to the Administrator, dated March 18, 1976, approving the Agreement and approving the potential participants (Annex B), the letter of the Acting Chairman of the Federal Trade Commission to the Attorney General, dated March 16, 1976, submitting views with respect to the Agreement (Annex C), and the letter of the Acting Chairman of the Federal Trade Commission to the Attorney General, dated March 16, 1976, submitting views with respect to potential participants (Annex D).

Dated: March 29, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

ANNEX A

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

1. *Need for an agreement.* The oil embargo of 1973 and the marked increase in world oil prices which occurred almost simultaneously severely disrupted the economies of most importing nations and strained their political, strategic, and economic relationships. Inadequate cooperation among the industrialized countries resulted in unilateral efforts on the part of many to obtain supplies of oil. The United States Government and certain other members of the Organization for Economic Cooperation and Development (OECD), based on the need demonstrated by that experience, have undertaken to achieve a coordinated approach to decrease their dependence on foreign oil, and to reduce the strategic and economic vulnerability which such dependence can cause. The United States Government and such other governments have decided that their best interests lie in taking steps, such as developing an effective international oil allocation plan, to minimize the effects of a supply interruption and to assure that the exigencies of extreme shortage do not unduly disrupt national economies or the world petroleum market.

In this connection, the President of the United States determined that, with respect to this country's national security and defense programs and the related programs of certain other members of the OECD, should any substantial reduction in world petroleum supplies occur, it would directly impair United States defense mobilization efforts. In addition, failure to ensure that the remaining supplies were allocated rationally and fairly among the major consuming nations would have an adverse impact on U.S. national security and defense mobilization efforts. In view of the foregoing, the President has determined that the United States must be prepared to cooperate with other nations in the distribution of available supplies on a rational and equitable basis, in order to utilize them with maximum efficiency during any future supply interruption, thus minimizing the impact of any interruption on the economy and security of the United States.

As part of a policy to reduce their dependence on foreign oil and to obtain the greatest utility of supplies during an oil emergency, the United States and certain other OECD members have signed an Agreement on an International Energy Program (IEP), pursuant to which an International Energy Agency (IEA) has been established as an autonomous institution within the OECD. The effective functioning of the IEP is a vital element in United States international energy policy and thus an important factor in our overall foreign policy.

Consultations and cooperation with the IEA by certain oil companies are essential to the effective implementation of the allocation and information provisions of the IEP and, in particular, to the development and testing of the information system and to the development of plans and programs for the international allocation of oil in times of emergency, to testing systems developed for such international allocation and, in emergencies, to actual implementation of such plans, programs and systems.

In this connection, the President of the United States, in 1975, requested a number of United States oil companies to enter into a Voluntary Agreement and Program Relating to the International Energy Program, pursuant to Section 708 of the Defense Production Act of 1950. In compliance with the President's request, certain companies entered into that Voluntary Agreement and Program, which was published in the FEDERAL REGISTER on April 8, 1975, 41 Fed. Reg. 1601.

Effective 90 days after its enactment, the Energy Policy and Conservation Act (EPCA) prohibits utilization of the authority contained in Section 708 of the Defense Production Act for any Voluntary Agreement to implement the International Energy Program. Section 252 of the EPCA provides specifically for Voluntary Agreements and plans of action to implement the allocation and information provisions of the IEP and provides that, effective 90 days after enactment, the procedures provided in Section 252 shall be the sole procedures applicable to such Voluntary Agreements and plans of action. Therefore, the existing Voluntary Agreement and Program Relating to the International Energy Program will cease to be effective on March 21, 1976.

2. *What this agreement does.* This is a voluntary agreement and plan of action under section 252 of the Energy Policy and Conservation Act, 89 Stat. 871. Section 252 provides that patricipants in voluntary agreements shall have as a defense to any civil or criminal action brought under the antitrust laws or any similar state law that challenged actions were taken in the course of developing or carrying out a voluntary agreement or plan of action in compliance with the requirements of section 252 and rules promulgated thereunder. It is contemplated that this defense will be available to all parties, including eligible affiliates, who are participants under section 9 of this Vountary Agreement and Plan of Action (hereinafter called "this Agreement"). This Agreement contemplates that actions taken by the participants in order to implement the objectives of the IEP will include (i) the membership of participants in standing groups, working parties, advisory bodies or other bodies created by the IEA or the U.S. Government for the purpose of implementing allocation and information provisions of the IEP, (ii) consultations, planning, and individual and joint actions which participants may take to implement the international allocation of petroleum pursuant to the IEP, and (iii) the furnishing by participants of data and information, and consultations and planning in respect thereof, in accordance with the allocation and information provisions of the IEP, all as included within the scope of Sections 5 and 6 of this Agreement. This Agreement does not contemplate acts which affect the production, refining, transportation, or the marketing of petroleum within the United States except such acts which are reasonably in accordance with the provisions of the IEP or plans of action approved pursuant to section 6 of this Agreement.

3. *Dfinitions for purposes of this agreement.* (a) "Oil Companies" means international companies, national companies, integrated and non-integrated companies, and other entities which play a significant role in the business of producing, transporting, refining, distributing or storing petroleum.

(b) "Administrator" means the Administrator of the Federal Energy Administration.

(c) "Petroleum" means "petroleum product" as defined in section 3 of the EPCA, including to that extent:

(1) Crude oil.

(2) Natural gas liquids and other liquids produced in association with crude oil or national gas.

(3) Refined petroleum products, including but not limited to gasoline, kerosene, distillates, residual fuel oil, refined lubricating oil, and liquefied petroleum gases, and

(4) Blending agents and additives used in conjunction with crude oil and refined petroleum products.

(d) "United States" when used in the geographical sense means all of the several states, the District of Columbia, Puerto Rico, the territories and possessions of the United States, and the Outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act).

(e) "International Energy Agency" (IEA) means the International Energy Agency established by the International Energy Program.

(f) "International Energy Program" (IEP) means the Agreement on an International Energy Program, signed by the United States on November 18, 1974, including (i) the annex entitled "Emergency Reserves," (ii) any amendment to such Agreement which includes another nation as party to such Agreement, and (iii) any technical or clerical amendment to such Agreement.

(g) "Antitrust laws" includes—

(1) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890 (15 U.S.C. 1, et seq.);

(2) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12, et seq.);

(3) the Federal Trade Commission Act (15 U.S.C. 41, et seq.);

(4) sections 73 and 74 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes", approved August 27, 1894 (15 U.S.C. 8 and 9); and

(5) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21A).

(h) "International energy supply emergency" means any period (A) beginning on any date which the President determines allocation of petroleum products to nations participating in the International Energy Program is required by chapters III and IV of such program, and (B) ending on a date on which he determines that all such allocation is no longer required.

(i) "Allocation and information provisions of the International Energy Program" means the provisions of the International Energy

Program which relate to international allocation of petroleum products and to the information system provided in such program.

4. *International energy program.* This Agreement facilitates implementation of the allocation and information provisions of the International Energy Program.

It is understood that the U.S. Government does not view this Agreement as in any way affecting the rights and obligations of the United States as a party to the IEP.

5. *Meetings and consultation.* (a) Upon the invitation of the IEA and with the approval of the Administrator and the Attorney General, any participant herein may accept membership in any advisory body, working party, or other group created by the IEA, and any subgroup thereof, including but not limited to the Industry Advisory Board, the Reporting Company Group, the Industry Working Party to the Standing Group on the Oil Market, the Industry Supply Advisory Group (hereinafter called ISAG), and subcommittees and other ad hoc groups. The Administrator shall give notice to the Federal Trade Commission of each participant's membership in any group pursuant to this section. Approval of membership in any advisory body, working party, or other group created by the IEA, shall be deemed to constitute approval of membership in any subgroup thereof, provided that the participant provides written notice to the Administrator, the Attorney General, and the Federal Trade Commission ten days prior to accepting such membership and provided that membership in such subgroup may be disapproved prospectively at any time by the Administrator or the Attorney General upon written notice to the participant. In addition, subject to the approval of the Attorney General, any participant to this Agreement may accept membership in any advisory body, working party or other group established by the Administrator or the Secretary of State with respect to the IEP provided that any such group shall be chaired by a full time federal employee who shall control the agendas for all meetings of such group.

(b)(1) Each participant to this Agreement may as a member of a group, or subgroup thereof, established as provided in subsection 5(a) advise and consult with the IEA or the U.S. Government or with other persons or entities, at meetings held in accordance with subsection 5(c), with respect to the allocation and information provisions of the IEP, including the development and recommendation to the IEA of emergency measures and programs and plans subsidiary thereto, to be implemented pursuant to section 6. To further develop a subject discussed at a meeting held in accordance with subsection 5(c), participants may exchange with each other written drafts or papers, or comemnts thereon, in order to develop material to be considered at subsequent meetings. Each participant may also furnish and exchange information and data, including confidential and proprietary information and data, in order to implement a plan of action approved pursuant to section 6 or an IEA allocation systems test, and may also furnish data and information, including confidential and proprietary information and data, to the IEA, or any groups created by the IEA, or any subgroups thereof, in order to implement the allocation and information provisions of the IEP; provided that confidential or proprietary information and data may be exchanged among the participants, and with other persons and entities or provided by the participants to the IEA, only in accordance with the procedures set out in subsections 5(b)(2) and (3) below. Any confidential or proprietary information or data furnished or exchanged pursuant to this section shall be retained by the participant furnishing such data and provided to the Administrator and upon request to the Attorney General and the Federal Trade Commission.

(2) In order to implement this Agreement or plans of action approved pursuant to section 6, and except as provided in subsection 5(b)(3), confidential or proprietary information or data may be exchanged with, or provided to participants, the IEA, or such other persons or entities as are designated by the IEA, only if the Administrator, after consultation with the Secretary of State, and with the concurrence of the Attorney General after consultation with the Federal Trade Commission, has approved in writing the exchange or provision of such types of information or data. Confidential or proprietary information or data provided or exchanged pursuant to this subsection shall be aggregated or otherwise compiled by the Administrator or the IEA to prevent, to the extent possible, the identification of individual company data or information before being disclosed to or exchanged with the participants or any other person or entity unless the Administrator, after consultation with the Secretary of State and with the concurrence of the Attorney General, has determined that such exchange or disclosure is necessary to develop, prepare, or test emergency allocation measures.

(3) Upon notification by the Administrator to the participants of an international energy supply emergency as provided in subsection 6(a)(1), the participants may, in addition to information provided pursuant to the procedures in subsection 5(b)(2), provide to the IEA and to each other and to persons or entities as may be designated by the IEA or the Administrator (which designation may be by class), such types of confidential or proprietary information as are reasonably required to implement this Agreement and plans of action approved pursuant to section 6, and participants may consult with and advise the IEA, among themselves and with such other persons and entities concerning such information and data. The participants shall notify the Administrator, the Attorney General, and the Federal Trade Commission of the types of information and data exchanged or provided pursuant to this subsection and shall at the request of the Administrator, the Attorney General, or the Federal Trade Commission, provide such information to them. The Administrator, after consultation with the Secretary of State, the Attorney General, and the Federal Trade Commission, may at any time prospectively prescribe terms and conditions for the continued exchange or provision of information or data pursuant to this subsection 5(b)(3).

(4) No employee or representative of a participant will supply to his company any confidential or proprietary information about any other oil company obtained as a consequence of his membership in ISAG, except such data necessary to be supplied in the course of carrying out ISAG's allocation procedures pursuant to an emergency allocation plan of action approved under section 6 or in an IEA allocation systems test.

(c)(1) Any meetings pursuant to this Agreement shall be open to a representative of the Administrator, the Secretary of State, the Attorney General, and the Federal Trade Commission severally, to any United States Government employee designated by the Administrator, and to any other person as may be provided by law. The presence of a full-time federal employee shall be essential to the conduct of a meeting. The Administrator or his designee shall keep a full and complete record, and where practicable a verbatim transcript of the meeting. Such record or transcript shall be deposited promptly with the Administrator and shall be available to the Attorney General, the Federal Trade Commission, and the Secretary of State.

(2) Prior to notification by the Administrator to the participants of an international energy supply emergency as provided in subsection 6(a)(1), notice of all meetings pursuant to this subsection 5(c), including time, place, expected participants and agenda, shall be provided by or on behalf of participants attending such meeting at least 14 calendar days in advance to the Administrator, unless emergency circumstances, IEP requirements, or other unanticipated circumstances require shorter notice and such shorter notice is approved by the Administrator. In order that full-time federal employees may be in attendance to monitor any subgroups, such notice shall, if relevant, indicate the number of simultaneously meeting subgroups into which the participants intend to divide.

(3) Subsequent to notification by the Administrator to the participants of an international energy supply emergency as provided in subsection 6(a)(1), the provisions of subsection 5(c)(2) shall be complied with to the extent practicable, provided, however, that, where time does not permit compliance with the notice provisions of such subsection, any group may have meetings so long as actual notice is given to the Administrator of such meeting by telephone or other appropriate means. For any such emergency meeting the participants shall provide in writing as soon as practicable to the Administrator, the Attorney General, and the Federal Trade Commission, the time, place, participants or expected participants, and agenda.

(4) During an international energy supply emergency or allocation systems test, any meeting of the Industry Supply Advisory Group (or other group with similar functions) at which representatives or employees of participants are present shall be considered a meeting subject to the provisions of this section, provided that the ISAG once convened may be considered to be in continuous session for that emergency or test without further notice.

(d) All approvals granted to participants by the Administrator and the Attorney General pursuant to subsections 5(a) and 5(b)(1) of the Voluntary Agreement and Program Relating to the International Energy Program, which approvals are set out in Appendix A, shall be deemed to remain in effect for the purposes of subsections 5(a) and 5(b)(2) of this Agreement, provided that the persons who received such approvals become participants in this Agreement within 45 days of its effective date. Such approvals shall extend to subsidiaries and affiliated entities to the extent that such subsidiaries and affiliated entities are covered by this Agreement pursuant to subsection 9(b)(3).

6. *Emergency allocation.* (a)(1) Upon a determination by the President that an international energy supply emergency exists, the Administrator shall notify the participants to this Agreement. Thereafter, any participant acting alone, with other participants, or with other persons or entities, may take such actions as may be necessary or appropriate to implement emergency allocation programs of the IEA, subject to the terms and conditions of this Agreement and plans of action approved pursuant to this section. Such actions may include, among others, one or more of the following:

(A) Arrangements between or among the participants, or with other persons and entities, for the most effective use, without regard to ownership, of terminal and storage facilities, tankers, pipeline capacities, and

other transportation facilities so as to minimize duplications, multiple loadings and discharging, split cargoes, long hauling, cross hauling, and back hauling, and idle time in port.

(B) Arrangements among the participants for the purchase, loan, sale, or exchange of petroleum by and among themselves, or with other persons or entities.

(C) Alterations in the rate of production of petroleum. Such alterations may be accomplished by any one or more appropriate methods including the following: increasing or decreasing drilling for or production of oil; adjusting or establishing transportation facilities and crude throughput facilities, including adjustments in the throughput, quality specifications or yields or conversion of equipment now installed for the manufacture of any one particular petroleum product to the manufacture of another petroleum product; the processing of selected crude oils or the exchange of components between various refineries; processing agreements; or exchange of refinery capacity.

(b) After a determination by the President that an international energy supply emergency no longer exists and publication thereof in the Federal Register, no further action shall be initiated pursuant to this section and action previously initiated shall be completed as promptly as possible, and not later than 90 days after notification, provided that upon specific application, the Administrator, with the concurrence of the Attorney General after consultation with the Federal Trade Commission, may approve extensions of such 90 day period.

(c)(1) Prior to notice of a determination by the President that an international energy supply emergency exists, plans of action may be developed elaborating and applying the allocation principles and measures established by the Governing Board of the IEA. Each such plan shall describe the types of substantive actions which may be taken under the plan and shall be as specific in its description of proposed substantive actions as is reasonable in light of known circumstances. Plans of action may be modified from time to time and in particular may be made more detailed as planning continues. Any plan of action, or modification thereof, pursuant to this Agreement may not be carried out unless approved by the Administrator, and by the Attorney General after consultation with the Federal Trade Commission. Any plan of action or modification thereof shall be submitted in writing by the Administrator to the Attorney General and the Federal Trade Commission at least 20 days before being implemented, provided that during an international energy supply emergency, the Administrator, subject to the approval of the Attorney General, may reduce such 20 day period.

(2) The Attorney General, in consultation with the Administrator, the Federal Trade Commission, and the Secretary of State, or the Administrator with the approval of the Attorney General and in consultation with the Federal Trade Commission and the Secretary of State, may at any time review, amend, modify, disapprove, or revoke, in whole or in part, on his own motion or upon the request of another federal agency or interested person, any plan of action submitted to him for approval or already approved by him. The Administrator shall provide notice to the participants of any approval, amendment, modification, disapproval, or revocation of any plan of action.

(3) Except as provided in subsection 5(b)(1), the joint development, joint formulation, or joint approval by the participants of any plans of action as described in this subsection 6(c) shall take place only at meetings of groups in which membership by the participants has been approved pursuant to section 5 and which are conducted in accordance with the provisions of that section.

(d) During an international energy supply emergency, any plans of action submitted to the Administrator and the Attorney General shall be deemed to have been approved if neither the Attorney General nor the Administrator has given notice of disapproval to the participants on or before the expiration of a 20-day period after receipt of the plan by the Attorney General and the Federal Trade Commission, provided that the Administrator, with the approval of the Attorney General, may reduce such 20-day period.

(e)(1) During an international energy supply emergency, any participant may initiate individual, joint, or agreed action in implementation of this Agreement or plans of action approved pursuant to this section. Each participant taking any joint or agreed action or agreeing to take any action pursuant to this subsection shall notify the Administrator and the Attorney General within 72 hours, or longer period as may be determined by the Administrator, after the end of the week in which such action is taken or agreed upon.

(2) Such notification shall identify how such action is in implementation of approved plans of action, the companies involved in such action, the quantities of petroleum involved, and such other detail as the Administrator may require. It shall also identify a responsible person or persons who shall be prepared to answer inquiries by the Administrator or the Attorney General concerning the action agreed upon or taken.

(3) The Administrator or the Attorney General may disapprove such action or such agreement after receipt of notice of the action or agreement if, after consultation with the Secretary of State, he determines that such action or agreement is not in implementation of plans of action previously approved by the Administrator and the Attorney General.

(4) With respect to any action taken prior to notice of disapproval by the Administrator or the Attorney General, a defense to any civil or criminal action brought under the antitrust laws (or any similar State law) shall be available in accordance with section 252(f) of the EPCA.

(5) Where action has been disapproved and appropriate corrective action has not been taken, the Administrator may, after consultation with the Attorney General, the Federal Trade Commission, and the Secretary of State, require the withdrawal of the participant from the Agreement or from any plan of action approved under this Agreement. Such withdrawal shall not affect any power of the Administrator to otherwise compel corrective action.

7. *Agreement of participants.* The participants severally agree that they shall endeavor in good faith to take such measures as may be necessary or appropriate, taking into account such limitations as may be imposed by circumstances such as lack of petroleum resources or facilities, governmental restrictions or requirements, and economic or other detriment, to develop and implement plans of action contemplated by this Agreement.

The failure of the Administrator, other government official, or the IEA to take any action required of them by this Agreement or any plans of action approved pursuant to this Agreement shall not affect the availability of the antitrust defense provided for actions taken in accordance with this Agreement and plans of action approved pursuant to this Agreement.

8. *Records.* Participants shall keep whatever records are required by section 252 of the EPCA and regulations issued pursuant thereto. In any event, each participant shall maintain, for a period of five years, full and complete records of all its actions related to this Agreement including but not limited to (i) all intracorporate documents related to any meeting held pursuant to Section 5 or any action proposed or carried out pursuant to Section 6 of this Agreement and (ii) any specific records and indices which the Administrator, the Attorney General, or the Federal Trade Commission may require. All such records shall be made available promptly upon written request to the Administrator, the Attorney General, or the Federal Trade Commission. Each participant shall also make such reports with respect to any action related to this Agreement as may be reasonably required by the Administrator, the Attorney General, or the Federal Trade Commission.

9. *Approval of agreement and procedure for becoming a participant.* (a) This Agreement or any amendment or modification may not be carried out unless approved by the Attorney General, after consultation with the Federal Trade Commission, in accordance with the EPCA. The Administrator shall submit to the Attorney General and the Federal Trade Commission the proposed agreement or any amendment or modification, in writing, at least 20 days prior to implementation, provided that during an international energy supply emergency, the Administrator, subject to the approval of the Attorney General, may reduce such 20 day period. Upon the Attorney General's approval, the Agreement or any amendment or modification shall be published in the FEDERAL REGISTER.

(b)(1) At the time this Agreement is submitted to the Attorney General for approval or subsequently, the Administrator shall submit to the Attorney General the name of any oil company whose participation in the Agreement he has determined to be appropriate in light of the purposes of this Agreement. If the Attorney General, after consultation with the Federal Trade Commission, approves the company's participation, the Administrator may request such company in writing to participate. An oil company shall become a participant in the Agreement by administrator, in writing, of its acceptance of the Administrator's request. The Administrator shall notify the Attorney General and the Federal Trade Commission of such acceptances. Notice of such requests and their acceptance shall be published in the FEDERAL REGISTER. Such requests and their acceptance shall be effective for the purpose of making available the antitrust defense provided pursuant to this Agreement only with respect to such actions by such companies as are within the scope of sections 5 and 6 of this Agreement.

(2) Any oil company which desires to become a participant may ask that it be so requested. If the Administrator determines that its participation is appropriate in light of the purposes of this Agreement, he shall, subject to the approval of the Attorney General after consultation with the Federal Trade Commission, request that such company participate in accordance with the procedures set forth in paragraph (1) of this subsection.

(3) Approval of any oil company's participation in this Agreement shall extend to actions of affiliated companies which are more than 50% owned, directly or indirectly, by the company to which approval is granted, provided that such company notifies the Administrator and the Attorney General of each affiliate to be covered by this subsection, including the reasons for its inclusion and the nature of the company's ownership; and

provided that neither the Administrator nor the Attorney General notifies the participant that he disapproves the coverage of such affiliate by this subsection.

10. *Notices.* Where notice under this Agreement is required to be furnished by a participant to the Administrator, the Attorney General, the Federal Trade Commission or the Secretary of State, such notice shall be directed to the following persons, or to such other persons as the Administrator, the Attorney General, the Federal Trade Commission, or the Secretary of State may designate:

(a) *Administrator.*—The Administrator, Federal Energy Administration, Washington, D.C. 20461.

(b) *Attorney General.*—Assistant Attorney General, Antitrust Division, Washington, D.C. 20530. ATTN: Chief, Public Counsel and Legislative Section.

(c) *Federal Trade Commission.*—Secretary, Federal Trade Commission, Washington, D.C. 20580. ATTN: Director, Bureau of Competition.

(d) *Secretary of State.*—Assistant Secretary of State for Economic and Business Affairs, Department of State, Washington, D.C. 20520.

11. *Effective Date and Duration.* (a) This Agreement or any amendment or modification shall become effective upon the date of its approval by the Attorney General as provided in subsection 252(d) of the EPCA. It shall cease to be effective on June 30, 1979, unless an extension of the authority under Section 252, or any other legislation, permits continuation of the Agreement.

(b) The Attorney General, in consultation with the Federal Trade Commission, the Secretary of State, and the Administrator, may review, amend, modify, or revoke this Agreement, on his own motion or upon the request of a federal agency or interested person, at any time, and, if revoked, thereby terminate prospectively the availability of any immunity to the antitrust laws (or similar state laws) which may be provided by compliance with this Agreement. Except as he may otherwise determine, the Attorney General shall provide at least 20 days notice to the Administrator, the Federal Trade Commission, the Secretary of State, and the participants of any intention to amend, modify, or revoke this Agreement.

12. *Withdrawal From Agreement.* (a) Any participant may withdraw from this Agreement upon at least 30 calendar days notice to the Administrator subject to the fulfillment of obligations incurred under this Agreement prior to the date of such notice, except that when emergency measures have been undertaken in accordance with section 6 of the Agreement or the Administrator determines that such measures may be immediately required, the Administrator may postpone the effective date of withdrawal for up to 60 calendar days.

(b) The Administrator, after consultation with the Attorney General, the Federal Trade Commission, and the Secretary of State, may by giving not less than 10 calendar days written notice to any participant require the withdrawal of that participant from this Agreement or any plan of action approved pursuant to this Agreement.

APPENDIX A

APPROVALS OF THE ADMINISTRATOR AND THE ATTORNEY GENERAL PURSUANT TO SUBSECTIONS 5(A) AND 5(B)(1) OF THE VOLUNTARY AGREEMENT AND PROGRAM RELATING TO THE INTERNATIONAL ENERGY PROGRAM

1. Membership in the Reporting Group of Companies and Submission of Questionnaire "A" to the IEA! Amerada Hess Corporation, Atlantic Richfield Company, Caltex Petroleum Corporation, Continental Oil Company, Exxon Corporation, Getty Oil Company, Gulf Oil Corporation, Marathon Oil Company, Mobil Oil Corporation, Murphy Oil Corporation, Occidental Petroleum Corporation, Phillips Petroleum Company, Skelly Oil Company, Standard Oil Company of California, Standard Oil Company of Indiana, Standard Oil Company of Ohio, Sun Oil Company, Texaco, Inc., and Union Oil Company of California.

2. Membership in the Industry Advisory Board: Exxon Corporation, Gulf Oil Corporation, Mobil Oil Corporation, Standard Oil Company of California, Standard Oil Company of Indiana, Texaco, Inc., and Union Oil Company of California.

3. Membership in Subcommittee A: Exxon Corporation, Gulf Oil Corporation, Mobil Oil Corporation, Phillips Petroleum Company, Standard Oil Company of Indiana, and Standard Oil Company of Ohio.

4. Membership in Subcommittee B: Exxon Corporation, Gulf Oil Corporation, Mobil Oil Corporation, Standard Oil Company of Indiana, Texaco, Inc., and Union Oil Company of California.

5. Membership in Subcommittee C: Gulf Oil Corporation, Mobil Oil Corporation, Phillips Petroleum Company, Standard Oil Company of California, Texaco, Inc., and Union Oil Company of California.

6. Submission of Supply/Demand Forecasts to the IEA: Exxon Corporation, Mobil Oil Corporation, Phillips Petroleum Company, and Standard Oil Company of Indiana.

7. Membership in the Industry Working Party: Exxon Corporation, Gulf Oil Corporation, Mobil Oil Corporation, Standard Oil Company of California, and Texaco, Inc.

ANNEX B

LETTER OF THE ATTORNEY GENERAL TO THE ADMINISTRATION OF FEDERAL ENERGY ADMINISTRATION DATED MARCH 18, 1976

This is in response to your letter of March 1, 1976, requesting my approval of an enclosed Voluntary Agreement and Plan of Action to Implement the International Energy Program. Section 252(d) of the Energy Policy and Conservation Act (EPCA), P.L. 94–163, requires, in part, that any proposed voluntary agreement or plan of action under this section shall be submitted in writing to the Attorney General and the Federal Trade Commission 20 days before being implemented and may not be carried out unless approved by the Attorney General, after consultation with the Federal Trade Commission.

Section 252(f) provides that participants in a voluntary agreement may assert as a defense to any suit brought under the antitrust laws or any similar State law the fact that the challenged actions were taken in the course of developing or carrying out a voluntary agreement or plan of action in compliance with the requirements of section 252 and rules promulgated thereunder. Such actions, as limited and defined by sections 5 and 6 of the proposed Agreement, would include membership in standing groups, working parties, advisory bodies or other bodies created by either the U.S. Government or the International Energy Agency (IEA). Protected actions would also include participation in meetings of such groups for consultation, planning and advice with respect to the allocation and information provisions of the IEP, including the development and recommendation of (1) emergency measures for use in an international energy supply emergency and (2) types of data and information to be furnished by participants to implement an emergency plan of action approved pursuant to section 6 of the Agreement, or an IEA allocation systems test, or certain information provisions of the IEP. Finally, the furnishing or exchange of information and data under the Agreement in the situations contemplated above, as well as actions taken by participants during an international energy supply emergency in accordance with an emergency plan of action approved pursuant to section 6 would be shielded from antitrust attack.

The proposed Agreement is designed to supersede the existing Voluntary Agreement and Program Relating to the International Energy Program which will expire on March 21, 1976, in accordance with the terms of the EPCA. That Voluntary Agreement, established under authority of section 708 of the Defense Production Act of 1950, as amended, was approved by me on March 28, 1975, after consultation with the Federal Trade Commission. The proposed Agreement is substantially similar to the existing one, changed only where necessary to meet specific requirements of the EPCA or where experience indicated the advisability of improvements. It retains all the existing antitrust safeguards and adds certain new ones required by the EPCA. Accordingly, I hereby give my approval to this Voluntary Agreement and Plan of Action to Implement the International Energy Program.

I am also specifically approving the document as a general plan of action to govern the participants. In doing so, I find in accordance with section 252(d)(3) of the EPCA that the plan describes the types of substantive actions which may be taken, as enumerated above, and is as specific in its description of proposed substantive actions as is reasonable in light of known circumstances. Of course, any specfic emergency plans of action developed for use during an international energy supply emergency will require further separate approval by the Federal Energy Administrator and myself pursuant to section 6 of the Agreement. I would here note that the above approvals have been preceded, as the Act requires, by the consultations with the Federal Trade Commission.

In addition, by letter of March 5, 1976, you have submitted for my approval the names of seventeen oil companies whose participation in the proposed Agreement you have determined to be appropriate in light of the purposes of the Agreement. My approval of their participation is required pursuant to section 9(b)(1) of the Agreement. The companies involved are Atlantic Richfield Company, Caltex Petroleum Corporation, Continental Oil Company, Exxon Corporation, Gulf Oil Corporation, Marathon Oil Company, Mobil Oil Corporation, Murphy Oil Corporation, Occidental Petroleum Corporation, Phillips Petroleum Company, Shell Oil Company, Standard Oil Company of California, Standard Oil Company of Indiana, Standard Oil Company of Ohio, Sun Oil Company, Texaco, Inc., and Union Oil Company of California.

Except for Shell Oil Company, all these companies are participants in the expiring Voluntary Agreement and Program Relating to the International Energy Program. You note that Shell is engaged in substantial international petroleum activities and that the IEA has requested its participation in the International Energy Program as a Reporting Company. Accordingly, after consultation with the Federal Trade Commission, I hereby give my approval pursuant to section 9 of the Agreement to participation by the above companies in the Agreement. I also approve under section 5 of the Agreement acceptance of membership by Shell Oil Company in IEA's Reporting Company Group.

ANNEX C

LETTER OF THE ACTING CHAIRMAN OF FEDERAL TRADE COMMISSION TO THE ATTORNEY GENERAL DATED MARCH 16, 1976

We have received a copy of the March 1, 1976, letter from the Federal Energy Admin-

istrator, requesting your consideration of the "Voluntary Agreement and Plan of Action to Implement the International Energy Program". Section 252(d) of the Energy Policy and Conservation Act (Pub. L. 94–163) provides that any voluntary agreement or plan of action may not be carried out unless approved by the Attorney General, after consultation with the Federal Trade Commission.

The voluntary agreement was submitted to the Commission, as required by Sec. 252(d), on March 1, 1976. As is also required by Sec. 252(d), the Commission has through its staff participated in the development of the voluntary agreement from the beginning. The agreement, in final form, resulted from continuing consultation between FEA, the Department of Justice, the Department of State, and the Commission, at the staff level. It was, moreover, subject to comments from such interested parties as cared to comment, and was the subject of a hearing open to the public, following publication of the proposed draft voluntary agreement in the Federal Register on February 13, 1976.

The Commission hereby approves the "Voluntary Agreement and Plan of Action to Implement the International Energy Program", as submitted to the Commission with the above mentioned letter of March 1, 1976. Given the nature of the Agreement on an International Energy Program, the antitrust safeguards set out in the voluntary agreement are reasonable and practical and should provide the public with a considerable measure of protection against potential anticompetitive consequences.

The Commission continues to note, however, that many of the details concerning the actual procedures to be used in any emergency allocation, or any test thereof, and the precise nature of information and recordkeeping required to ensure that the antitrust consequences will be minimized, remain to be worked out. The Commission looks forward to continued cooperation of its staff with the other government agencies involved to achieve this objective.

By direction of the Commission.

ANNEX D

LETTER OF THE ACTING CHAIRMAN OF FEDERAL TRADE COMMISSSION TO THE ATTORNEY GENERAL DATED MARCH 16, 1976

We have received a copy of the March 5, 1976, letter from the Federal Energy Administrator requesting your approval of certain oil companies as participants in the "Voluntary Agreement and Plan of Action to Implement the International Energy Program" which has been developed pursuant to the provisions of the Energy Policy and Conservation Act.

Under the terms of Section 9(b)(1) of that agreement, the Attorney General shall consult the Commission before approving any such participation. The Commission hereby approves the participation in the voluntary agreement of the companies listed in the Administrator's letter.

By direction of the Commission.

[FR Doc.76-9338 Filed 3-29-76;3:08 pm]

FEDERAL POWER COMMISSION

[Docket No. ER76-110]

ARKANSAS POWER AND LIGHT CO.

Further Extension of Procedural Dates

MARCH 25, 1976.

On March 18, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued November 14, 1975, as most recently modified by notice issued December 18, 1975, in the above-designated proceeding.

Staff's motion states that he has contacted all parties and there is no objection to the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, April 13, 1976.
Service of Intervenor Testimony, April 27, 1976.
Service of Company Rebuttal, May 11, 1976.
Hearing, May 18, 1976 (10:00 a.m., EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9327 Filed 3-31-76;8:45 am]

[Docket No. ER76-157]

CAMBRIDGE ELECTRIC LIGHT CO.

Further Extension of Procedural Dates

MARCH 25, 1976.

On March 22, 1976, The Municipal Light Department of Belmont, Massachusetts (Belmont) filed a motion to extend the procedural dates fixed by order issued October 31, 1975, as most recently modified by notice issued December 30, 1975, in the above-designated proceeding.

Belmont states that Staff Counsel and the Company concur in the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, April 23, 1976.
Service of Company Rebuttal, May 7, 1976.
Hearing, June 1, 1976 (10:00 a.m., EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9325 Filed 3-31-76;8:45 am]

[Docket No. CP76-282]

CITIES SERVICE GAS COMPANY

Notice of Application

MARCH 25, 1976.

Take notice that on March 2, 1976, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76-282 an application pursuant to Section 7 (b) and (c) of the Natural Gas Act for permission and approval to abandon certain facilities on Applicant's system either by reclaim, in place, or by sale to The Gas Service Company, and service rendered through one facility, and for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities to replace some of the deteriorated facilities proposed to be abandoned herein, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant seeks authorization to:

(1) Abandon by reclaim approximately 1.60 miles of 3-inch, 4-inch and 5-inch transmission pipeline in the Chase Fuel system and replace by constructing and operating approximately 1.60 miles of 2-inch pipeline in Barton County, Kansas, due to deterioration of the existing facilities;

(2) Abandon by reclaim approximately 0.29 miles of 8-inch transmission pipeline in the Neodesha Pipeline and the Neodesha Industrial Park measuring, regulating and appurtenant facilities; and replace by constructing and operating approximately 0.29 mile of 3-inch pipeline and measuring, regulating and appurtenant facilities in Wilson County, Kansas, due to deterioration of the existing facilities;

(3) Abandon in place approximately 1.19 miles of 4-inch transmission pipeline in the Scott 4-inch pipeline; and abandon by reclaim the measuring, regulating and appurtenant facilities; and construct and operate measuring, regulating and appurtenant facilities, all located in Greenwood County, Kansas, due to deterioration of the existing facilities;

(4) Abandon by transfer in place to The Gas Service Company approximately 0.49 mile of 8-inch transmission pipeline in the Forbes Air Base pipeline, Shawnee County, Kansas, which facilities are downstream from Applicant's town border metering station and more properly, a part of the Gas Service Company's system;

(5) Abandon in place approximately 2.27 miles of 10-inch transmission pipeline and 0.07 mile of 6-inch transmission pipeline; and abandon by reclaim approximately 2.39 miles of 10-inch transmission pipelines; and replace by constructing and operating approximately 4.73 miles of 6-inch pipeline in the Galena Pipeline System, located in Cherokee County, Kansas, due to deterioration of the existing facilities;

(6) Abandon in place approximately 1.70 miles of 6-inch and 0.31 mile of 8-inch transmission pipeline loop and appurtenant facilities in the Augusta Pipeline System located in Butler County, Kansas, because such facilities were retired from service in 1966 due to deterioration of the facilities; and

(7) Abandon in place approximately 0.08 mile of 2-inch, 0.44 mile of 4-inch and 0.21 mile of 8-inch transmission pipeline in the Valley Center Pipeline System located in Sedgwick County, Kansas, and abandon by reclaim measuring, regulating and appurtenant facilities on the Valley Center Pipeline System, located in Sedgwick County, Kansas, and service to CRA, Inc., and Standard Oil Company, due to deterioration of the existing facilities.

Applicant estimates that the costs of the construction proposed in the instant application would total approximately $262,000, the total reclaim cost for the proposed abandonment would be approximately $26,690, and the salvage value would be approximately $15,750. The costs would be borne from treasury cash, Applicant avers.

Applicant states that the customers served through the facilities proposed to be abandoned would be continued to be served either through replacement facilities proposed by Applicant, through other existing facilities of Applicant or through facilities of The Gas Service Company in

the cases of CRA, Inc., and Standard Oil Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9321 Filed 3-31-76;8:45 am]

[Docket No. CP76-269]

CITIES SERVICE GAS CO.

Notice of Application

MARCH 26, 1976.

Take notice that on February 18, 1976, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76-269 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing deliveries of natural gas by Applicant for direct sale and for resale by the Gas Service Company to 18 right-of-way grantors pursuant to contracts between such right-of-way grantors and itself, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that right-of-way grantors have requested domestic rural service for which Applicant proposes to construct and operate the following facilities:

(1) A tap on Applicant's St. Joseph 26-inch transmission pipeline in Leavenworth County, Kansas, measuring, regulating and appurtenant facilities at the Clifton Allen resale mainline domestic meter site;

(2) A tap on Applicant's Grenola 3-inch transmission pipeline in Elk County, Kansas, measuring, regulating and appurtenant facilities at the Scott Alter resale mainline domestic meter site;

(3) A tap on Applicant's Blackwell-Grabham 26-inch transmission pipeline in Chautaugua County, Kansas, and measuring, regulating and appurtenant facilities at the Jordan Buck resale mainline domestic meter site;

(4) A tap on Applicant's Canadian-Blackwell 26-inch transmision pipeline in Major County, Oklahoma, measuring, regulating and appurtenant facilities at the E. D. Buttell direct sale mainline meter site;

(5) A tap on Applicant's Sedalia 20-inch loop pipeline in Franklin County, Kansas, and measuring, regulating and appurtenant facilities at the A.L. Coffman resale mainline domestic meter site;

(6) A tap on Applicant's Forbes Air Base 8-inch transmission pipeline in Shawnee County, Kansas, and measuring, regulating and appurtenant facilities at the Eleanor Coffman resale mainline domestic meter site;

(7) A tap on Applicant's Southern Trunk 20-inch transmission pipeline in Jasper County, Missouri, and measuring, regulating and appurtenant facilities at the Richard Donham resale mainline domestic meter site;

(8) A tap on Applicant's Copan 3-inch transmission pipeline in Washington County, Oklahoma, and measuring, regulating and appurtenant facilities at the R. D. Griffin resale mainline domestic meter site;

(9) A tap on Applicant's South Mound 3-inch transmission pipeline in Neosho County, Kansas, and measuring, regulating and appurtenant facilities at the Don Heady resale mainline domestic meter site;

(10) A tap on Applicant's South Welda Storage pipeline in Anderson County, Kansas, and measuring, regulating and appurtenant facilities at the Clark Howerton direct sale mainline domestic meter site;

(11) A tap on Applicant's Springfield 16-inch transmission pipeline in Lawrence County, Missouri, and measuring, regulating and appurtenant facilities at the Virgil Mattlage resale mainline domestic meter site;

(12) A tap on Applicant's Udall 6-inch transmission pipeline in Cowley County, Kansas, and measuring, regulating and appurtenant facilities at the Kenneth F. Morris direct sale mainline domestic meter site;

(13) A tap on Applicant's Caney Wichita 12-inch transmission pipeline in Chautaugua County, Kansas, and measuring, regulating and appurtenant facilities at the Arnold Nielson resale mainline domestic meter site;

(14) A tap on Applicant's Oklahoma City 20-inch transmission pipeline in Logan County, Oklahoma, and measuring, regulating and appurtenant facilities at the Merle Porter resale mainline domestic meter site;

(15) A tap on Applicant's Hund 16-inch transmission pipeline in Leavenworth County, Kansas, measuring, regulating and appurtenant facilities at the Robert G. Ryan resale mainline domestic meter site;

(16) A tap on Applicant's Blackwell-Grabham 26-inch transmission pipeline in Kay County, Oklahoma, and measuring, regulating and appurtenant facilities at the Dorothy Stockton resale mainline domestic meter site;

(17) A tap on Applicant's Wichita-Pampa 20-inch transmission pipeline in Harper County, Kansas, and measuring, regulating and appurtenant facilities at the Leonard Wedman resale mainline domestic meter site; and

(18) A tap on Applicant's Sedalia 12-inch transmission pipeline in Johnson County, Missouri, and measuring, regulating and appurtenant facilities at the James D. West resale mainline domestic meter site.

Applicant estimates that the total cost of the facilities proposed to serve the right-of-way grantors would be approximately $8,790, which costs Applicant would finance from treasury funds on hand. Applicant estimates that the gas required annually by each consumer would be approximately 221 Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9310 Filed 3-31-76;8:45 am]

[Docket No. RP72-89]

COLUMBIA GAS TRANSMISSION CORP.

Motion for Approval of Stipulation and Agreement

MARCH 24, 1976.

Take notice that on March 17, 1976, Columbia Gas Transmission Corporation (Columbia) filed a motion for the approval of a settlement agreement in the above-entitled proceeding that would resolve all issues regarding Columbia's natural gas curtailment procedures with the exception of whether a billing adjustment or compensation provision should be part of Columbia's curtailment procedures. The Stipulation and Agreement results from discussions among Columbia, the Commission staff, and interested parties in this proceeding; and such offer of settlement is proposed to be effective for the period November 1, 1976, through October 31, 1978, and thereafter subject to the reopening and review procedures set forth in Article VIII of the Stipulation and Agreement.

The Stipulation and Agreement provides in Article II thereof for continuance of Columbia's currently effective three priority of service categories to implement the proposed curtailment procedures: (1) Residential, small commercial (less than 50 Mcf on the average day in the peak month); (2) all requirements not specified in (1) and (3); and (3) all large industrial boiler fuel (in excess of 300 Mcf per day on an average day in the peak month). A factor of three percent is applied to reduce the Priority 1 volumes (excluding company use and unaccounted for volumes); and after all Priority 3 volumes are curtailed and prior to curtailment of Priority 2 volumes, Columbia will allocate curtailment of the reduction in Priority 1 volumes. Additionally, the Stipulation and Agreement provides that if any customer's curtailment level as a result of implementing the aforesaid three priority procedures in Article II is greater than that pursuant to application of the proposed maximum curtailment limitations of both pro rata and Order No. 467-B curtailment procedures, curtailment of any such customer shall be reduced by a volume equal to one-half of the difference between the curtailment based upon Article II procedures and the curtailment determined by the higher of the aforesaid maximum limitations. The additional curtailment resulting from such reduction shall be allocated to all remaining customers in accordance with pro cedures embodied in the Stipulation and Agreement.

The Stipulation and Agreement also contains a carryover provision enabling customers to carry over a portion of their unused winter period Authorized Monthly Volumes into the following summer period. Additionally, SGS customers exempt from curtailment under the interim plan prescribed by the Commission's order issued October 31, 1975, will be curtailed commencing November 1, 1976, along with Columbia's other resale customers in the event that Columbia curtails into Priority 1, at which time such curtailment of the SGS customers shall be restricted to all volumes other than those included in Priority 1.

It appears reasonable and consistent with the public interest in this proceeding 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 filing of settlement agreement should file on or before April 2, 1976, such comments or petitions to intervene with the Federal Power Commission, Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). Reply comments may be filed on a before April 21, 1976. 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 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. Persons that have previously filed a notice or petition for intervention in this proceeding need not file additional notices or petitions to become parties with respect to the instant filing. The filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9336 Filed 3-31-76;8:45 am]

[Docket Nos. RP74-81 and RP74-82]

COLUMBIA GULF TRANSMISSION CO. AND COLUMBIA GAS TRANSMISSION CORP.

Informal Conference

MARCH 25, 1976.

Take notice that on April 1, 1976, an informal conference between the Commission Staff, Columbia Gas Transmission Corporation, and other interested parties will be held in a conference room of the Federal Power Commission at 10 a.m., e.s.t., for the purpose of discussing procedures related to the remanded proceeding in the captioned dockets.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9324 Filed 3-31-76;8:45 am]

[Docket No. RP76-72]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

MARCH 24, 1976.

Take notice that Consolidated Gas Supply Corporation (Consolidated) on March 16, 1976, tendered for filing as proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, the following sheets:

Original Sheet No. 9-A.
Original Sheet No. 24-A.
Original Sheet No. 24-B.
Original Sheet No. 24-C.
Original Sheet No. 24-D.
Original Sheet No. 57-A.
Original Sheet No. 57-B.
Original Sheet No. 57-C.
Original Sheet No. 57-D.

The above sheets set forth rates and related terms and conditions required to implement the transportation of gas by Consolidated for industrial and commercial consumers who are purchasers of natural gas from Consolidated's jurisdictional customers. The tendered sheets conform with the Commission's Policy set forth in Order Nos. 533 and 533-A in Docket No. RM75-25 which encouraged the transportation of gas by pipeline companies for high priority industrial and commercial customers of a pipeline company's jurisdictional customers who are being curtailed. These sheets reflecting the rates, rate schedule and form of service agreement for Consolidated's Rate Schedule T are proposed to be effective April 16, 1976.

Copies of the filing were served upon Consolidated's jurisdictional customers and interested 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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 8, 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.76-9334 Filed 3-31-76;8:45 am]

[Docket Nos. RP73-65 and (PGA76-3a)]

COLUMBIA GAS TRANSMISSION CORP.

Filing of Tariff Sheets Pursuant to the Commission's Order of February 27, 1976

MARCH 24, 1976.

Take notice that Columbia Gas Transmission Corporation (Columbia), on March 18, 1976, tendered for filing changes in its FPC Gas Tariff, Original Volume No. 1, to be effective on March 2, 1976.

Columbia states that the purpose of the revised tariff sheets is to comply with Ordering Paragraphs (A) and (B) of the Commission's Order of February 27, 1976, in this proceeding. Revised tariff sheets to be effective March 2, 1976, reflect a PGA increase adjusted to reflect the

rates of Transcontinental Gas Pipe Line Corporation, effective March 2, 1976.

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, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 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.76-9335 Filed 3-31-76;8:45 am]

[Docket No. RP76-73]

DISTRIGAS OF MASSACHUSETTS

Notice of Tariff Filing

MARCH 26, 1976.

Take Notice that on March 18, 1976, Distrigas of Massachusetts Corporation (DOMAC) 125 High Street, Boston, Massachusetts tendered for filing in Docket No. RP76-73 pursuant to Section 4(d) of the Natural Gas Act and Part 154 of the Commission's Regulations under the Natural Gas Act, Original Volume No. 1 of its FPC Gas Tariff with a proposed effective date of April 19, 1976.

DOMAC states that the proposed changes in rate levels which would increase revenues by approximately $8.3 million annually are needed in order to meet increased costs of operations under current economic conditions, particularly increasing costs of terminalling LNG. DOMAC proposed to standarize the terms and conditions under which its LNG sales are made through the submission of this new general FPC gas tariff to be substituted for pre-existing contracts.

DOMAC further states that copies of the filing have been served upon the company's customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest said filing with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with Section 1.8 and 1.10 of the Commissions Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions of protests should be filed on or before April 7, 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 proceedings. 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.76-9311 Filed 3-31-76;8:45 am]

[Docket No. ER76-83]

OHIO POWER CO.

Notice of Extension of Procedural Dates

MARCH 25, 1976.

On March 8, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued November 14, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, May 4, 1976.
Service of Intervenor Testimony, May 18, 1976.
Service of Company Rebuttal, June 1, 1976.
Hearing, June 15, 1976 (10:00 a.m., EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9322 Filed 3-31-76;8:45 am]

[Docket No. RP72-140 (PGA76-2)]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Proposed Changes in FPC Gas Tariff Under Purchased Gas Adjustment Clause Provisions

MARCH 25, 1976.

Take notice that Great Lakes Gas Transmission Company (Great Lakes), on March 16, 1976, tendered for filing Seventeenth Revised Sheet No. 57 to its FPC Gas Tariff, proposed to be effective May 1, 1976.

Great Lakes states that this revised sheet reflects an increase in the border price of natural gas purchased from TransCanada Pipelines as a result of the higher rate of exchange presently in effect between the Canadian and United States currencies. The proposed tariff sheet is based on par currency conversion whereas Great Lakes' previously effective purchased gas cost adjustment was based on .96625¢ US=1.00000¢ Cdn., the Company states.

Great Lakes states that it is also including in the revised tariff sheet a purchased gas cost surcharge adjustment. The surcharge adjustment results from maintaining an unrecovered purchased gas cost account for the period commencing September 1, 1975 and ending February 29, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 8, 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.76-9317 Filed 3-31-76;8:45 am]

[Docket No. E-9485]

KANSAS GAS AND ELECTRIC CO.

Conference

MARCH 25, 1976.

Take notice that on April 13, 1976, Staff is convening an informal conference of all interested persons for the purpose of discussing the issues in the above referenced docket in Room No. 8402, at the offices of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., at 2:00 P.M.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Letters concerning this conference are being mailed to all parties to the proceeding, and all of the jurisdictional customers.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9329 Filed 3-31-76;8:45 am]

[Docket No. E-7690 (PTF Cost Rules)]

NEW ENGLAND POWER POOL AGREEMENT (NEPOOL)

Initiating Review of Initial Decision

MARCH 25, 1976.

On February 13, 1976, Presiding Administrative Law Judge Wagner issued an initial decision in the above-designated matter. Briefs on exceptions were due to be filed on March 15, 1976. On March 18, 1976, the Staff filed a brief on exceptions.

Inasmuch as no exceptions to the initial decision were timely filed, absent this order the initial decision would become final on March 25, 1976, i.e., within ten days from the time for filing exceptions. Accordingly, pursuant to Section 1.30(d)(2) of the Commission's Rules of Practice and Procedure, the Commission herein initiates review of the initial decision of February 13, 1976, provides for the filing of briefs opposing exceptions on or before April 7, 1976, and further orders that said initial decision is stayed pending a final decision by the Commission in this proceeding.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9331 Filed 3-31-76;8:45 am]

[Docket No. RP75-89]

NORTHERN NATURAL GAS CO.

Further Extension Procedural Dates

MARCH 25, 1976.

On March 12, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 16, 1975, as most recently modified by notice issued January 9, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, April 2, 1976.
Service of Intervenor Testimony, April 28, 1976.
Service of Company Rebuttal, May 21, 1976.
Hearing, June 8, 1976 (10:00 a.m., EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9330 Filed 3-31-76;8:45 am]

[Docket No. ER76-305]

NORTHERN STATES POWER CO. (WISCONSIN)

Order Granting Late Petition To Intervene

MARCH 25, 1976.

On November 28, 1975, Northern States Power Company (NSP) tendered for filing proposed supplements to existing rate schedules which would revise the rate and charges for firm power service to eleven municipal customers in the State of Wisconsin. The Company requested that the proposed rates be made effective as of January 1, 1976. By order issued December 31, 1975, the Commission accepted for filing and suspended the proposed rate increase for two months, to become effective March 1, 1976.

Notice of NSP's filing was issued in December 4, 1975, with protests or petitions to intervene due on or before December 17, 1975. On December 29, 1975, the Commission issued a Notice of Extension of Time for Filing Petitions to Intervene, with responses due on or before December 24, 1975.

On February 9, 1976, the Public Service Commission of Wisconsin submitted a late petition to intervene in the above-referenced docket. The Commission concludes that the Petitioner has an interest in this proceeding which is sufficient to warrant its intervention herein.

The Commission finds: Good cause exists to permit the Public Service Commission of Wisconsin to intervene in the above-referenced proceeding, provided that such intervention is conditioned as hereinafter ordered.

The Commission orders: (A) The Public Service Commission of Wisconsin is hereby permitted to intervene in this proceeding, *Provided, however,* that the late petition granted herein shall not be the basis for delaying or deferring any procedural schedulues heretofore establish for the orderly and expeditious disposition of this proceeding.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9333 Filed 3-31-76;8:45 am]

[Docket No. RP73-92 (PGA76-2)]

RATON NATURAL GAS CO.

Tender of Corrected Tariff Sheet

MARCH 25, 1976.

Take notice that on March 11, 1976, Raton Natural Gas Company (Raton) tendered for filing Corrected Ninth Revised Tariff Sheet No. 3A to replace an erroneous filing tendered on March 8, 1976. Raton states that the corrected tariff sheet reflects an increase in the rate charged its jurisdictional customer, pursuant to its purchased gas cost adjustment provision.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 30, 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.76-9328 Filed 3-31-76;8:45 am]

[Docket No. RP75-84]

SOUTHERN NATURAL GAS CO.

Order Accepting for Filing and Suspending Revised Tariff Sheet, Denying Motion To Reject, and Granting Intervention

MARCH 25, 1976.

On February 24, 1976, Southern Natural Gas Company (Southern) tendered for filing Seventeenth Revised Sheet No. 4A to its FPC Gas Tariff, Sixth Revised Volume No. 1. Southern states that the revised sheet reflects the redesign of Southern's rates to reflect the implementation of the curtailment plan ordered by the Commission in Opinion No. 747.[1] The proposed effective date is March 26, 1976.

The rates currently in effect on the Southern system were filed in this docket on March 31, 1975 as modified on September 9, 1975. The rates have been in effect since October 16, 1975, subject to refund. Southern states that the rates, which went into effect on October 16, 1975, are based upon allocation factors and sales patterns which contemplated that the prior curtailment plan would remain in effect. The instant filing is based upon the same total test period sales and total cost of service as filed originally in Docket No. RP75-84, but reflects changes in allocation of sales volumes and allocation of costs between Southern's jurisdictional and non-jurisdictional customers, as well as among Southern's jurisdictional customers, which would result from the operation of Southern's system under the curtailment plan prescribed in Opinion 747.

In addition, Southern requests the Commission to relieve it of the refund obligation in Opinion 747 pertaining to a double recovery of demand charges. Southern states that there will be no "double recovery" of costs because the rates have been redesigned in the instant filing to account for the changed sales pattern resulting from the curtailment plan. Finally, Southern requests a one day suspension in the event the Commission decides to suspend the instant filing.

The filing was noticed on February 26, 1976, with comments due on or before March 11, 1976. On March 10, 1976, Mississippi Chemical Corporation (Mississippi) filed a petition to intervene. On March 11, 1976, Atlanta Gas Light Company filed a protest and motion to reject Southern's filing based upon the allegation, *inter alia,* that the filing fails to conform with Opinion No. 747. In the alternative, Atlanta requests that Southern's filing be suspended for five months. Specifically, Atlanta alleges that Southern's filing does not conform with Ordering Paragraph (A)(4) of Opinion 747 which requires Southern to restore the demand charge credit to its tariff and to make refunds of certain demand charges collected in the past.

With respect to Southern's request for relief from the refund obligation imposed by Opinion 747 with respect to certain demand charges, and Atlanta's motion to reject Southern's filing, which also relates to this issue, the Commission has determined that the instant proceeding is not the appropriate forum for resolution of that issue since it involves the merits of Opinion 747. Accordingly, we shall deny Southern's request for relief from the refund obligation in the instant docket without prejudice to the disposition of that issue on rehearing of Opinion 747.[2] Consistent with this action, Atlanta's motion to reject Southern's filing shall also be denied.

Upon review, it has been determined that Southern has shown good cause to modify its suspended rates in Docket No. RP75-84 to attempt to more nearly reflect the changed sales patterns which will result from implementation of the curtailment plan prescribed in Opinion 747. However, Southern's revised rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept

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[1] Issued November 20, 1975, in Docket No. RP74-6, *et al.*

for filing and suspend the revised tariff sheet filed by Southern for one day until March 27, 1976, when it shall become effective, subject to refund. The justness and reasonableness of the proposed rates reflected in the revised tariff sheet shall be determined in the ongoing proceedings in Docket No. RP75–84.

The Commission finds: (1) Southern's Seventeenth Revised Sheet No. 4A to its FPC Gas Tariff, Sixth Revised Volume No. 1 should be accepted for filing and suspended for one day, to become effective March 27, 1976 subject to refund.

(2) Atlanta's motion to reject Southern's filing should be denied.

(3) Participation by Mississippi in this proceeding may be in the public interest.

The Commission orders: (A) Southern's Seventeenth Revised Sheet No. 4A to its FPC Gas Tariff, Sixth Revised Volume No. 1 is hereby accepted for filing and suspended for one day, to become effective March 27, 1976 subject to refund.

(B) The determination of the justness and reasonableness of the proposed rates and charges in Southern's filing should be determined in the ongoing proceedings in Docket No. RP75–84.

(C) Atlanta's motion to reject Southern's filing is denied.

(D) Mississippi is hereby permitted to intervene in these proceedings subject to the Rules and Regulations of the Federal Power Commission; *Provided, however,* that partcipation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the notice of intervention; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Federal Power Commission that it might be aggrieved because of any order or orders of the Federal Power Commission entered in this proceeding.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–9316 Filed 3–31–76;8:45 am]

[Docket No. CP75–258]

TENNESSEE GAS PIPELINE CO. ET AL.

Notice of Amendment to Application

MARCH 25, 1976.

Take notice that on March 3, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee Gas), P.O. Box 2511, Houston, Texas 77001, and Tenneco Chemicals, Inc. (TCI), P.O. Box 2511, Houston, Texas 77001, jointly Applicants, filed in Docket No. CP75–258 an amendment to the application filed in said docket, as amended, for a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act to request authorization for the transportation of an additional 3,000 Mcf of natural gas per day for TCI by Tennesee Gas and release of ⅓ of the volumes delivered to Tennessee Gas, all as more fully set forth in the application on file with the Commission.

Applicants state that they had originally entered into a gas transportation and release contract which called for the transportation of up to 14,500 Mcf of gas per day, which was subsequently reduced to 4,000 Mcf per day. Pursuant to the original contract, TCI would release to Tennessee Gas ⅓ of all gas delivered to Tennessee Gas for TCI, and would allow Tennessee Gas to borrow up to 30 percent of the remainder of the gas delivered to Tennessee Gas in the winter period for the account of TCI to be returned in the summer period. The released volumes would be purchased by TCI at intrastate prices and would be purchased by Tennessee Gas at the interstate price.

TCI alleges that it has entered into contracts for the purchase of natural gas from Forman Exploration Company (Forman) and Prairie Producing Company (Prairie Producing) produced in Ouachita Parish, Louisiana, and San Jacinto County, Texas, respectively. Such gas would be sold to TCI pursuant to small producer certificates held by Forman in Docket No. CS74–383 and by Prairie Producing in Docket No. CS71–421 at $1.25 per Mcf of natural gas. The combined sales of natural gas to TCI from the new sellers would be 3,000 Mcf per day, raising the total volumes of gas proposed to be transported for TCI to 7,000 Mcf per day and raising the total volumes proposed to be released to Tennessee Gas to 2,333 Mcf of gas per day.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed protests, petitions to intervene, or notices of intervention need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–9323 Filed 3–31–76;8:45 am]

[Docket No. RP75–73]

TEXAS EASTERN TRANSMISSION CORP.

Settlement Conference

MARCH 25, 1976.

Take notice that on April 5, 1976, a settlement conference concerning the issues in the above referenced proceeding will be convened at the office of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The conference will convene at 2:00 P.M. in Room 5200.

The conference will be held pursuant to Section 1.18 (Conferences, Offers of Settlement) of the Commission's Rules of Practice and Procedure (18 CFR 1.18). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, such attendance at the conference will not be deemed to authorize such intervention as a party in the proceedings.

In accordance with the provisions of Section 1.18 of the Rules, all parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of Texas Eastern's proposed changes to its rates and any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

Copies of this notices are being mailed this date to all jurisdictional customers and interested State Commissions.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–9326 Filed 3–31–76;8:45 am]

[Docket No. RP72–156 (PGA76–1)]

TEXAS GAS TRANSMISSION CORP.

Order Granting Intervention

MARCH 25, 1976.

On December 15, 1975, Texas Gas Transmission Corporation (Texas Gas) filed proposed tariff sheets which would increase its demand and commodity charges. Texas Gas requested that the tariff sheets be allowed to become effective on February 1, 1976.

Public notice of Texas Gas' proposed rate increase was issued on December 19, 1975, with protests and petitions to intervene due on or before December 26, 1975. On March 1, 1976, an untimely petition to intervene was received from Memphis Light, Gas and Water Division, City of Memphis, Tennessee (Memphis). Having reviewed Memphis' petition, we conclude that Memphis has an interest in this proceeding which is sufficient to warrant its intervention herein.

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[2] Southern has raised the identical issue in its application for rehearing of Opinion 747.

The Commission finds: It is desirable and in the public interest to allow Memphis to intervene in these proceedings.

The Commission orders: (A) Memphis is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Federal Power Commission; Provided, however, that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the notice of intervention; and Provided, further, that the admission of such intervenor shall not be construed as recognition by the Federal Power Commission that it might be aggrieved because of any order or orders of the Federal Power Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9332 Filed 3-31-76;8:45 am]

[Docket No. CP76-299]

TENNESSEE GAS PIPELINE CO.

Notice of Application

MARCH 25, 1976.

Take notice that on March 12, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP76-299 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of two offshore pipeline platforms, compression, metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate in the calendar year 1976, a pipeline platform in West Cameron Block 173, offshore Louisiana, consisting of two 3,400 horsepower compressors, measurement and separation facilities and the requisite piping and equipment. In 1977, Applicant proposes to construct and operate a pipeline platform in East Cameron Block 49, offshore Louisiana, consisting of three 3,400 horsepower compressors and separation and requisite piping and equipment. Also Applicant requests authorization to construct and operate approximately 2.32 miles of 8⅝-inch pipeline from Applicant's existing West Cameron Block 193-D platform to central gathering facilities located on Applicant's West Cameron Block 192-B platform, offshore Louisiana. Applicant states that the proposed pipeline facilities would have a capacity of approximately 30,000 Mcf per day of high pressure gas.

Applicant alleges that all of the facilities proposed in the instant application would be used to assist Applicant in receiving natural gas that is presently dedicated to Applicant. The proposed facilities would (1) increase daily production from the affected blocks which is said to have declined due to the decrease in natural pressure, (2) would reduce line pressure to 700 psig when requested by producers from which Applicant receives gas consistent with contractual obligations to such producers, and (3) would make greater volumes of natural gas available to Applicant's customers by increasing the volumes produced from the affected blocks.

Applicant states that it anticipates that the increase in volumes of natural gas produced would be 54,400 Mcf per day due to the 1976 construction and operation and would increase by an additional 168,900 Mcf of natural gas per day with the operation of the facilities proposed to be constructed in 1977. Applicant estimates that the total cost of the proposed facilities would be approximately $35,802,000, which costs would be borne initially from general funds on hand and/or borrowing made under Applicant's revolving lines of credit available, which would later be reduced by general funds of Applicant's or by permanent financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 22, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein proved for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9314 Filed 3-31-76;8:45 am]

[Docket No. RP72-64]

TEXAS GAS TRANSMISSION CORP.

Order

MARCH 26, 1976.

On September 30, 1975, Texas Gas Transmission Corporation (Texas Gas) submitted for filing, pursuant to Section 4 of the Natural Gas Act, Fifth Revised Sheet No. 91 and Seventh Revised Sheet No. 92 to Texas Gas' FPC Gas Tariff, Third Revised Volume No. 1. The revised tariff sheets contain the priorities of service during periods of curtailed deliveries that are set forth in the Commission's Statement of Policy, Order No. 467-B, 49 FPC 583, and are now in effect on the Texas Gas system.

Texas Gas proposes that its tariff filing be made effective as of April 1, 1976, and requests waiver of the notice requirements of Section 154.22 of the Commission's Regulations under the Natural Gas Act. The currently effective provisions pertaining to priority of service, which are contained in the Fourth Stipulation and Interim Agreement approved by the Commission's order issued September 3, 1975, expire on March 31, 1976. In the event that the Commission decides to suspend any or all of the proposed revised tariff sheets, Texas Gas requests the assignment of such earlier effective date as required to make them effective, after suspension, on April 1, 1976.

According to Texas Gas, its filing was made pursuant to the provisions of Article VIII of the Fourth Stipulation and Interim Agreement, which provides for Texas Gas' filing of a permanent curtailment plan at least six months prior to April 1, 1976, for the purpose of enabling the various parties to conduct settlement negotiations.

Pursuant to our Notice published in the FEDERAL REGISTER, petitions for and notices of intervention were due on or before October 28, 1975. A timely protest and request for clarification or hearing concerning tariff filing was filed by Consolidated Gas Supply Corporation (Consolidated). Additionally, General Motors Corporation (General Motors) filed a timely protest; and Mississippi Gas Users, Inc., (Gas Users), filed a timely protest of proposed permanent curtailment plan and tariffs, motions to reject or suspend and for evidentiary hearing, and for interim decision. An untimely protest was filed by Mississippi Power & Light Company (MP&L). On November 10, 1975, Mississippi Valley Gas Company (Mississippi Valley) filed an answer and objections to Gas Users' motions seeking to "freeze usage" by Mississippi Valley's customers; and on November 17, 1975, Texas Gas filed an answer opposing Gas Users' protest and various motions. On November 19, 1975, Gas Users replied to the answers in opposition to its aforementioned motions and protest.

CF Industries, Inc. (CF) filed a petition for leave to intervene out of time on February 17, 1976. CF, an Illinois agricultural cooperative association, purchases natural gas from Terra Haute Gas Corporation, which in turn receives natural gas from Texas Gas. CF asserts that it has a substantial interest in this

proceeding, and that its interests will not be adequately represented by any other party in this proceeding.

In its protest, General Motors opposes certain aspects of Texas Gas' Order No. 467–B curtailment priorities, and requests that the Commission suspend Texas Gas' tariff filing and hold formal hearings thereon. Consolidated objects to Order No. 467–B's classification of all pipeline customer storage injection requirements in Priority 2 regardless of the customers' uses of gas in the base period withdrawal months, a method allegedly differing from the currently effective settlement agreement classification of net monthly storage injection requirements that are placed in Priority 2 only in proportion to the Priority 2 percentage usage of net monthly storage withdrawals. Therefore, Consolidated requests the Commission to require or permit Texas Gas to clarify its proposed classification of pipeline customer storage injection requirements, or schedule a prompt hearing in this matter prior to the 1976 storage injection season. MP&L expresses the view that 467–B priorities are not appropriate, and that a provision for compensation is necessary in any curtailment plan.

In their pleading, Gas Users move that the Commission reject the instant filing, or alternatively, suspend it for the maximum period and hold a formal hearing thereon. Additionally, Gas Users request the Commission to issue an interim order without evidentiary hearings that will require Texas Gas to file a revised tariff embodying the features underlying its administration and operation of its curtailment plan and eliminating any unlawful provisions therein. In the event of any issues involving material disputed facts, they request the Commission to phase the hearing procedures, directing Phase I to the issuance of an interim order and Phase II to determining all remaining issues. Gas Users contend *inter alia* that: (1) Order No. 467–B is only a policy statement, which in view of recent court decisions cannot serve as a substitute for record evidence supporting the subordination of boiler fuel usage to other industrial uses and the subordination of interruptible to firm customer loads; (2) Texas Gas should be directed to incorporate in the text of its tariff the actual operational features of its curtailment plan and to furnish an up-to-date impact statement; (3) the Commission has a statutory duty to correct known defects in a permanent curtailment plan in accordance with *Consolidated Edison Company of New York, Inc.* v. *F.P.C.*, 512 F. 2d 1332 (1975); (4) subordination of boiler fuel and interruptible usage subjects Gas Users to undue discrimination and results in an unreasonable difference in service between localities in contravention of the provisions of the Natural Gas Act; (5) Texas Gas' plan unlawfully fails to allocate total quantity entitlements of each customer to end use priorities and to "freeze usage" in each such priority; (6) for implementation of a permanent end use plan, the end use data utilized must be verified in an adversary proceeding rather than through the informal procedures of the Data Verification Committee; (7) Texas Gas' seasonal rather than daily administration of curtailment and "husbanding" of gas are unlawful, and its handling of Priority 2 storage injection volumes is improper; and (8) Section 10.3 of the General Terms and Conditions of Texas Gas' tariff should be revised to limit the payback obligation to ultimate customers, direct or indirect, receiving emergency relief.

In its response to Gas Users, Mississippi Valley asserts that Gas User's advocation of "freezing usage" in each and use priority is an attempt to have the Federal Power Commission regulate a non-jurisdictional gas distributor's allocation or curtailment of natural gas to its customers, a matter beyond the Commission's jurisdiction as indicated in Opinion No. 606, *United Gas Pipe Line Company*, 46 FPC 786 (1971). In its answer to Gas Users' protest and motions, Texas Gas avers, among other things, that: (1) Gas Users' request for an immediate interim order is inconsistent with their agreement to the Fourth Stipulation and Interim Agreement in effect until April 1, 1976; (2) end use considerations in formulating priorities of service, such as those set forth in Order No. 467–B, were upheld in *American Smelting and Refining Company* v. *F.P.C.*, 494 F. 2d 925, 936 (1974); (3) Texas Gas' "husbanding" never has amounted to any permanent abandonment of service and is consistent with Commission policy; (4) seasonal administration of curtailment best serves its customers' needs by providing a greater degree of flexibility; (5) tariff filings amending Texas Gas' tariff to embody curtailment procedures have been made and accepted by the Commission on several occasions in recent years and presumably are in complete compliance with Commission standards; (6) Texas Gas' emergency provision is clearly expressed because the pipeline could balance out deliveries thereunder only with one of its own customers; (7) Texas Gas has continued to utilize the end use priorities for the 12-month base period ending March 31, 1973, except for changes by the Commission or the Data Verification Committee; and (8) Texas Gas' method of treating storage was accepted by the Commission in approving the Fourth Stipulation and Interim Agreement.

In a reply to the above responses, Gas Users maintain generally that the opposing arguments therein do not constitute an adequate answer, and claim that Gas Users seek no modification of Texas Gas' interim plan until April 1, 1976.

The several protests and requests for formal hearing in regard to the proposed tariff provisions raise questions on the lawfulness of the proposed plan filed by Texas Gas. Hence, we conclude that the instant filing should be suspended and a hearing established to determine its lawfulness.

Accordingly, Texas Gas should submit evidence in the form of testimony and exhibits supporting its proposed permanent curtailment plan. The evidence filed should show, *inter alia*, the current impact on Texas Gas' customers of implementing the proposed Order No. 467–B priorities-of-service, along with an up-to-date filing of end-use data. Additionally, such testimony and exhibits to be submitted by Texas Gas should include but not be limited to the following: (1) An assessment of the current gas supply on the Texas Gas system, along with an explanation of the detailed operation of Texas Gas' husbanding program and a supply-requirements balance for at least the first three years of the period to be covered by the proposed curtailment plan; (2) detailed explanations of the volumes and types of customers reported in each of the proposed plan's nine priorities, the treatment accorded storage injection volumes, and the proposed implementation of the curtailment program on a seasonal and daily basis; and (3) Texas Gas' methodology and approach regarding classification for curtailment purposes of its firm and interruptible customer loads as well as its proposed treatment of commercial customers using more than 300 Mcf of natural gas per day (including customer back-up data supporting the proposed classifications).

To the extent that the protests and accompanying motions raise questions concerning interim relief, a brief discussion appears to be in order. Although Consolidated contends that Order No. 467–B's treatment of storage injection requirements differs markedly from that now in effect under the Fourth Stipulation and Interim Agreement, Texas Gas in its tariff filing stated that the priorities-of-service set forth therein are identical to those which are presently in effect. Therefore, the storage injection methodology contained in the instant filing is the same metholodogy that is presently operational under the Fourth Stipulation and Interim Agreement. No change was intended by Texas Gas, and no change is justified under the proposed filing. Accordingly, Consolidated's request for clarification of Texas Gas' proposed classification of pipeline customer storage requirements fails to show a sufficient need therefor and should be denied.

Insofar as Gas Users urge that we reject the instant filing or issue an interim order requiring a revised tariff filing by Texas Gas embodying all underlying operational features of its proposed curtailment program and eliminating certain allegedly unlawful features therefrom, it should be noted that the priorities-of-service here proposed are identical to those that have been in effect on the Texas Gas system for nearly three years and have proven to be workable. Only one extraordinary relief petition containing two requests for relief, for example, has been filed during the period April 1, 1975, to the present time. In these circumstances, we do not find Gas Users' aforesaid requests to be warranted.

As idicated, Texas Gas has requested a waiver of the 60-day notice requirement of Section 154.22 of our Regulations under the Natural Gas Act with respect to tariff filings because the Commission's

approval of its currently effective priorities-of-service during curtailment expires on March 31, 1976, and Article VIII of the interim settlement agreement requires Texas Gas to file a permanent curtailment plan six months prior to April 1, 1976.

On the basis of the various contentions by Texas Gas and other parties regarding the instant filing, we conclude that good cause has been shown to warrant waiver of our aforesaid notice requirements and to schedule a pre-hearing conference before a Presiding Administrative Law Judge following the submission of evidence as hereinafter ordered. In our view such a procedure should assure an expeditious trial of the issues raised by the various pleadings.

The Commission finds:

(1) Fifth Revised Sheet No. 91 and Seventh Revised Sheet No. 92 to Texas Gas' FPC Gas Tariff, Third Revised Volume No. 1, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the revised tariff sheets set forth in paragraph (1) above be accepted for filing as of the date of issuance of this order, be suspended, and the use thereof deferred as hereinafter provided.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed provisions in Texas Gas' FPC Gas Tariff and that the issues in this proceeding be scheduled for hearing in accordance with the procedures hereinafter set forth.

(4) Good cause exists to deny the motions to reject and for interim order by Gas Users filed on October 28, 1975, and the request for clarification by Consolidated filed also on October 28, 1975.

(5) The participation of the above-named petitioner in this proceeding may be in the public interest.

The Commission orders:

(A) Fifth Revised Sheet No. 91 and Seventh Revised Sheet No. 92 to Texas Gas' FPC Gas Tariff, Third Revised Volume No. 1, are hereby accepted for filing as of the date of issuance of this order.

(B) The tariff sheets set forth in paragraph (A) above are hereby suspended and the use thereof deferred until April 1, 1976, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) The notice requirements of Section 154.22 of the Commission's Regulations under the Natural Gas Act are hereby waived.

(D) The motions to reject and for interim order by Gas Users filed on October 28, 1975, and the request for clarification by Consolidated filed also on October 28, 1975, are hereby denied.

(E) On or before April 22, 1976, Texas Gas shall file and serve its case-in-chief with respect to the proposed changes in its FPC Gas Tariff, which shall include, *inter alia*, all of the evidence in the form of testimony and exhibits set forth specifically in the recital above.

(F) On or before May 12, 1976, intervenors shall file testimony and exhibits comprising their cases-in-chief providing evidentiary support of their respective positions in regard to the issues arising from the proposed tariff provisions in Texas Gas' FPC Gas Tariff.

(G) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held upon a date to be fixed by the Presiding Administrative Law Judge in a hearing room of the Federal Power Commission, Washington, D.C. 20426, concerning the lawfulness of Texas Gas' tariff filing of September 30, 1975.

(H) Pursuant to the provisions of Section 1.18 of the Commission's Rules of Practice and Procedure, a prehearing conference before a duly designated Presiding Administrative Law Judge shall commence at 10:00 a.m. (EDT) on May 26, 1976, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 for the purpose of effectuating the expeditious disposition of this proceeding. The purpose of such conference shall be to consider all matters at issue in the above docket and to consider any and all matters which might contribute to an expeditious disposition of this proceeding

(I) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5 (d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(J) The above-named petitioner is permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* that the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-9309 Filed 3-31-76;8:45 am]

[Docket No. CP74-33]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Petition To Amend

MARCH 26, 1976.

Take notice that on March 2, 1976, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP74-33 a petition to amend the order of the Commission of February 26, 1975, issuing a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act authorizing Petitioner to acquire the Washington Field, St. Landry Parish, Louisiana, for gas storage purposes, to construct and operate facilities, and to render gas storage service from such field for customers who have subscribed to such service to include authorization to render additional service, to charge an initial rate as set forth in the instant petition, and to construct and operate facilities varying from those initially authorized, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that the aforementioned order of the Commission authorized the storage service and facilities that Petitioner has constructed, however Petitioner's *pro forma* tariff sheets were accepted subject to a final determination of the rate of return and accounting issues. Petitioner further alleges that the Commission recognized that Petitioner could request a higher rate at the institution of service. Petitioner states that the reason for the nondetermination of a proper rate is that cost uncertainties existed which would not be resolved until the Washington Field storage area was ready to operate.

Petitioner has included in the instant filing an estimate of the total cost of the facilities of $105,400,000 and proposes an initial monthly charge of 5.45 cents per Mcf for the storage capacity volume charge and 0.5 cents per Mcf for the volume withdrawal charge. Petitioner proposes that such charges become effective as of April 1, 1976, when the storage field becomes operational.

Further, Petitioner alleges that it has contracted with customers for the previously unallocated 3,870 million Mcf of the total top storage capacity of 30,000 million Mcf in the Washington Field. Petitioner proposes to render the storage service as follows:

REVISED TOTAL ALLOCATED VOLUMES

	Thousand cubic feet [1]
Atlanta Gas Light Co	2,222,600
The Brooklyn Union Gas Co	10,291,680
Carolina Pipeline Co	510,625
Clinton-Newberry Natural Gas Authority	400,000
Consolidated Edison Co. of New York, Inc	4,171,405
City of Danville, Va	53,795
Delmarva Power & Light Co	113,345
Eastern Shore Natural Gas Co	47,400

	Thousand cubic feet[1]
Elizabethtown Gas Co	1,355,425
City of Laurens, S.C	16,200
Long Island Lighting Co	1,308,425
North Carolina Gas Service Division of Pennsylvania & Southern Gas Co	250,000
North Carolina Natural Gas Corp	1,141,720
Owens-Corning Fiberglas Corp	20,680
Philadelphia Electric Co	2,144,000
Philadelphia Gas Works	330,265
Piedmont Natural Gas Co., Inc	2,424,550
Public Service Co. of North Carolina, Inc	1,313,235
City of Shelby, N.C	11,000
South Jersey Gas Co	257,135
UGI Corp	125,000
Union Gas Co	40,495
United Cities Gas Co.—Georgia Division	166,755
United Cities Gas Co.—North Carolina & South Carolina Division	170,485
Washington Gas Light Co	1,113,485
Total	30,000,000

[1] At 14.7 lb/in²a.

Petitioner states that the opportunity to participate in the remaining unallocated storage service was offered to its customers in the same manner as was utilized in the initial development of the field, except that a direct sale customer, Owens-Corning Fiberglas Corporation, has been included on the same basis as the other customers. Petitioner states that the 30,000 million Mcf of top storage capacity will be reached in the 1977–1978 heating season instead of the 1978–1979 heating season as originally proposed.

Petitioner requests that the Commission authorized an increase in the permanent compression certificated from 16,500 horsepower to 22,000 horsepower and approve miscellaneous modifications of field piping.

Applicant states that the requested increase in permanent compression facilities would be two 11,000 horsepower compressor units, in lieu of 16,500 compressor horsepower heretobefore authorized, which would add flexibility and daily capacity for injection of natural gas into the Washington Field, and would also provide Applicant with backup capability in the event of maintenance or other outages. Applicant further proposes to use 16-inch pipeline instead of 8-inch and 12-inch pipeline in the gathering systems of the storage field, which would allow Applicant additional capacity and the ability to increase the storage capacity more economically. Applicant states that the estimated costs of the facilities are approximately $105,400,000, of which $42,383,907 had been spent as of December 31, 1975, and the financing for which is provided from short-term loans and available cash until permanent financing is arranged later.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9312 Filed 3-31-76;8:45 am]

[Docket No. CP76-122]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Amendment to Application

MARCH 25, 1976.

Take notice that on March 15, 1976, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-122 an amendment to the application filed in said docket pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to reflect the addition of an affiliate of Natural Gas Pipeline Company of America Natural as a partner in the High Island offshore system (HIOS), which would reduce the volumes of natural gas which Applicant proposes to transport for United Gas Pipe Line Company (United) in the instant docket, all as more fully set forth in the amendment to application on file with the Commission and open to public inspection.

Applicant states that in the original application, it proposed to transport up to 236,000 Mcf of natural gas per day for United through Applicant's TG Line, which is said to extend from the Cameron Meadows Plant near Johnson's Bayou, Cameron Parish, Louisiana to Applicant's main east-west line in Calcasieu Parish, Louisiana. Such transportation is proposed to be rendered to assist United to receive into its pipeline system gas available to United from HIOS. The applications for the proposed HIOS are said to have been amended to include an affiliate of Natural's, which is further said to reduce the amount of capacity available to United from 236,000 Mcf per day to 196,640 Mcf per day, reflecting the reduction of United's participation from 25 to 20 percent. Applicant, therefore, amends the application in the instant docket to provide transportation for the letter volumes for United and to construct the necessary side tap piping manifold facilities.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 20, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Any person who has heretofore filed a petition to intervene, notice of intervention or protest in the instant docket need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9318 Filed 3-31-76;8:45 am]

[Docket Nos. RP74-48, RP75-3]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Granting Application for Rehearing in Part and Establishing Hearing Procedures

MARCH 26, 1976.

On February 27, 1976, Transcontinental Gas Pipe Line Corporation (Transco) filed an application for rehearing of the Commission's Order issued January 30, 1976, in the above-captioned proceeding. Transco requests that the Commission reverse its prior decision and permit Transco to adjust its rates to track $1,615,000 of return and taxes associated with advance payments for the period July 1, 1975 to October 1, 1975. In the alternative, Transco requests the Commission to stay the January 30, 1976, order in this respect, pending court review.

On November 13, 1975, the Commission issued an order approving Transco's proposed settlement agreement in Docket No. RP74-48 and RP75-3 subject to, *inter alia*, the condition the Transco's advance payment tracking authority contained in the settlement would terminate as of October 1, 1975. In purported compliance with that order, Transco, on December 22, 1975, tendered for filing revised tariff sheets which reflect 1) settlement rates in the above-referenced dockets to be effective February 1, 1975, and April 1, 1975, and 2) adjustments thereto for three advance payment rate increases previously filed to be effective July 1, 1975, August 1, 1975, and September 1, 1975.[1] By order issued January 30, 1976, the Commission issued an order, *inter alia*, rejecting Transco's to track the three previously rejected advance payments tracking rate increases for the period July 1, 1975, through October 1, 1975, based upon the finding that Transco lacked the authority to track the subject advances.

Transco argues in its application for rehearing that the January 30, 1976,

[1] Those advance payment tracking filings were previously tendered by Transco on May 16, 1975, June 16, 1975, and July 16, 1975. They were rejected without prejudice by Commission orders issued June 30, 1975, July 25, 1975, and August 29, 1975, respectively, for lack of tracking authority.

order is inconsistent with the November 13, 1975, order in that the November 13, 1975, order seems to allow Transco to have advance payments tracking authority up to October 1, 1975, the date such authority is terminated. By comparison, Transco argues that the January 30, 1976, order effectively eliminates Transco's advance payment authority from the settlement agreement. Transco states further that the Commission should not have initially rejected Transco's advance payment tracking filings purportedly "without prejudice" to their submittal after action on the settlement agreement, when it was the Commission's delay in acting on the settlement which rendered such rejections "with prejudice."

In the event Transco's application for rehearing is denied, Transco requests the Commission to stay the effectiveness of its order pending completion of judicial review. Good cause exists to grant the requested stay, it submits, under the standards of *Virginia Petroleum Jobbers v. F.P.C.*, 259 F.2d 291 (D.C.Cir. 1958).

Transco's authority to track advance payments was recognized when the Commission approved the settlement in its November 13, 1975, order. While that authority expired October 1, 1975, tracking was approved for the period covered by the settlement. Accordingly, the fact that the Commission acted after the settlement rates were superseded is not controlling. Accordingly, good cause exists to permit Transco to tract the subject advances as of July 1, 1975; August 1, 1975; and September 1, 1975, respectively. However, the advances contained in the respective rate filings have not been shown to be reasonable and appropriate under Order Nos. 465 and 499. Accordingly, the costs related to the subject advances shall be made effective, subject to refund, and hearing procedures shall be established to determine the reasonableness and appropriateness of the subject advances.

It should be noted that this action is consistent with the Commission's practice of limiting tracking authority for cost items such as advance payments to the period covered by a given docket and settlement agreement, and of not permitting tracking authority contained in one docket to be extended past the date of a major rate change in a succeeding docket.[2] This action is also consistent with the Commission practice of not permitting rate adjustments under proposed tracking authority contained in a settlement agreement until the settlement agreement has been approved by the Commission.[3]

The Commission finds: (1) Good cause exists to grant Transco's February 22, 1976, application for rehearing in part, as hereinafter ordered and conditioned.

(2) Good cause exists to establish hearing procedures to determine the reasonableness and appropriateness of the subject advances, as hereinafter provided.

The Commission orders: (A) Transco's February 27, 1976, application for rehearing of the Commission's January 30, 1976, order in Docket Nos. RP74–48 and RP75–3 is granted to the extent that Transco will be permitted to collect, subject to refund, increased advance payments costs for the period of July 1, 1975, through October 1, 1975 (as proposed in its December 22, 1975, filing in this proceeding), pending the results of a hearing, which we hereby order, to determine the reasonableness and appropriateness of the increased advance payments costs. This proceeding shall be docketed as Docket Nos. RP74–48 and RP75–3 (AP76–1).

(B) Transco shall file its direct evidence in this proceeding on or before May 4, 1976.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the initial conference in this proceeding on May 20, 1976, at 9:30 A.M. in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–9313 Filed 3–31–76;8:45 am]

[Docket No. RI76–115]

TROPORO OIL & GAS CO., ET AL.

Amended Petition for Special Relief

MARCH 25, 1976.

Take notice that on March 18, 1976, Troporo Oil & Gas Company, et al. (Petitioner), 511 West Ohio Avenue, Midland, Texas 79701, filed a petition for special relief in Docket No. RI76–115, seeking a rate of 86.04 cents per Mcf pursuant to Order No. 481. Petitioner states that it is a small producer operating under a small producer Docket No. CS72–110 and operates the Cabana No. 1 Well located in the Cabin Lake Pool, Eddy County, New Mexico and sells its gas-well gas to El Paso Natural Gas Company. Petitioner further states that due to depletion and decreasing pressure and without the aid of compression it is anticipated that sales of gas will be discontinued within the next 60 days from said well.

Due to the small volume of gas reserves to be recovered from said well, El Paso has declined to install a compressor, but has upon Commission approval agreed to pay the monthly rental cost if a compressor is installed to recover the remaining reserves.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 12, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). 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 party 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.76–9320 Filed 3–31–76;8:45 am]

[Docket No. CP76–301]

TRUNKLINE GAS CO.

Application

MARCH 25, 1976.

Take notice that on March 12, 1976, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP76–301 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Michigan Wisconsin Pipe Line Company (Mich Wis), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has agreed with Mich Wis, pursuant to a gas transportation agreement between them dated February 26, 1976, to transport up to 5,000 Mcf of natural gas daily for Mich Wis from a point of delivery by Mich Wis to Applicant at a platform in Ship Shoal Block 139, offshore Louisiana, to a point of redelivery to Mich Wis at Mich Wis' pipeline at the tailgate of Shell's Calumet Processing Plant, St. Mary's Parish, Louisiana. The gas proposed to be transported is said to be purchased by Mich Wis from various producers in Ship Shoal Block 15, and would be transported by Mich Wis from said block to Applicant's point of receipt. Applicant would charge Mich Wis $4,900 per month for the proposed transportation service, which is said to be approximately the rate of 98.0 cents per Mcf of gas transported at 5,000 Mcf transported per day, and would be subject to an upward and downward adjustment of 3.22 cents per Mcf of gas delivered or not delivered for transportation in excess of or below 5,000

[2] See cases cited in *Transcontinental Gas Pipe Line Corporation*, —— FPC —— issued November 13, 1975, in Docket Nos. RP74–48 and RP75–3 (mimeo, p. 4; footnotes 1 and 2).

[3] See cases listed in Footnote 1 of this order.

Mcf. The initial term of the aforestated agreement would be 10 years, it is indicated.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 20, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9319 Filed 3-31-76;8:45 am]

[Docket No. CP76-118]

Amendment to Application

U-T OFFSHORE SYSTEM

MARCH 25, 1976.

Take notice that on March 5, 1976, U-T Offshore System (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-118 an amendment to the application of October 6, 1975 [1] filed in said docket pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to construct and operate an offshore pipeline to include NALOCO, Inc. (NALOCO), a subsidiary of Natural Gas Pipeline Company of America (Natural), as a partner of the present partnership, and to the application to reflect the participation of such additional partner and Natural as a transportation customer, all as more fully set forth in the amendment to application on file with the Commission and open to public inspection.

Applicant states that pursuant to an agreement dated February 15, 1976, NALOCO was added as a partner at the same time that an affiliate of Natural was entered into the High Island Offshore System said to be reflected by an amendment to applications filed in Docket Nos. CP75-104, CP75-81 and CP75-16.[2] Due to the changes in the partnership structure, it is stated that measuring and regulating facilities would deliver up to 393,280 Mcf of natural gas to Transcontinental Gas Pipeline Corporation (Transco) for the account of Transco and United Gas Pipe Line Company (United) and 196,640 Mcf of natural gas per day for Natural at the northern terminus of the proposed pipeline. It is proposed that the contract demand of each customer, United, Transco and Natural, of the proposed pipeline would be amended from 245,815 Mcf per day to 196,640 Mcf per day. The monthly demand charge for each Mcf of contract demand would be $1.88 amended from $2.12. Applicant states that the proposed design capacity of the pipeline is 589,920 Mcf per day, and the amended ultimate capacity of the pipeline is now 1.2 million Mcf rather then 1.0 million Mcf per day.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Any person who has heretofore filed a petition to intervene, notice of intervention or protest in the instant docket need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-9315 Filed 3-31-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on March 25, 1976. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before April 19, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL TRADE COMMISSION

The Bureau of Consumer Protection of the Federal Trade Commission requests clearance of a new one-time questionnaire to be sent to pesticide manufacturers, formulators and distributors requesting information about acts and practices within the industry concerning the advertising and marketing of pesticides. FTC estimates respondent burden to be 8 hours per response.

CARL F. BOGAR,
Assistant Director,
Regulatory Reports Review.

[FR Doc.76-9285 Filed 3-31-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-TA-23]

CERTAIN COLOR TELEVISION RECEIVING SETS

Investigation

A complaint was filed with the United States International Trade Commission on January 15, 1976, on behalf of GTE Sylvania Incorporated and Philco Consumer Electronics Corporation alleging unfair methods of competition and unfair acts in the importation of certain color television receiving sets into the United States, and in their sale, by reason of (1) the existence of predatory pricing schemes resulting in below-cost and unreasonably low-cost pricing of such television sets in the United States, and (2) economic benefits and incentives from the Government of Japan contributing to the below-cost and unreasonably low-cost pricing in the United States. The Complainant alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, and to restrain or monopolize commerce in the United States. Complainants request that the imports in question be permanently excluded from entry into the United States or, alternatively, that Respondents be ordered

[1] Notice published November 4, 1975 (40 FR 51238).

[2] Notice of amendment to application issued March 12, 1976.

to cease and desist from engaging in the alleged unfair methods of competition and unfair acts.

Having considered the above complaint, the United States International Trade Commisison on March 18, 1976, ORDERED:

1. That pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), an investigation be instituted to determine whether, on the basis of the foregoing allegations, there is any violation of this section in the importation of color television receiving sets into the United States, or in their sale.

2. That for the purpose of the investigation so instituted,

Hitachi, Lt., Tokyo, Japan.
Hitachi Kaden Hanbai, Kabushibi Kaisha, Tokyo, Japan.
Hitachi Sales Corporation of America, Long Island, New York.
Mitsubishi Electric Corporation, Tokyo, Japan.
Mitsubishi Corporation, Tokyo, Japan.
Mitsubishi International Corporation, 277 Park Avenue, New York, New York.
Sanyo Electric Co., Ltd., Osaka, Japan.
Sanyo Electric, Inc., 51 Joseph Street, Moonachie, New Jersey.
Sanyo Electric Trading Company, Ltd., Osaka, Japan.
Sharp Corporation, Osaka, Japan.
Sharp Electronics Corporation, Paramus, New Jersey.
Tokyo Shibaura Electric Co., Ltd., Tokyo, Japan.
Toshiba America, Inc., New York, New York.

which are alleged to be involved in the importation of the color television receiving sets into the United States, or in their sale, as owners, importers, consignees, or agents of either, are hereby named as respondents upon whom the complaint will be served.

3. That the Commission has appointed Myron R. Renick as Presiding Officer in this proceeding, Investigation No. 337–TA–23. That for purposes of the investigation so instituted, Wilhelm A. Zeitler, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby named as the Commission investigative attorney.

Responses submitted by the parties and submissions by interested persons which are pertinent to the investigation will be considered by the Commission if received not later than thirty (30) days after service of this notice and the complaint has been effected. A signed original and nineteen (19) true copies of each response or submission should be filed with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and service of such response or submission shall be made upon each of the parties to the investigation, including the Commission investigative attorney.

Extensions of time for submitting a response or submission will not be granted unless good and sufficient cause is shown therefor.

Failure of a party to file a response within the time provided to each of the allegations which are the subject of this investigation as set forth in this notice, taking into consideration the applicable detail of the allegations in the complaint, may be deemed to constitute a waiver of its right to appear and contest such allegations and shall authorize the Commission, without further notice to that party, to find the facts to be as alleged and to enter an order containing such findings.

The complaint is available for inspection by interested persons at the Office of the Secretary, located in the United States International Trade Commission Building, Washington, D.C., and in the New York City Office of the Commission, located at 6 World Trade Center.

By order of the Commission.

Issued: March 29, 1976.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.76–9403 Filed 3–31–76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76–24]

JAPAN ENGINEERING DEVELOPMENT CO.

Intent To Grant Foreign Exclusive Patent License

In accordance with the NASA Foreign Licensing Regulations, 14 C.F.R. 1245.405(e), the National Aeronautics and Space Administration announces its intention to grant to the Japan Engineering Development Company, Tokyo, Japan, an exclusive patent license in Japan for the four NASA owned inventions covered by the Japanese counterparts of: (1) U.S. Application for Patent Serial No. 612,965 for "Actuator Device for Artificial Leg", filed by NASA on September 12, 1975; (2) U.S. Application for Patent Serial No. 617,202 for "Lightweight Reflector Assembly and Method", filed by NASA on September 24, 1975; (3) U.S. Application for Patent Serial No. 613,845 for "An Improved Load Handling Device", filed by NASA on September 16, 1975; and (4) U.S. Application for Patent Serial No. 625,781 for "Capacitive Shaft Encoder", filed by NASA on October 24, 1975. Copies of the above U.S. Patent Applications can be purchased from the National Technical Information Service, Springfield, Virginia, at a cost of $3.75 a copy. Interested parties should submit written inquiries or comments within 60 days to the Assistant General Counsel for Patent Matters, Code GP, National Aeronautics and Space Administration, Washington, D.C., 20546.

March 25, 1976.

S. NEIL HOSENBALL,
General Counsel.

[FR Doc.76–9029 Filde 3–31–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.100, "Seismic Qualification of Electric Equipment for Nuclear Power Plants," describes a method acceptable to the NRC staff for complying with the Commission's regulations with respect to verifying the adequacy of the seismic design of electric equipment for all types of nuclear power plants. This guide endorses IEEE Standard 344–1975, "IEEE Recommended Practices for Seismic Qualification of Class 1E Equipment for Nuclear Power Generating Stations."

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.100 will, however, be particularly useful in evaluating the need for an early revision if received by May 28, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 23rd day of March 1976.

For the Nuclear Regulatory Commission,

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.76–9307 Filed 3–31–76;8:45 am]

[Docket Nos. 50-269, 50-270 and 50-287]

DUKE POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 20, 20 and 17 to Facility Operating Licenses No. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company which revised Technical Specifications for operation of the Oconee Nuclear Station, Units 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of their date of issuance.

These amendments (1) revise the Technical Specifications to establish operating limits for Unit 1 cycle 3 operation based upon an acceptable Emergency Core Cooling System evaluation model conforming to the requirements of 10 CFR 50.46, (2) terminate the operating restrictions imposed on Unit 1 by the Commission's December 27, 1974 Order for Modification of License and (3) revise the Technical Specifications to specify quadrant power tilt limits for Units 1, 2 and 3 independent of the measurement system used.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

Notice of Proposed Issuance of Amendment to Facility Operating License No. DPR-38 in connection with Unit 1 Cycle 3 reload was published in the FEDERAL REGISTER on February 5, 1976 (41 FR 5354). No request for a hearing or petitionf or leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated December 1, 1975, as supplemented February 24 and 27, 1976, (2) Amendments No. 20, 20, and 17 to Licenses No. DPR-38, DPR-47, and DPR-55, (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina 29691.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 25th day of March 1976.

For the Nuclear Regulatory Commission,

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Operating Reactors.

[FR Doc.76-9296 Filed 3-31-76;8:45 am]

[Docket No. 50-335]

FLORIDA POWER AND LIGHT CO. (ST. LUCIE PLANT NO. 1)

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR-67 issued to Florida Power and Light Company. The amendment revises the Technical Specifications for operation of the St. Lucie Plant Unit No. 1 located in St. Lucie County, Florida, and is effective as of its date of issuance.

The amendment suspends the Technical Specification which requires the operability of a valve on containment penetration No. 54 until the first refueling outage. Until the first refueling outage, the valve will not be installed. During this time, the penetration will be sealed by two blind flanges, which meet the leakage acceptance criteria of 10 CFR Part 50, Appendix J.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter I. These findings are set forth in the license amendment. Prior public notice of this amendment is not required because the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated March 18, 1976, (2) Amendment No. 2 to license No. DPR-67, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Indian River College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland this 23rd day of March 1976.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc.76-9297 Filed 3-31-76;8:45 am]

[Docket No. 50-315]

INDIANA AND MICHIGAN ELECTRIC CO. AND INDIANA AND MICHIGAN POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-58 issued to Indiana and Michigan Electric Company and Indiana and Michigan Power Company which revised Technical Specifications for operation of the Donald C. Cook Nuclear Plant Unit No. 1, located in Berrien County, Michigan. The amendment is effective as of its date of issuance.

The amendment revised the provisions in the Technical Specifications relating to groundwater sampling. The revisions delete the requirement for an electric flow detector and substitute determination of the flow velocity and direction from the results of pumping tests and observation of the wells. The testing locations are also revised.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 24, 1975, and (2) Amendment No. 13 to License No. DPR-58. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Maude Preston Paleske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Division of Site Safety and Environmental Analysis, Washington, D.C. 20555.

Dated at Rockville, Maryland, this 26th day of March 1976.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Division of Site Safety and Environmental Analysis.

[FR Doc.76-9298 Filed 3-31-76;8:45 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Facility Operating License No. DPR-36 issued to Maine Yankee Atomic Power Company which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station, located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment makes various administrative changes in the Maine Yankee Technical Specifications and also makes certain changes necessitated by the existing Maine Yankee equipment characteristics. The changes related to equipment characteristics concern the manner of locking out the loop isolation valve breakers, deletion of outdated references to "effluent dilution in Bailey Cove", and removal of mutually exclusive requirements for setting the 15% power level bistable.

The applications for the amendment removal of mutually exclusive requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated July 2, July 29, October 22, November 13 and December 8, 1975, (2) Amendment No. 19 to License No. DPR-36, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 23rd day of March, 1976.

For the Nuclear Regulator Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc.76-9299 Filed 3-31-76;8:45 am]

[Docket No. 50-538]

MEMPHIS STATE UNIVERSITY

Proposed Issuance of Construction Permit and Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of a construction permit and subsequently a facility operating license to the Memphis State University (the University) in Memphis, Tennessee. The permit would authorize the University to receive, possess, and construct the AGN-201 (Serial No. 18) nuclear research reactor on its campus in Shelby County, Tennessee, for educational training and research purposes. The license would authorize the University to operate the reactor at power levels up to 100 milliwatts.

Prior to issuance of the construction permit, the Commission will have made the findings required by the Act and the Commission's rules and regulations.

Upon completion of the construction of the facility in Shelby County, Tennessee, in compliance with the terms and conditions of the construction permit and the application, as amended, and in the absence of good cause to the contrary, the Commission will issue to the University (without prior notice) a class 104c facility license authorizing operation of the AGN-201 (Serial No. 18) nuclear research reactor at power levels up to 100 milliwatts since the application is complete enough to permit evaluation of the safety of the operation of the facility in the manner and location proposed. Prior to the issuance of the license, the facility will be inspected by a representative of the Commission to determine whether it has been constructed in accordance with the application and the provisions of the construction permit. The license will not be issued until the Commission makes the findings required by the Act and the Commission's rules and regulations and concludes that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. In addition, the University will be required to execute an indemnity agreement as required by Section 170 of the Act and by 10 CFR Part 140 of the Commission's regulations.

By May 3, 1976, the University may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the construction permit and the facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed tions with respect to the proposed licensing actions. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to these actions, see the application for the construction permit and facility operating license filed by the Memphis State University dated April 11, 1975, and amendments thereto dated August 27, 1975, December 5, 1975 and February 10, 1976, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. The construction permit, license and the Safety Evaluation, when issued, may be inspected at the above location and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 25th day of March, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Operating Reactors.

[FR Doc.76-9300 Filed 3-31-76;8:45 am]

[Docket No. 50-133]

PACIFIC GAS AND ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. DPR-7 issued to Pacific Gas and Electric

Company which revised Technical Specifications for operation of the Humboldt Bay Power Plant Unit No. 3, located near Eureka, California. The amendment is effective as of its date of issuance.

This amendment adds operating limits and requirements to the Technical Specifications to assure safe conduct of a repair to the cracked reactor cleanup system piping discovered March 17, 1976.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 20, 1976, (2) Amendment No. 12 to License No. DPR–7, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Humboldt County Library, 636 F Street, Eureka, California.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 24th day of March 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc.76–9301 Filed 3–31–76;8:45 am]

[Docket No. 50–344]

PORTLAND GENERAL ELECTRIC CO., ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. NPF–1 issued to Portland General Electric Company; The City of Eugene, Oregon; Pacific Power and Light Company which revised provisions of Facility Operating License No. NPF–1 for operation of the Trojan Nuclear Plant located on the west shore of the Columbia River in Columbia County, Oregon. The amendment is effective as of its date of issuance.

The amendment to the license changes the Technical Specifications to include radial peaking factor bounding values previously referenced from the FSAR.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 19, 1975, (2) Amendment No. 6 to License No. NPF–1, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon 97501.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 23d day of March 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Operating Reactors.

[FR Doc.76–9302 Filed 3–31–76;8:45 am]

[Docket No. 50–333]

POWER AUTHORITY OF THE STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR–59 issued to the Power Authority of the State of New York and Niagara Mohawk Power Corporation (the licensees), which revised Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant (the facility), located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to (1) add requirements that would limit the period of time operation can be continued with immovable control rods that could have control rod drive mechanism collet housing failures and (2) require increased control rod surveillance when the possibility of a control rod drive mechanism collet housing failure exists.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on January 27, 1976 (41 F.R. 3921). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the Commission's letters to the Power Authority of the State of New York dated September 19, 1975 and January 19, 1976, (2) Amendment No. 15 to License No. DPR–59, and (3) the Commission's related Safety Evaluation issued on September 19, 1975. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C., and at the Oswego City Library, 120 E. Second Street, Oswego, New York.

A single copy of items (1) through (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 24th day of March 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch # 4, Division of Operating Reactors.

[FR Doc.76–9303 Filed 3–31–76;8:45 am]

[Dockets Nos. 50–280 and 50–281]

VIRGINIA ELECTRIC AND POWER CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering the issuance of amendments to Facility Operating Licenses Nos. DPR–32 and DPR–37 issued to Virginia Electric and Power Company (the Licensee) for operation of the Surry Power Station Units 1 and 2, located in Surry County, Virginia.

The amendments would revise provisions in the Technical Specifications in

accordance with the licensee's application for license amendments dated March 11, 1976. The amendments would authorize the Unit 2 Cycle 3 reload, consisting of the replacement of 81 of 157 fuel assemblies in the reactor core.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By May 3, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceedings, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714 and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Michael W. Maupin, Esquire, Hunton, Williams, Gay and Gibson, Post Office Box 1535, Richmond, Virginia 23213, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission, or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendments dated March 11, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia. The license amendments and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 23rd day of March, 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-9304 Filed 3-31-76;8:45 am]

[Dockets Nos. 50-280 and 50-281]

VIRGINIA ELECTRIC AND POWER CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering the issuance of amendments to Facility Operating Licenses Nos. DPR-32 and DPR-37 issued to Virginia Electric and Power Company (the licensee) for operation of the Surry Power Station Units 1 and 2, located in Surry County, Virginia.

The amendments would revise provisions in the Technical Specifications for Surry Units 1 and 2 in accordance with the licensee's application for license amendments dated March 1, 1976. The amendments would authorize an increase in the limiting nuclear enthalpy hot channel factor from 1.52 to 1.55.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By May 3, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714 and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Michael W. Maupin, Esquire, Hunton, Williams, Gay and Gibson, Post Office Box 1535, Richmond, Virginia 23213, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions wih regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission, or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendments dated March 11, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and the Swem Library, College of William and Mary, Williamsburg, Virginia. The license amendments and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 23rd day of March, 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-9305 Filed 3-31-76;8:45 am]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP., ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Facility Operating License No. DPR-43 issued to Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company which revised Technical Specifications for operation of the Kewaunee Nuclear Power Plant located in Kewaunee, Wisconsin. The amendment is effective as of its date of issuance.

This amendment (1) revises the operating limits in the Technical Specifications based upon an acceptable evaluation model that conforms to the requirements of 10 CFR 50.46, and (2) terminates restrictions imposed on the facility by the Commission's December 27, 1974 Order for Modification of License, and imposes instead, limitations established in accordance with 10 CFR 50.46.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on May 16, 1975 (40 FR 21546). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration, or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 4, 1974, as supplemented December 2 and 23, 1974, April 1, 18, 22, July 8, December 8, 30, 1975, January 22, February 10 and 20, 1976, (2) Amendment No. 9 to Facility Operating License No. DPR-43, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin 54216.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 22nd day of March 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-9306 Filed 3-31-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

SUBPANEL ON WOMEN IN SCIENCE

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on Women in Science, Advisory Panel for Science Education Projects.
Dates and times: April 23 and 24, 1976—9 a.m. to 5 p.m. each day.
Place: Sheraton Four Ambassadors, 801 South Bayshore Drive, Miami, Florida.
Type of meeting: Closed.
Contact person: Miss M. Joan Callanan, Program Manager, Women in Science, Room W-464, National Science Foundation, Washington, D.C. 20550, tel: (202) 282-7755.
Purpose of subpanel: To provide advice and recommendations concerning support in the Women in Science Program.
Agenda: To review and evaluate specific education proposals as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature; including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4), (5), and (6) of 5 U.S.C. 552 (b), Freedom of Information Act.
Authority to close meeting: The determination made by the Committee Management Officer pursuant to provisions of Section 10(d) of Public Law 92-463.

M. REBECCA WINKLER,
Acting Committee Management Officer.

MARCH 29, 1976.

[FR Doc.76-9348 Filed 3-31-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-14]

ACCIDENT REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Railroad Accident Report and Recommendations. A collision involving three Penn Central freight trains near Leetonia, Ohio, last June 6 is the subject of the National Transportation Safety Board's report No. NTSB-RAR-76-2, released March 25. The Safety Board determined that the probable cause of the accident was the failure of the engineer and brakeman to assure the operation of the train at a speed slow enough to stop it within the visibility range. This violated the restricted speed rule required by the signal indication. In a separate letter of March 25 to the Federal Railroad Administration, the Safety Board said that this accident illustrates a lack of guidelines to operating personnel from Penn Central management about proper radio procedures for them to follow if a train is stopped in an area of restricted visibility. Therefore, the Board recommended that the FRA (1) promulgate regulations to prohibit trains from operating in occupied blocks except under train order or with similar safeguards, (2) develop radio guidelines and require carriers to establish radio procedures insuring that trains stopping in restricted visibility areas will radio or flag following trains, (3) require that all trains have operable radios and that management will provide crews with guidelines for their use, and (4) continue its investigation of locomotive cab crashworthiness with emphasis on personnel safety and consideration of a readily accessible crash refuge. These Class II recommendations, Nos. R-76-6 through 9, are for priority followup.

Further, the Board report notes that two recommendations to FRA concerning the head-on collision of two Penn Central trains at Herndon, Pennsylvania, March 2, 1972 (report No. NTSB-RAR-73-3), are also applicable to the Leetonia accident. According to the Safety Board, these recommendations, Nos. R-73-10 and 11, to date have not been fully implemented. Therefore, the Board reiterates its request that FRA (1) promulgate regulations requiring radio-equipped railroads to install and maintain operable units in appropriate parts of trains unless all employees are notified to the contrary; and (2) require, when promulgating regulations to place operating safety responsibility jointly on an engineer and a conductor, that they be located and informed so that they can make quick, effective decisions.

Aviation Safety Recommendation Letter. After reviewing several general aviation accidents which occurred during 1969-1973, involving instrument-rated pilots of small airplanes in instrument flight conditions (IFR), the Safety Board has recommended that the Federal Aviation Administration (1) amend that portion of 14 CFR 91.33 applicable to instrument flight rules to require a source of energy for the rate-of-return indicator separate from that used to power the bank and pitch indicator; and (2) issue an Advisory Circular to inform pilots of (a) procedures they should use to determine the operability of gyroscopic instruments, (b) the importance of instrument crosschecks during IFR flight, and (c) the importance of staying proficient in partial-panel emergency operation. These recommendations, Nos. A-76-29 and 30, were issued March 26.

Letters in Response to Safety Board Recommendations. Letter of March 12 from the Department of Transportation's Materials Transportation Bureau refers to recommendation R-75-8 (40 FR 20140, May 8, 1975). The recommendation called for DOT's reassessment of regulations applicable to packaging, loading, storing and transporting military munitions. MTB's letter indicates issuance of Amendment No. 174-24 requiring that after December 31, 1975, all cars carrying Class A explosives be equipped with roller bearings, and making "mandatory that after July 1, 1975, all cars loaded with Class A explosives be equipped with high-friction composition brake shoes, and that the cars have metal sub-floors or metal spark shields of such size that it would be impossible to ignite the car floor by sparks developed by braking action." With respect to the reassessment of loading, FRA states, "In our opinion, Sections 174.525 (b) and 174.525(c) spell out explosive loading procedures which, if properly followed, assure the safe transportation of explosives."

Letter of March 15 from the National Highway Traffic Safety Administration

concerns recommendations H–75–40 through 44 (41 FR 15, January 2, 1976) issued in connection with the fire which occurred in the engine compartment of a Rohr Industries prototype bus near Phoenix, Arizona, last May 13 (special investigation report NTSB HAR–75–8: 41 FR 4365, January 29, 1976). Re H–75–40, requiring that all trucks and buses be designed so that one person could gain access to the engine and related components within one minute without power-assist mechanisms, NHTSA has not noted designs that depended exclusively on hydraulic power for engine access, and comments that they have "little specific data on the time required for opening the hoods or engine/access doors on trucks or buses, but one minute or less would seem reasonable." Referring to H–75–41, prohibiting use in the engine compartment of rear-engine buses of any fluid (except that essential to propulsion) with an autoignition temperature less than the surface temperatures of the operating engine components, NHTSA comments that fluids found in the engine compartment—gasoline, diesel oil, transmission fluid and hydraulic fluid—have flash points in the range of 400°–850° F. and adds, "Contact with the various oils will generate smoke, but ignition will not usually occur if the area is well ventilated." NHTSA has no data that indicates that the presence of brake fluid in the engine compartment constitutes a fire hazard, stating, "This is the only system that could conceivably be excluded from the engine compartment in accordance with your recommendations. This is a sealed system that must be maintained that way for proper braking; therefore, the principal fire hazard with brake fluid would be under crash conditions." Commenting on H–75–42, NHTSA states that "the *requirement* of a fire suppressant system for all rear-engine passenger buses would be extremely difficult to justify." Practical fire alarms for this purpose are not yet commercially available and would probably be quite expensive, according to NHTSA, but various fire suppression systems are "shelf" items that are widely known, especially in marine applications. Recommendation H–75–43 requires that all buses be equipped with a fire wall of noncombustible material between the passenger and the engine compartments to protect occupants in a successful evacuation. NHTSA states, "Certain components must pass through the engine compartment fire wall of all vehicles, and the integrity of this barrier is always compromised to some extent. This would be an area for future research and development studies." Limiting the quantity of combustible materials permitted in engine compartments of rear-engine buses, as required by recommendation H–75–44, would necessitate a research and development study to determine what should be limited and to what extent without imposing an insurmountable material selection problem, according to NHTSA. NHTSA concludes that initiation of its rulemaking process at this time, based on these recommendations, would be premature.

Another letter from NHTSA, dated March 17, responds to recommendation H–75–22, stemming from the crash and rollover down a steep slope of a schoolbus after collision with an automobile near Ashland, Oregon, last May 9. (See 40 FR 44198, September 25, 1975, and 41 FR 10481, March 11, 1976.) Since responding to the recommendation on October 10, 1975 (40 FR 49615, October 23, 1975), NHTSA indicates that several rulemaking actions relating to schoolbuses have been issued, including Federal Motor Vehicle Safety Standard No. 220, School Bus Rollover Protection. Attached to NHTSA's letter is a summary of these rulemaking actions, as well as copies of the standards and amendments concerned with crashworthiness of the bus structure. Structural integrity of the occupant compartment will be established through several distinct minimum requirements that schoolbuses must achieve through independent compliance test procedures, according to NHTSA. In NHTSA's judgment, when the collective benefits of these tests are realized, schoolbus occupants will be afforded a realistic level of safety during typical rollover crashes.

Accident reports and Safety Board recommendation letters are available to the general public; single copies may be obtained without charge. Copies of the letters responding to recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by report or recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the railroad accident report may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia, 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)))

MARGARET L. FISHER,
Federal Register Liaison Officer.

MARCH 29, 1976.

[FR Doc.76-9353 Filed 3-31-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 25, 1967 (44 U.S.C. 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

National Bureau of Standards: Directory of Fire Research Specialists, NBS–1059, single-time, fire research specialists, Harry B. Sheftel, 395–5870.

Bureau of Census: Camden City, N.J. Census Employment Inquiry, DF–323, single-time, job applicants, Strasser, A., 395–5867.

REVISIONS

FEDERAL HOME LOAN BANK BOARD

Monthly Survey of Rates and Terms on Conventional 1-Family Nonfarm Mortgage Loans, FHLBB877–A, monthly, Savings and Loan Associations, mortgage bankers, Hulett, D. T., 395–4730.

DEPARTMENT OF COMMERCE

Bureau of Census: Longitudinal Manpower Survey Control Card, Questionnaire Activity Record, Dear Friend Letter, Office Induction Form, and Sampling Questionnaire, LMS–1, LMS–2, LMS–3, LMS–9, LMS–20, LMS–21, on occasion, directors of local manpower offices, Strausser, A., 395–5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-9499 Filed 3-31-76;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 March 26, 1976 (44 U.S.C. 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 HEALTH, EDUCATION, AND WELFARE

Office of Education:
Network Evaluation Questionnaire, OE-497-1, thru -6, single-time, educational personnel in LEA's, SMA's, Human Resources Division, Raynsford, R., 395-3532.
A Study for Establishing Consumer Protection Strategy, OE-496-1, OE-496-2, single-time, students in institutions eligible for Federal assistance programs, Lowry, R. L., 395-3772.
Office of Human Development: Child Support Program Reporting, OCSE-NCSS-1001, quarterly, jurisdictions, Lowry, R. L., Sunderhauf, M. B., 395-3772.

REVISIONS

U.S. CIVIL SERVICE COMMISSION

Personal Qualifications Statement, SF 171, on occasion, applicants for Federal employment, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Agreement—Special Food Service Program for Children, FNS-80, on occasion, Human Resources Division, Lowry, R. L., 395-3532.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service: Application for Specification Approval (Shell Eggs), PY-33, on occasion, poultry, egg and egg products sponsors, Lowry, R. L., 395-3772.

DEPARTMENT OF THE TREASURY

Bureau of Customs: Oath of Master of Vessel in Foreign Trade, CF-1300, on occasion, brokers and masters of vessels, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-9500 Filed 3-31-76;8:45 am]

CLEARANCE OF REPORTS
List of Requests

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NEW FORMS

VETERANS ADMINISTRATION

Comprehensive Evaluation of Health Services: Survey of Veterans' Opinions, VA 10-1465, single-time, veterans patients, Richard Eisinger, 395-6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
Parental Skills Program for Parent of Handicapped Children—Part II, Testing Five Units OE-9046, single-time, parents of handicapped children, Laverne V. Collins, 395-5867.

Evaluation of Special Programs for Children With Specific Learning Disabilities, OE-9056-1, single-time, BEH-funded projects, parents, community groups, Richard Eisinger, 395-6140.
Follow-Through Comprehensive Health Services, End-of-Year Report, OE-4535-1, annually, local education agencies, Lowry, R. L., 395-3772.

Office of Human Development: Instructions for Preparing the Application for Federal Assistance for the White House Conference on Handicapped Individuals Activities, single-time, State agencies, Lowry, R. L., 395-3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary: Application for Coinsurance Benefits, on occasion, approved coinsurance mortgagees, Community and Veterans Affairs Division, 395-3532.

DEPARTMENT OF THE INTERIOR

National Park Service: Biscayne National Monument Sport and Commercial Fishing Survey, BISC-02-1, thru 02-4, on occasion, park sport and commercial fishermen, Maria Gonzalez, 395-6132.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-9501 Filed 3-31-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

SEC REPORT COORDINATING GROUP (ADVISORY)
Rescheduling of Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, 5 U.S.C. App. I, the Securities and Exchange Commission announced in a notice published in the FEDERAL REGISTER of March 19, 1976 (41 FR 11630), a public advisory committee meeting and other required information.

Notice is hereby given that the meeting of the SEC Report Coordinating Group (Advisory) scheduled for April 12, 1976, has been rescheduled for April 26, 1976, at the Securities and Exchange Commission, 500 North Capitol Street, Room 876, Washington, D.C. The meeting will commence at 10:00 a.m. local time and will be for the purpose of reviewing new forms and discussing the presentation of the Group's Second Annual Report to the Commission.

The Group's meetings are open to the public. Any interested person may attend and appear before or file statements with the advisory committee. Said statements, if in written form, may be filed before or after the meeting. Oral statements shall be made at the time and in the manner permitted by the Report Coordinating Group.

The Report Coordinating Group was formed to assist the Commission in developing a coherent, industry-wide, coordinated reporting system. In carrying out this objective, the Report Coordinating Group is to review all reports, forms and similar materials required of broker-dealers by the Commission, the self-regulatory community and others. The Group is advising the Commission on such matters as eliminating unnecessary duplication in reporting, reducing reporting requirements where feasible, and implementing the FOCUS Report of financial and operational information. (Securities Exchange Act Release No. 10612; Securities Exchange Act Release No. 10959; Securities Exchange Act Release No. 11140; Securities Exchange Act Release No. 11149; Securities Exchange Act Release No. 11748; Securities Exchange Act Release No. 11935.)

Information concerning the meeting, including the procedures for submitting statements to the Group, may be obtained by contacting: Mr. Daniel J. Piliero II, Secretary, SEC Report Coordinating Group, Securities and Exchange Commission, Washington, D.C. 20549.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 26, 1976.

[FR Doc.76-9264 Filed 3-31-76;8:45 am]

[File No. 500-1]

BEKLAND RESOURCES CORP.
Suspension of Trading

MARCH 25, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Bekland Resources Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

THEREFORE, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 11:55 a.m. (EST) on March 25, 1976 through April 3, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-9262 Filed 3-31-76;8:45 am]

[File No. 500-1]

ENERGY INTERNATIONAL INC.
Suspension of Trading

MARCH 25, 1976.

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in the common stock of Energy International Inc. (formerly Copper Lode Mines, Inc.; Trade Industries, Inc. and Traco Corporation) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

THEREFORE, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 11:55 a.m. (EST) on March 25, 1976 through April 3, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-9260 Filed 3-31-76;8:45 am]

[File No. 500-1]

GOVERNMENT EMPLOYEES INSURANCE CO.

Suspension of Trading

MARCH 26, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Government Employees Insurance Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

THEREFORE, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 28, 1976 through April 6, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-9257 Filed 3-31-76;8:45 am]

[Release No. 9217; (812-3764)]

LIFE INSURANCE COMPANY OF NORTH AMERICA AND LIFE INSURANCE COMPANY OF NORTH AMERICA, SEPARATE ACCOUNT A

Application to Modify Order Granting Exemptions and for Approval of Exchange Offer

MARCH 25, 1976.

NOTICE IS HEREBY GIVEN that Life Insurance Company of North America ("LINA"), a stock insurance company organized under the laws of the State of Pennsylvania, and Life Insurance Company of North America Separate Account A ("Separate Account"), 1600 Arch Street, Philadelphia, Pennsylvania, 19101, a separate account of LINA registered under the Investment Company Act of 1940 (the "Act") as a unit investment trust, (hereinafter referred to as "Applicants"), filed an application on February 14, 1975, and amendments thereto on February 24 and March 10, 1976, for an order of the Commission pursuant to Section 6(c) of the Act modifying previous orders of the Commission exempting Applicants from provisions of Section 27(a)(4) of the Act, and, pursuant to Section 11, for an order approving an offer of exchange under Sections 11(a) and 11(c) of the Act. 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.

The Separate Account was established by LINA pursuant to the laws of the State of Pennsylvania in connection with the issuance of group and individual variable annuity contracts ("Contracts") to certain persons who qualify for tax-deferred benefits under Sections 401, 403(a), 403(b) and 408 of the Internal Revenue Code of 1954 ("Code"), as amended. Applicants also offer the Contracts to persons who may not qualify for similar tax treatment.

Net purchase payments under Contracts currently issued are allocated to one of five divisions of the Separate Account and are invested in shares of Decatur Income Fund, Inc., National Investors Corporation, Oppenheimer Fund, Inc., Trustees' Equity Fund, Inc. or Dreyfuss Third Century Fund, Inc. (collectively called "Current Fund(s)"), which are open-end, diversified management investment companies registered under the Act. Purchasers of Contracts may also allocate a portion of their net purchase payments to the LINA fixed accumulation account to provide for fixed annuity payments.

Applicants intend to add Qualified Dividend Portfolio, Inc. ("QDP"), a diversified, open-end management investment company registered under the Act, as an additional underlying fund of the Separate Account. As with the Current Funds, shares of QDP will be accounted for in a separate division of the Separate Account. Upon such addition, QDP will become available for investment selection by purchasers under each of the Contracts currently being issued. Under the proposed agreement, shares of QDP may be purchased by the Separate Account at net asset value without the imposition of a sales charge. QDP shares are also sold directly to the public without the imposition of a sales charge.

Section 11. Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such company to make, or cause to be made, an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of Section 11(a) shall be applicable to any type of offer of exchange of the securities of a registered unit investment trust for the securities of any other investment company.

The Commission issued an order (Investment Company Act Release No. 7769 (April 12, 1973)) pursuant to Sections 11(a) and 11(c) of the Act to permit a contractowner or a participant under a Group Variable Annuity Contract, Single Premium Deferred Variable Annuity Contract, Installment Premium Variable Annuity Contract and Flexible Premium Variable Annuity Contract to transfer the total value of his interest in a Separate Account division to another Separate Account division prior to the annuity starting date, provided that no transfer is permitted within one year of a previous transfer or within one year from the date of issue of such Contract (certificate under a Group Contract), except that a final transfer can be made within one month prior to the date annuity payments commence without regard to the one year limitation. Under the terms of this order, no such transfer is permitted subsequent to the date annuity payments commence. The exchange of interests in one division for interests in another division is made on the basis of the relative net asset values of the divisions without an additional sales or administrative charge being imposed.

Applicants request a modification of the order described above to provide the same rights and benefits to contractholders who will have interests in the Separate Account division funded by shares of QDP as are now available to perons who have the Current Funds as an underlying Separate Account funding media selection. Applicants represent that such transfer rights would be subject to the same limitations and restrictions noted hereinbefore with respect to transfers as are presently applicable with respect to the present five divisions of the Separate Account.

Applicants represent that the right to substitute the shares of one underlying Current Fund for another should be equally applicable with respect to QDP. QDP's investment objective is to maximize dividend income and to provide to the investor income which qualifies for the 85% corporate dividend deduction under Federal income tax laws. Applicants assert that QDP is appropriate as an investment medium selection under the Contracts, particularly those offered in the non-tax qualified market. Applicants assert that the extension of the right to substitute QDP shares for the shares of one of the Current Funds and vice-versa, will permit the contractowner or participant to choose as a funding medium a fund having a different investment objective from that of a Current Fund previously selected.

Section 27(a)(4). Sections 27(a)(4) of the Act, in pertinent part, prohibits the sale of any periodic payment plan certificate issued by a registered investment company if the first payment is less than $20, or any subsequent payment is less than $10. Rule 27a-3 under the Act provides an exemption from Section 27(a)(4) to permit payroll deduction of uniform amounts in connection with certain tax qualified variable annuity contracts.

Prior orders of the Commission (Investment Company Act Releases Nos. 6273 (December 4, 1970) and 7677 (Feb-

ruary 20, 1973)) collectively grant exemption from Section 27(a)(4) of the Act to permit the initial payment on behalf of a plan participant under a *non-tax qualified* group variable annuity contract having Current Funds as the underlying investment media for the Separate Account, to be less than $20 provided, however, that such initial payment shall not be less than $10. Applicants now request that the previous orders be modified so that the same exemption as is applicable to Contracts participating in the existing divisions of the Separate Account will also apply to initial payments on Contracts where benefits will be funded by shares of QDP.

In addition, Applicants assert that the group variably annuity contracts offered by Applicants, including those to be funded with QDP shares, may be sold to retirement savings plans which would qualify for tax-deferred benefits under Section 408 of the Code, provided that necessary actions are taken by the Internal Revenue Service to permit the use of such contracts as funding media for plans qualified under Section 408 of the Code. Although contracts meeting the requirements of Section 408 are not included among those specifically exempted by Rule 27a–3, Applicants assert that the same rationale underlying Rule 27a–3, namely to permit administrative convenience and the avoidance of additional expense to employers in making payroll deductions, applies with respect to plans which may be sold in these variable annuity markets. Accordingly, Applicants request modification of the aforesaid orders to permit the initial payment under a group variable annuity contract funded by QDP or any of the Current Funds to be less than $20, but no less than $10, where such contract is issued in connection with plans which are qualified under Section 408 of the Code.

Section 6(c). Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities, or transactions from any provision or provisions of the Act or from any rule or regulation under the Act, if and to the extent 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.

NOTICE IS FURTHER GIVEN that any interested person may, not later than April 20, 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 should 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 (air mail if the person being served is located more than 500 miles from the point of mailing) 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 O–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 20, 1976, 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 any) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-9259 Filed 3-31-76;8:45 am]

[Release No. 19444; (70-5824)]

NORTHEAST UTILITIES

Proposal by a Holding Company To Issue and Sell Intermediate Term Debt; Request for Exception From Competitive Bidding

MARCH 25, 1976.

Notice is hereby given that Northeast Utilities ("Northeast"), 174 Brush Hill Avenue, West Springfield, Massachusetts, 01089, a registered holding company, has filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6 and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Northeast proposes to issue and sell $50,000,000 of its unsecured promissory notes ("Notes") to an institutional lender. The Notes will be placed with the institution through private negotiations undertaken by Morgan Stanley & Co., as agent for Northeast. The Notes will be sold at a price equal to 100% of the principal amount thereof, will bear interest at the rate of 10½% per annum payable semi-annually, and will mature April 1, 1986. There will be mandatory sinking fund payments of $10,000,000 April 1, in each year 1982 through 1985, together with a payment of $10,000,000 at maturity. In addition, Northeast, at its option, may redeem the Notes at a declining premium in whole or in part at any time with the proceeds from the sale of its common stock.

The loan agreement under which the Notes will be issued requires Northeast (i) not to create, incur, assume or guarantee any additional debt unless, immediately after giving effect thereto, total debt would not exceed 25% of Northeast's corporate capitalization; (ii) to maintain ownership of all shares of comomn stock of its public utility subsidiaries and not to dispose of any shares of common stock of any other of its subsidiaries, subject to certain exceptions; (iii) not to create or assume any mortgage, pledge or lien upon and stock or indebtedness of any of its subsidiaries without securing the Notes equally and ratably; and (iv) to restrict dividends and similar payments after December 31, 1975, in an amount not in excess of the sum of (a) $90,000,000, (b) the net income of Northeast after December 31, 1975 to the date of computation, excluding the net income of subsidiary companies except to the extent actually paid up to Northeast, and (c) one-half of the retained net income of the subsidiary companies (i.e., income not paid up to Northeast) from December 31, 1975 to the date of computation, to the extent available for the making of dividends or other distributions by such subsidiary companies.

On March 3, 1976, pursuant to Commission order (HCAR No. 19400, February 25, 1976), Northeast sold 6 million shares of its common stock yielding net proceeds of $58.6 million. The proceeds of the sale were used to make a capital contribution of $20,000,000 to Connecticut Light and Power Company and to retire part of Northeast's short-term debt. The Northeast system has also filed an application with this Commission (HCAR No. 19414, March 1, 1976), requesting authorization to sell notes to banks or dealers in commercial paper in the following maximum aggregate principal amounts at any one time outstanding: Northeast, $140,000,000; Connecticut Light and Power, $90,000,000; Hartford Electric, $45,000,000; and Western Massachusetts Electric, $60,000,000. Northeast plans to use the proceeds of such sales to make capital contributions and open account advances to its subsidiaries. The subsidiaries will use such contributions and advances as well as the proceeds from their own sales of notes and commercial paper to finance their respective construction programs.

Northeast states that until three years ago it followed a policy of limiting its outstanding short-term debt to an amount that could be refunded through an issue of common stock. In mid-1973 Northeast deferred until 1974, because of deteriorating market conditions, a scheduled issue of common shares which, if completed, would have retired nearly all of the company's then outstanding short-term debt. The sale was not finally consummated until October 1974, more than two years after the immediately proceeding sale, and although it increased outstanding common shares by 10%, produced net proceeds of only $24,682,500 at a time when outstanding short-term debt exceeded $130,000,000. Another sale of common shares in June 1975 served only to keep short-term debt at the $130,000,000 level. Northeast estimates that it would be possible to retire all of its outstanding short-term debt through a common stock issue of approximately 9,200,000 shares in the lat-

ter part of 1976; however, Northeast states that a second issue of common stock in 1976 would not be economical and would be of doubtful feasibility. Northeast has established an objective of eliminating its short-term debt over a four year period. Toward this end Northeast has reduced its four year construction budget from $1,350,000 to approximately $900,000,000. Northeast states that the proposed issue of these Notes will allow a deferral of its next common stock financing, thereby eliminating one of the four common stock offerings projected as necessary over the next four years. Northeast will utilize the proceeds of the sale of these Notes to reduce its current short-term borrowings. Together with approximately $38,600,000 of available proceeds from the March, 1976 common share offering, the application of such proceeds will reduce short-term borrowings by approximately $88,600,000, to an estimated $46,400,000 immediately after the sale of the Notes.

Northeast believes that the 10½% annual interest rate on the Notes is reasonable under current market conditions. The Notes are not rated. However, Northeast assumes that the highest rating which could be expected for the Notes, were they to be rated, would be ba. The Notes are junior in position to the preferred stock of Northeast's operating subsidiaries.

Northeast requests an exception from the competitive bidding requirements of Rule 50(a)(5) to offer the Notes. A statement of the fees and expenses incurred or to be incurred in connection with the proposed transactions will be supplied by amendment. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 19, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the amended application-declaration, as filed or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-9258 Filed 3-31-76;8:45 am]

[Release No. 34-12271; File No. SR-PSE-75-13]

PACIFIC STOCK EXCHANGE INC.

Self-Regulatory Organizations; Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 31, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change amends one subsection of Section 1(c) of Rule X of the Pacific Stock Exchange Incorporated (the "Exchange") and deletes another subsection thereof. The rule change permits members and member firms of the Exchange to keep and preserve records of all accounts of customers in such form and substance as to disclose the approximate, rather than the exact, age of the customer, and deletes the requirement that records of all accounts of customers disclose the signature of the customer. The present rule requires members and member firms of the Exchange to keep and preserve records of all accounts of customers in such form and substance as to disclose the exact age of the customer and the signature of the customer.

STATEMENT OF BASIS AND PURPOSE

Under the existing rule, members and member firms of the Exchange are required to keep and preserve records of all accounts of customers in such form and substance as to disclose the exact age of the customer and the signature of the customer. The proposed rule change permits members and member firms of the Exchange to keep and preserve records of all accounts of customers in such form and substance as to disclose the approximate, rather than the exact, age of the customer, and deletes the requirement that records of all accounts of customers disclose the signature of the customer.

The proposed rule change, by permitting members and member firms of the Exchange to keep and preserve records of all accounts to customers in such form and substance as to disclose the approximate, rather than the exact, age of the customer conforms Section 1(c) of Rule X to the general practice obtaining in the securities industry. Customers are sometimes reluctant to disclose their exact ages, and the Exchange believes that requiring its members and member firms to compel disclosure may place them at a competitive disadvantage with respect to members and member firms of other national securities exchanges that do not require that the exact age of a customer be disclosed. The proposed rule change thus removes an impediment to and facilitates the perfection of the mechanism of a free and open market and a national market system. The proposed rule change, by deleting the requirement that records of all accounts of customers disclose the signature of the customer, removes an undue and unnecessary burden and expense from members and member firms. Rule X will continue to require customer signatures on certain documents, such as documents relating to discretionary accounts (Section 6(a) of Rule X), agreements for use of customer securities (Section 7(d) of Rule X) and margin agreements (Section 9 of Rule X). The Exchange believes, however, that it is unnecessarily burdensome and expensive to require members and member firms to keep and preserve the signatures of cash account customers. By eliminating an undue and unnecessary burden and expense from members and member firms of the Exchange, the proposed rule change removes an impediment to and facilitates the perfection of the mechanism of a free and open market and a national market system.

The foregoing are the principal bases under the Act for the proposed rule change.

Comments on the proposed rule change have not been solicited from Exchange members or member firms.

The proposed rule change will not impose any burden on competition.

On or before May 10, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By Order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before May 3, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

MARCH 25, 1976.

[FR Doc.76-9266 Filed 3-31-76;8:45 am]

[File No. 500-1]

PRESLEY CO.

Suspension of Trading

MARCH 25, 1976.

The common stock of Presley Companies, being traded on the American Stock Exchange, the Pacific Stock Exchange, the Boston Stock Exchange, and the PBW Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Presley Companies being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 10:10 a.m. (EST) on March 25, 1976 through April 3, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.76-9261 Filed 3-31-76;8:45 am]

[812-3928]

JOHN HANCOCK INVESTORS, INC. AND JOHN HANCOCK MUTUAL LIFE INSURANCE CO.

Application for Order

In the Matter of John Hancock Investors, Inc., John Hancock Place, P.O. Box 111, Boston, Massachusetts 02117 and John Hancock Mutual Life Insurance Company, John Hancock Place, P.O. Box 111, Boston, Massachusetts 02117.

Notice is hereby given That John Hancock Investors, Inc. ("Investors"), a closed-end diversified management company registered under the Investment Company Act of 1940 ("Act") and John Hancock Mutual Life Insurance Company (the "Life Company"), a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts (collectively "Applicants"), filed an application on March 11, 1976, pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder for an order of the Commission permitting (1) The Life Company to purchase in a private placement $7,000,000 principal amount (out of a total offering of $50,000,000) of Harnischfeger Corporation ("Harnischfeger") 9⅞% Promissory Notes due March 1, 1992 (the "New Notes") and (2) Investors, as one of the holders of Harnischfeger 9% Promissory Notes due December 1, 1991 (the "Old Notes"), (a) to consent to the issuance of the New Notes, and (b) to approve the amendment of certain of the financial covenants contained in the Old Notes as more fully described below. 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.

In 1971 Harnischfeger sold, through private placements, $30,000,000 principal amount of Old Notes to 7 institutional investors, $3,000,000 of which was purchased by Investors. The unpaid principal amount of the Old Notes held by Investors is presently $2,600,000.

Under the terms of the Old Notes, Harnischfeger is prohibited from incurring additional indebtedness such as that which would result from the issuance of the New Notes. Harnischfeger has, therefore, asked Investors and the other holders of the Old Notes to approve a consent ("Consent") to the issuance and sale of the New Notes.

The Old Notes also contain a number of other financial covenants dealing with matters such as maintenance of working capital, commitment to long-term leases, and restrictions on payment of dividends which are not contained in the New Notes, and which Harnischfeger believes are no longer appropriate in view of the significant growth which the Company has experienced in the last 4 years. Harnischfeger thus seeks the approval of holders of the Old Notes, including Investors, to certain amendments ("Amendments") to the Old Notes, which would conform the financial covenants contained therein to those found in the New Notes.

The approval of the holders of 66⅔% in principal amount of the Old Notes outstanding must be obtained to make the Consent and Amendments effective and binding upon all holders of Old Notes. All holders of the Old Notes other than Investors (representing 90% in principal amount of the Old Notes outstanding) have approved the Consent and have indicated they will approve the Amendments.

Rule 17d-1, adopted by the Commission pursuant to Section 17(d) of the Act, provides, in pertinent part, that no affiliated person of any registered investment company and no affiliated person of such a person, acting as principal, shall participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by an order. A joint enterprise or other joint arrangement as used in this Rule is any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company and any affiliated person of such registered investment company, or any affiliated person of such a person, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking. In passing upon such application, the Commission will consider whether the participation of such registered company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Under Section 2(a)(3) of the Act an investment adviser to an investment company is an affiliated person of such investment company, and anyone owning more than 5% of the adviser's outstanding voting securities is an affiliated person of the adviser. Accordingly, since John Hancock Advisers, Inc. is investment adviser to Investors, and a wholly-owned subsidiary of the Life Company, the Life Company is an affiliated person of an affiliated person of Investors, and its proposed purchase of Harnischfeger New Notes could constitute a joint transaction with Investors due to either the continuing ownership by Investors of the Old Notes or the granting by Investors of its consent to the issuance of the New Notes and its approval of the Amendments to the Old Notes.

Applicants represent that the officers of Investors have determined that the Consent and the proposed Amendments are in the best interests of Investors because of the increased financial stability afforded by converting bank loans to long-term indebtedness and because the new financial covenants are more appropriate for a corporation of Harnischfeger's present size. The Consent and Amendments have been approved by the board of directors of Investors, including a majority of those directors who are not "interested persons" of Investors or Advisors.

Applicants submit that the carrying out of the proposed transaction is consistent with the provisions, policies and purposes of the Act, and is not disadvantageous to Investors. Accordingly, Applicants request an order pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder permitting the Life Company to purchase the New Notes and Investors to grant the requested Consent and approval of the Amendments to the Old Note Agreement.

Notice is further given That any interested person may, not later than April 15, 1976, at 5:30 p.m., submit to the Commission in writing a request for a

hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address set forth 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 O–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 15, 1976, 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 postponement thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-9552 Filed 3-31-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 01/02-0118]

EQUI-TRONICS CAPITAL CORP.

Filing of Application for Transfer of Control of License Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to 13 C.F.R. 107.701 (1976) for transfer of ownership and control of Equi-Tronics Capital Corporation (EEC), a New York corporation, and a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), with its office presently at 111 Prospect Street, Stamford, Connecticut.

EEC was licensed on October 25, 1961, and has been managed by its president, Mr. Ned Tannenbaum. There are 18,750 shares of capital stock issued and outstanding which are held by eight shareholders.

Mr. Frank Pitassi, 724 North Street, Greenwich, Connecticut proposes to acquire all of ECC's stock issued and outstanding, and to continue the operations of the small business investment company.

The officers and directors of ECC, after the proposed transfer of control, would be as follows:

Frank J. Pitassi, President, General Manager, and Director.
Robert E. Roawden, Secretary, Treasurer and Director, 10 Bennett Street, Rye, New York.
S. Raymond Lauricella, Director, 201 Union Avenue, Harrison, New York.

The geographical area in which ECC will principally conduct its business will continue to be the State of Connecticut, with its principal office being moved to 724 North Street, Greenwich, Connecticut 06830.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owners, and the probability of a successful operation of ECC under their control and management in accordance with the Act and Regulations.

Notice is further given that any person may submit comments on the proposed transfer of control to the Associate Administrator for Investment, 1441 L Street NW., Washington, D.C. 20416, on or before April 12, 1976.

A similar Notice shall be published by ECC in a newspaper of general circulation in Stamford, Connecticut and Greenwich, Connecticut.

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

Dated: March 25, 1976.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-9239 Filed 3-31-76;8:45 am]

LUBBOCK DISTRICT ADVISORY COUNCIL

Public Meeting Date Change

The Small Business Administration Lubbock District Advisory Council has changed the date of its public meeting previously scheduled for Friday, April 30, 1976, to 8:15 a.m., Friday, April 16, 1976, at the Lubbock Hilton in Lubbock, Texas.

For further information, write or call Philip J. O'Jibway, P.O. Box 10107, Lubbock, Texas 79408, A/C 806 762-7471.

Dated: March 29, 1976.

MARY LOU GRIER,
Deputy Advocate for Advisory Councils.

[FR Doc.76-9238 Filed 3-31-76;8:45 am]

MAXIMUM INTEREST RATES

Participating Lending Institutions

Notice is given that the Small Business Administration ("SBA") has established the maximum rates of interest that lending institutions participating with SBA may charge on loans approved by SBA on or after April 1, 1976, under Section 7 of the Small Business Act, as amended, and Section 502 of the Small Business Investment Act, as amended.

Effective April 1, 1976, the maximum rate of interest acceptable to SBA on a guaranteed loan or guaranteed revolving line of credit shall be ten and one-half percent (10½%) a year, and the maximum rate on an immediate participation loan shall be nine and one-half percent (9½%) a year. These maximum interest rates shall remain in effect until notification of a change is issued by SBA.

The "SBA Optional Peg Rate" for the quarter-year beginning April 1, 1976, will be seven and three-fourths percent (7¾%) a year. This is an optional "peg" rate for use in connection with fluctuating interest rate loans made in participation with SBA.

This Notice is issued under 13 CFR 120.3(b)(2)(iv).

(Catalog of Federal Domestic Assistance Programs: No. 59.012, Small Business Loans; No. 59.013, State and Local Development Company Loans; No. 59.014, Coal Mine Health and Safety Loans; No. 59.017, Meat and Poultry Inspection Loans (Consumer Protection Loans); No. 59.018, Occupational Safety and Health Loans; No. 59.001, Displaced Business Loans; No. 59.003, Economic Opportunity Loans for Small Business)

Dated: March 29, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-9343 Filed 3-31-76;8:45 am]

[Declaration of Disaster Loan Area #1219]

ILLINOIS

Declaration of Disaster Area

Cook County and adjacent counties within the State of Illinois constitute a disaster area because of damage resulting from a tornado on March 12, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 26, 1976 and for economic injury until the close of business on December 27, 1976, at:

Small Business Administration, District Office, 219 Dearborn Street, Chicago, Illinois 60604.

or other locally announced locations.

Dated: March 23, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-9228 Filed 3-31-76;8:45 am]

[Declaration of Disaster Loan Area # 1220]

MICHIGAN

Declaration of Disaster Loan Area

As a result of the President's declaration, I find that Allegan, Bay, Clare, Clinton, Genesee, Gladwin, Gratiot, Ionia, Isabella, Jackson, Kent, Lapeer, Macomb, Mecosta, Midland, Montcalm, Muskegon, Newaygo, Oakland, Oceana, Osceola, Ottawa, Roscommon, Saginaw, St. Clair, Sanilac, Shiawassee, Tuscola, Wayne Counties, and adjacent counties within the State of Michigan, constitute a disaster area because of damage resulting from severe storms, icing, high winds, and flooding beginning about March 2, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 18, 1976, and for economic injury until the close of business on December 20, 1976, at:

Small Business Administration, District Office, 1249 Washington Blvd., Detroit, Michigan 48226.

or other locally announced locations.

Dated: March 24, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-9229 Filed 3-31-76;8:45 am]

[Declaration of Disaster Loan Area #1221]

NEW YORK

Declaration of Disaster Loan Area

As a result of the President's declaration, I find that Chautauqua, Erie, Genesee, Livingston, Monroe and Wyoming Counties, and adjacent counties within the State of New York, constitute a disaster area because of damage resulting from an ice storm and subsequent severe storms and flooding beginning about March 2, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 18, 1976, and for economic injury until the close of business on December 20, 1976, at:

Small Business Administration, Branch Office, 111 West Huron Street, Room 1311, Buffalo, New York 14202.

or other locally announced locations.

Dated: March 24, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-9230 Filed 3-31-76;8:45 am]

[Declaration of Disaster Loan Area #1222]

WISCONSIN

Declaration of Disaster Loan Area

As a result of the President's declaration, I find that Calumet, Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Iowa, Jefferson, Lafayette, Manitowoc, Milwaukee, Ozaukee, Richland, Rock, Sauk, Sheboygan, Vernon, Walworth, Washington, and Waukesha Counties, and adjacent counties within the State of Wisconsin, constitute a disaster area because of damage resulting from severe storms, icing, high winds, and flooding, beginning about March 1, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 24, 1976, and for economic injury until the close of business on December 24, 1976, at:

Small Business Administration, District Office, 122 West Washington Avenue, Room 713, Madison, Wisconsin 53703, and Small Business Administration, Branch Office, 735 West Wisconsin Avenue, Milwaukee, Wisconsin 53233.

or other locally announced locations.

Dated: March 25, 1976.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.76-9231 Filed 3-31-76;8:45 am]

VETERANS ADMINISTRATION

DEPENDENCY ALLOWANCE FOR SPOUSE TO CERTAIN FEMALE VETERANS CONCERNING PAYMENT OF CERTAIN VOCATIONAL REHABILITATION BENEFITS

Statement of Policy

By virtue of the authority vested in me by section 210(c)(1) of title 38 of the United States Code and pursuant to § 1.551 of Title 38 of the Code of Federal Regulations, I hereby declare the following to be the policy of the Veterans Administration concerning payment of certain vocational rehabilitation benefits.

Whereas, on June 16, 1975, I approved a Statement of Policy declaring it to be the policy of the Veterans Administration to pay to any eligible female veteran the dependency allowance properly payable by reason of her having a living spouse for the period of her pursuit of a program of education under the provisions of chapter 34 of title 38 during the period commencing June 1, 1966 (effective date of the "Veterans' Readjustment Benefits Act of 1966") and ending October 24, 1972 (effective date of the "Vietnam Era Veterans' Readjustment Assistance Act of 1972");

Whereas, eligible male veterans are entitled to pursue programs of vocational rehabilitation under chapter 31 of title 38 and be paid a dependency allowance by reason of having a living spouse for the period of pursuit of such program;

Whereas, the Congress enacted Public Law 92-540, effective October 24, 1972, granting payment of dependency allowances to female veterans;

Whereas, the United States District Court for the Northern District of California, in a decision, dated April 4, 1973, in the case of "Kathleen C. Greene, et al., plaintiffs vs. Board of Veterans Appeals, et al., defendants," Civil Action No. C 72-643 OJC, held that section 102(b) of title 38, United States Code, as stated prior to the 1972 amendments to such section (Public L. 92-540), violated plaintiffs' rights of equal protection under the Fifth Amendment to the United States Constitution;

And Whereas, it is only equitable to allow a dependency benefit to be paid to a female veteran pursuing a program of vocational rehabilitation comparable to that paid to a male veteran.

Therefore, in recognition of the decision of the Court in deciding the constitutionality of this section of title 38 and in order to do equity to all those similarly circumstanced, I hereby declare that the Veterans Administration will pay to any eligible female veteran the dependency allowance properly payable by reason of her having a living spouse for the period of her pursuit of a program of vocational rehabilitation under the provisions of chapter 31 of title 38 commencing with her entrance into the program and ending October 24, 1972 (effective date of Public Law 92-540, which equalized benefits).

Payment of this dependency allowance will be made following receipt by the Veterans Administration of a claim supported by acceptable evidence of the marriage. Such claim and supporting evidence should be submitted promptly to the Veterans Administration Regional Office having jurisdiction over the geographic area in which such female veteran resides. To be considered, a claim must be filed on or before April 1, 1977.

Approved: March 11, 1976.

[SEAL] RICHARD L. ROUDEBUSH,
Administrator.

[FR Doc.76-9414 Filed 3-31-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 14]

ASSIGNMENT OF HEARINGS

MARCH 29, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 121046 (Sub 6), B. A. Miller & Sons Trucking Co., Inc. now being assigned July 13, 1976 (1 day), at Columbus, Ohio in a hearing room to be later designated.

MC 134183 (Sub 2), Charles Zumstein, d.b.a. C. E. Zumstein Co. now being assigned July 14, 1976 (1 day), at Columbus, Ohio in a hearing room to be later designated.

MC 123407 (Sub 273), Sawyer Transport, Inc. now being assigned July 15, 1976 (1 day), at Columbus, Ohio in a hearing room to be later designated.

MC 136371 (Sub 16), Concord Trucking Co., Inc. now being assigned July 16, 1976 (1 day), at Columbus, Ohio in a hearing room to be later designated.

MC-C 8920, Price Hill Coach Line, Inc. *v* David P. White, d.b.a. Student Charter Service now being assigned July 19, 1976 (2 days), at Columbus, Ohio in a hearing room to be later designated.

MC-C 8754, Price Hill Coach Line, Inc. *v* Megacity Transit Lines, Inc. now being assigned July 19, 1976 (2 days), at Columbus, Ohio in a hearing room to be later designated.

MC 119632 (Sub 64), Reed Lines, Inc. now being assigned July 21, 1976 (3 days), at Columbus, Ohio in a hearing room to be later designated.

MC 123916 (Sub 15), Grove City Bus Lines, Inc., now being assigned for continued hearing on June 2, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134535 (Sub 7), Casale Contract Carriers, Inc., now assigned May 17, 1976, at New York, N.Y. is canceled and application dismissed.

MC 125113 (Sub 4), Christman Trucking Corporation now being assigned July 26, 1976 (1 week), at Columbus, Ohio in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-9354 Filed 3-31-76;8:45 am]

[AB 12 (Sub-No. 19)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Hood Junction and Isleton, in Sacramento County, California

MARCH 30, 1976.

Present: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.;* and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Sacramento County, Calif., on or before April 12, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 19th day of March, 1976.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated March 19, 1976, it has been determined that the proposed abandonment by the Southern Pacific Transportation Company of its line of railroad between Hood Junction and Isleton, Calif., a distance of 17.15 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 diversion of rail traffic both prior and subsequent to the 1972 flood, which placed portions of the line near Isleton out of service, would result in only minimal increases in energy consumption, highway traffic, air pollution, and noise intrusions. There are no indications of definitive federal, state, or local developmental activities which would be affected by the loss of direct rail access.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7692.

Intersted persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 27, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.76-9359 Filed 3-31-76;8:45 am]

PIPELINE ADVISORY COMMITTEE ON VALUATION

Public Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Pipeline Advisory Committee on Valuation. The meeting will convene on Tuesday, May 4, 1976 at 9:30 a.m. in Hearing Room A, Interstate Commerce Commission, Constitution Avenue and 12th Street, N.W., Washington, D.C.

The purpose of the meeting is to consider and analyze data that will be utilized in the development of cost indices for use in determining 1975 pipeline valuations. The meeting will be open to the public. Any member of the public may file a written statement with the Chairman of the Committee, before or within one week following the meeting.

The names of the members of the Committee, agenda, minutes of the meeting, and any other information pertaining to the meeting may be obtained from Mr. John A. Grady, Director, Bureau of Accounts, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-9358 Filed 3-31-76;8:45 am]

[Notice No. 40]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 29, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with

the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 333TA), filed March 22, 1976. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from points in California, to Woodruff, S.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Oakview Plantations, Inc., Box 595, Woodruff, S.C. 29388. Send protests to: John Mensing, District Supervisor, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 73587 (Sub-No. 142TA), filed March 22, 1976. Applicant: ELLIOTT BROTHERS TRUCKING COMPANY, INC., P.O. Box 719, Easton, Md. 21601. Applicant's representative: William J. Little, 10 E. Baltimore St. Baltimore, Md. 21202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission and those requiring special equipment), serving the plantsite of the Londontown Corporation, at or near Eldersburg (Carroll County), Md., as an off-route point, to U.S. Highway 40 between Baltimore, Md., and Philadelphia, Pa., restricted to traffic moving between points in Connecticut and Massachusetts and the plantsite of the Londontown Corporation, at Eldersburg, Md., Applicant intends to tack its existing authority with MC 73587, for 180 days. Supporting shipper: James H. Hull, Jr., Traffic Manager, The Londontown Corporation, 3600 Clipper Mill Road, Baltimore, Md. 21211. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md. 21201.

No. MC 96823 (Sub-No. 2TA), filed March 18, 1976. Applicant: R. M. D., INC., 344 Dublin Ave., Columbia, Ohio 43215. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from Pittsburgh, Pa., to Wheeling, Grafton, Wellsburg, Moundsville, Chester, Newell, Triadelphia, Paw Paw, Keyser, and Beach Bottom, W. Va.; and Bellaire, Wellsville, Summitville, Minerva, East Liverpool, Hillsboro, Martins Ferry, Yorkville, Cambridge, and Salem, Ohio; *and materials and supplies* used in the manufacture of paper products, from the Ohio and West Virginia destinations set forth above to Pittsburgh, Pa., for 180 days. Supporting shipper: St. Regis Paper Company, 150 East 42nd St., New York, N.Y. 10017. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., and U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 110420 (Sub-No. 750TA), filed March 18, 1976. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Merton, Wis., to Chicago, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. supporting shipper: Trans Chemco, Inc., 9210 120th Ave., Kenosha, Wis. 53140. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 111729 (Sub-No. 625TA), filed March 17, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Medical instruments*, restricted against the transportation of packages or articles weighing in excess of 40 pounds each, and 120 pounds in the aggregate, from one consignor to one consignee on any one day, between Overland Park, Kans., on the one hand, and, on the other, Clarinda and Creston, Iowa; Albany, Aurora, Branson, Brookfield, Cameron, Carrollton, Chillicothe, Clay Center, Clinton, Columbia, Harrisonville, Joplin, Lamar, Marceline, Maryville, Milan, Nevada, Osceola, Richmond, and Sweet Springs, Mo., for 180 days. Supporting shipper: Smith, Kline Instruments, Inc., 9745 Mohawk Drive, Overland Park, Kans. 66212. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113666 (Sub-No. 102TA), filed March 19, 1976. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: William H. Shawn, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe*, from ports of entry on the International Boundary line between the United States and Canada, located in New York, to East Liverpool, Ohio, and Monaca, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Steel Company of Canada, Ltd., Stelco Tower, 100 King St., West, Hamilton, Ontario, Canada L8N 3T1. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 113908 (Sub-No. 370TA), filed March 22, 1976. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dalt St., P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brandy, rum, wine, wine products, neutral spirits, distilled spirits, alcoholic liquors, and alcohol*, in bulk (except brandy, rum, wine, and wine products), from Atlanta and Roberta, Ga., and their respective commercial zones, to Cincinnati, Ohio; Edison, N.J., and Detroit, Mich., and their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Monarch Wine Company of Georgia, P.O. Box 6847, Atlanta, Ga. 30315. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 114848 (Sub-No. 60TA), filed March 16, 1976. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Ave., Memphis, Tenn. 38113. Applicant's representative: Terry T. Wharton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay blends*, in bulk, in tank-type vehicles, from Sledge, Miss., to Indianapolis, Ind.; Fairfield and Bessemer, Ala., and Cincinnati, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John M. Kennedy, Secretary-Treasurer, Kentucky-Tennessee Clay Company, P.O. Box 449, Mayfield, Ky. 42066. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Bldg., 167 North Main St., Memphis, Tenn. 38103.

No. MC 116544 (Sub-No. 158TA), filed March 18, 1976. Applicant: ALTRUK FREIGHT SYSTEMS INC., P.O. Box 386, Elwood, Kans. 66024. Applicant's representative: Joseph P. Ficurelli, P.O. Box 10280, Palo Alto, Calif. 94303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in*

Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at and destined to named points, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 117119 (Sub-No. 574TA), filed March 18, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and unfrozen potato products* (except in bulk), in tank vehicles equipped with mechanical refrigeration, from Beaver Dam and Milwaukee, Wis., to points in Arizona, California, Utah, Nevada, and Maryland, restricted to traffic originating at the facilities of American Potato Company, at the named origins, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Potato Company, 555 California St., San Francisco, Calif. 94104. Send protests to: William H. Land, Jr., 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 119094 (Sub-No. 3TA), filed March 17, 1976. Applicant: CLARENCE S. WINTERSTEEN, doing business as C. S. WINTERSTEEN COMPANY, 1st St., and Park Ave., Bemidji, Minn. 56601. Applicant's representative: Sheldon D. McRae, Sr., 204 5th St., P.O. Box 684, Bemidji, Minn. 56601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers *and advertising materials*, from La-Crosse, Wis., to Bemidji, Minn., under a continuing contract with Bemidji Distributing Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bemidji Distributing Co., Inc., 305 Park Ave., Bemidji, Minn. 56601. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2349, Fargo, N. Dak. 58102.

No. MC 120737 (Sub-No. 34TA), filed March 18, 1976. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, Ill. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts and attachments* for irrigation systems, from Havana, Ill., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: AG-RAIN Inc., Danny W. Johnston, Customer Service Supervisor, 600 South Shrader, Havana, Ill. 62644. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 123255 (Sub-No. 66TA), filed March 18, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and materials, equipment and supplies* used in the manufacture of paper and paper products, between the plantsite and warehouse facilities of the International Paper Company, at or near Russellville, Ark., on the one hand, and, on the other, Springhill, La.; California Joplin, Monett, Ozark, and Springfield, Mo.; Barnsdall, Oklahoma City, Ponca City, Sapulpa and Tulsa, Okla.; and Memphis, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Paper Company, Room 300, 220 East 42nd St., New York, N.Y. 10017. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commission, 220 Federal Bldg., and U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 123744 (Sub-No. 21TA), filed March 22, 1976. Applicant: BUTLER TRUCKING COMPANY, P.O. Box 88, Woodland, Pa. 16881. Applicant's representative: William H. Shawn, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe*, from ports of entry on the International Boundary line between the United States and Canada, located in New York, to East Liverpool, Ohio, and Monaca, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Steel Company of Canada, Ltd., Stelco Tower, 100 King St., West, Hamilton, Ontario, Canada L8N 3TI. Send protests to: Richard G. Gobbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 211 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 124078 (Sub-No. 681TA), filed March 18, 1976. Applicant: SCHWERMAN TRUCKING COMPANY, 611 South 28 St., Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plaster and sand*, in bulk, from Lima, Ohio, to Yellow Springs, Ohio, restricted to traffic having a prior movement by railroad, from 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Morris & Bean Company, Hyde Road, Yellow Springs, Ohio 45387. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 125040 (Sub-No. 3TA), filed March 19, 1976. Applicant: R. CONLEY, INC., 6891 Seneca St., Elma, N.Y. 14059. Applicant's representative: Robert V. Gianniny, 900 Midtown Tower, Rochester, N.Y. 14604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar and vinegar stock*, in bulk, in tank vehicles, from Sodus, N.Y. to Roanoke, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Indian Summer, Inc., Box 128, Sodus, N.Y. 14551. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 910 Federal Bldg., 111 West Huron St., Buffalo, N.Y. 14202.

No. MC 128021 (Sub-No. 21TA), filed March 18, 1976. Applicant: DIVERSIFIED PRODUCTS TRUCKING CORPORATION, 309 Williamson Ave., Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, vermiculite, hickory chips, charcoal lighter fluid, fireplace logs, and materials and supplies* used in the manufacture of charcoal (except in bulk, in tank vehicles), between Lexington, Ky., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Illinois, Indiana, Louisiana, Michigan, Minnesota, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, under a continuing contract with The Kingsford Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Kingsford Company, P.O. Box 1033, Louisville, Ky. 40201. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 134323 (Sub-No. 82TA), filed March 17, 1976. Applicant: JAY LINES, INC., 720 N. Grand, Amarillo, Tex. 79105. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, 521 South 14th, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, from the plantsite and facilities of MBPXL Corporation, at or near Friona, Tex., to points in California, under a continuing contract with MBPXL Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: MBPXL

Corporation, P.O. Box 2519, Wichita, Kans. 67201. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 134777 (Sub-No. 24TA), filed March 15, 1976. Applicant: SOONER EXPRESS, INC., P.O. Box 219, Madill, Okla. 73446. Applicant's representative: Dean Williamson, 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, restricted to traffic originating at and destined to named points, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731. Send protests to: Joe Green, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old P.O. Bldg., 215 N.W. 3rd St., Oklahoma City, Okla. 73102.

No. MC 134806 (Sub-No. 36TA), filed March 22, 1976. Applicant: B–D–R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, D.C. 20014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Footwear*, from points in Pennsylvania (except Lancaster and Lebanon), to Brattleboro, Vt., under a continuing contract with Dunham Brothers Company, for 180 days. Supporting shipper: Dunham Brothers Company, Brattleboro, Vt. 05301. Send protests to David A. Demers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, 87 State St., Montpelier, Vt. 05602.

No. MC 135871 (Sub-No. 23TA), filed March 22, 1976. Applicant: H. G. M. TRANSPORT COMPANY, 123 Duffield Ave., Jersey City, N.J. 07306. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are dealt in by department stores *and supplies and equipment* used in the conduct of such business (except commodities in bulk), for the account of **S. E. Nichols, Inc.**, between points in the **New York, N.Y.** Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Annville, Bloomsburg, Chambersburg, Ephrata, Hanover, Lancaster, Reading, Shillington, Williamsport, Pa., under a continuing contract with S. E. Nichols, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: S. E. Nichols, Inc., 500 8th Ave., New York, N.Y. 10018. Send protests to: Robert E. Johnson, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 136848 (Sub-No. 8TA), filed March 17, 1976. Applicant: BRUCE LEE AND STANLEY LEE, doing business as LEE CONTRACT CARRIERS, Old Route 66, Pontiac, Ill. 61764. Applicant's representative: Edward F. Stanula, 837 E. 162nd St., South Holland, Ill. 60473. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wrot steel pipe*, from the plant and warehouse facilities of P–I, at or near Fairbury, Ill., to Salyersville, Ky.; Greenville and Dallas, Tex.; Bridgeport, Conn.; Des Moines and Pella, Iowa; Buffalo, N.Y.; Saginaw, Mich.; Montgomery and Alabaster, Ala.; El Reno, Okla.; and Chelsea, Mass.; and Iron or steel plate or sheet, from Toledo, Cleveland, and Dayton, Ohio; and Detroit, Mich., to the plantsite and warehouse facilities of P–I at or near Fairbury, Ill., under a continuing contract with Pittsburgh International Division, Pittsburg Tube Company, for 180 days. Supporting shipper: Pittsburgh International Division, Pittsburgh Tube Company, William J. Allison, Vicepresident, Route 24, Fairbury, Ill. 61739. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 138157 (Sub-No. 24TA), filed March 18, 1976. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, 4284 Mission Blvd., Pomona, Calif. 91769. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting and yarn*, from the facilities of Berven Rug Mills, Inc., at Fresno, Calif., to Dallas, Tex.; Chattanooga, Tenn., and points in Dade, Walker, Catoosa, Whitfield, Murray, Fannin, Gilmer, Pickens, Gordon, Chattooga, Floyd, Bartow, and Cherokee Counties, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Berven Rug Mills, Inc., 2600 Ventura Ave., Fresno, Calif. 93717. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 139495 (Sub-No. 131TA), filed March 17, 1976. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modified soda ash, cleaning compounds, bath salts, fabric softeners and drugs* (except commodities in bulk), from the facilities utilized by Calgon Consumer Products, Inc., located at or near Rockwood, Mich., to the facilities utilized by Calgon Consumer Products, Inc., located at or near Clearfield, Utah, for 180 days. Supporting shipper: Calgon Consumer Products Company, Inc., P.O. Box 1467, Pittsburgh, Pa. 15230. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 139495 (Sub-No. 132TA), filed March 19, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., Liberal, Kans. 67901. Applicant's representative: James E. McCarty (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* dealt in and sold by supermarkets (except meat and meat products and commodities in bulk), restricted to traffic originating at the warehouse and storage facilities of and destined to the facilities of Allied Supermarkets, Inc., from the facilities of Allied Foods, located at or near Livonia, Mich., to the warehouse and storage facilities of Allied Foods, located at or near Oklahoma City, Okla., and Liberal, Kans, for 180 days. Supporting shipper: Allied Supermarkets, Inc., 8711 Meadowdale, Detroit, Mich. 48228. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 139923 (Sub-No. 9TA), filed March 16, 1976. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer D, Stroud, Okla. 74709. Applicant's representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Arizona, California, Nevada, Oregon, Texas, Utah, and Washington, restricted to traffic originating at the above-named origin and destined to the named destinations, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731. Send protests to: Joe Green, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Bldg., 215 N.W. 3rd St., Oklahoma City, Okla. 73102.

No. MC 140108 (Sub-No. 2TA), filed March 19, 1976. Applicant: TWOMBLY GRAIN COMPANY, INC., 408 South Main, Troy, Kans. 66087. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed*, from the storage facilities of ConAgra-Formax Feed Division at or near Troy, Kans., to points in Andrew, Atchison, Buchanan, Caldwell, Clay, Clinton, Daviess, DeKalb, Gentry, Harrison, Holt, Jackson, Johnson, Lafayette, Nodaway, Platte, Ray, and Worth Counties, Mo., under a continuing contract with ConAgra-Formax Feeds Division, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: ConAgra-Formax Feeds Division, Suite 111, Downtowner Bldg., Columbus, Nebr. 68601. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 141852 (Sub-No. 1TA), filed March 17, 1976. Applicant: BILLY G. BARNETT AND JOE D. BARNETT, doing business as, BARNETT BROS., 442 Pemberton Drive, Pearl, Miss. 39208, Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel*, from Vicksburg, Miss., to Mendenhall, Miss., restricted to shipments having a prior movement by water, rail, or motor carriers, under a continuing contract with Universal Manufacturing Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Universal Manufacturing Corporation, 2951 E. 6th St., Paterson, N.J. 07509. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-9355 Filed 3-31-76;8:45 am]

[Notice No. 118]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Schroetlin Tank Line, Inc., MC-409 Sub-53TA	MC-409 Sub-55	Mar. 23, 1976
Schroetlin Tank Line, Inc., MC-409 Sub-54TA	MC-409 Sub-56	Do.
D.b.a. Patton Trucking Co., MC-36587 Sub-4TA	MC-36587 Sub-5	Mar. 19, 1976
McNaughton Bros., Inc., MC-45059 Sub-12TA	MC-45059 Sub-13	Mar. 22, 1976
Northern Neck Transfer, Inc., MC-95304 Sub-23TA	MC-95304 Sub-24	Mar. 17, 1976
Guy Heavener, Inc., MC-102295 Sub-24TA	MC-102295 Sub-25	Mar. 18, 1976
Perkins Furniture Transport, Inc., MC-102817 Sub-25TA	MC-102817 Sub-24	Mar. 22, 1976
Fleet Transport Co., Inc., MC-103051 Sub-337TA	MC-103051 Sub-326	Do.
Quality Carriers, Inc., MC-110420 Sub-702TA	MC-110420 Sub-705	Mar. 18, 1976
Schneider Tank Lines, Inc., MC-110988 Sub-308TA	MC-110988 Sub-313	Mar. 19, 1976
Liquid Transporters, Inc., MC-112617 Sub-312TA	MC-112617 Sub-310	Mar. 18, 1976
Dahlen Transport, Inc., MC-113410 Sub-80TA	MC-113410 Sub-84	Mar. 23, 1976
Wynne Transport Service, Inc., MC-114725 Sub-69TA	MC-114725 Sub-70	Mar. 17, 1976
Kentucky Western Truck Lines, Inc., MC-115762 Sub-6TA	MC-115762 Sub-7	Do.
Schultz Transit, Inc., MC-118202 Sub-42TA	MC-118202 Sub-45	Mar. 19, 1976
Dale Jessup, MC-118846 Sub-10TA	MC-118846 Sub-9	Mar. 22, 1976
Container Transit, Inc., MC-118989 Sub-101TA	MC-118989 Sub-102	Do.
Container Transit, Inc., MC-118989 Sub-127TA	MC-118989 Sub-123	Do.
Container Transit, Inc., MC-118989 Sub-124TA	MC-118989 Sub-125	Do.
Hilt Truck Line, Inc., MC-124211 Sub-252TA	MC-124211 Sub-226	Mar. 23, 1976
Chemical Express Carriers, Inc., MC-124236 Sub-75TA	MC-124236 Sub-76	Do.
D.b.a Boelk Truck Lines, MC-127505 Sub-74TA	MC-127505 Sub-73	Mar. 19, 1976
CMD Transportation, Inc., MC-129219 Sub-6TA	MC-129219 Sub-8	Mar. 23, 1976
Purolator Courier, Ltd., MC-129456 Sub-7TA	MC-129456 Sub-6	Mar. 18, 1976
Common Market Distributing Corp., MC-133627 Sub-5TA	MC-133627 Sub-6	Mar. 23, 1976
Loomis Courier Service, Inc., MC-134386 Sub-3TA	MC-134386 Sub-4	Mar. 17, 1976
Morwall Trucking, Inc., MC-135364 Sub-14TA	MC-135364 Sub-18	Mar. 23, 1976
Morwall Trucking, Inc., MC-135364 Sub-20TA	MC-135364 Sub-18	Do.
Specialized Truck Service, Inc., MC-135384 Sub-12TA	MC-135384 Sub-14	Mar. 19, 1976
Cycles Limited, MC-135425 Sub-6TA	MC-135425 Sub-7	Mar. 18, 1976
D.b.a. Phillips & Phillips Trucking Co., MC-135819 Sub-1TA	MC-135819 Sub-2	Do.
Container Transport, Inc., MC-138163 Sub-2TA	MC-138163 Sub-1	Mar. 23, 1976
D.b.a. P. & B. Trucking Co., MC-139341 Sub-4TA	MC-139341 Sub-3	Mar. 19, 1976
Roberts Trucking, Inc., MC-139772 Sub-1TA	MC-139772 Sub-2	Mar. 17, 1976
Cephas Brothers Transport, Ltd., MC-139805 Sub-1TA	MC-139805 Sub-2	Mar. 23, 1976
D.b.a. St. Joseph Motor Lines, MC-140010 Sub-3TA	MC-140010 Sub-2	Mar. 18, 1976
D.b.a. Clay Truck Rental, MC-140062 Sub-2TA	MC-140062 Sub-1	Mar. 23,1976
Fanetti Refrigerated Transport, MC-140168 Sub-1TA	MC-140168 Sub-2	Mar. 19, 1976
Central Storage & Van Co., MC-140710 Sub-1TA	MC-140710 Sub-2	Mar. 23, 1976

ROBERT L. OWSALD,
Secretary.

[FR Doc.76-9356 Filed 3-31-76;8:45 am]

[Notice No. 213]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MARCH 31, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 20, 1976. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76427. By order entered March 25, 1976 the Motor Carrier Board approved the transfer to Tomar Trucking Corporation, Jersey City, N.J., of the operating rights set forth in Permits Nos. MC 96500, MC 96500 (Sub-No. 2), MC 96500 (Sub-No. 5) and MC 96500 (Sub-No. 7), issued by the Commission August 18, 1943, July 11, 1968, October 14, 1969, and January 7, 1970, respectively, to Harry's Express Company, Inc., New York, N.Y., authorizing the transportation of handbags and handbag materials, and machinery for their manufacture, cotton dresses, aprons, hooverettes, and materials and machinery for their manufacture, radios, clock radios, and radio parts, imported furniture, giftwares, housewares, and notions, stuffed toy animals, dolls, and musical cases, between specified points in New York and New Jersey. Louis H. Shereff, 292 Madison Ave., New York City, N.Y. 10017, attorney for applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-9357 Filed 3-31-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

Notice

MARCH 26, 1976.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR § 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 12797 and (Sub-Nos. 3, 4, and 6) (Notice of filing of petition to modify territorial description), filed March 4, 1976. Petitioner: PRESLEY TOURS, INC., RFD No. 1, Makanda, Ill. 62958. Petitioner's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Petitioner holds a license to engage in operations as a *broker* at Makanda, Ill., (1) in MC 12797, issued May 3, 1963, to sell or offer to sell the transportation of *Passengers and their baggage*, in charter operations in round-trip, all-expense tours, beginning and ending at St. Louis, Mo., and at points in that part of Illinois on and south of U.S. Highway 50, and extending to points in the United States (including Alaska and Hawaii); (2) in MC 12797 (Sub-No. 3) issued February 8, 1972, petitioner holds a license to engage in operations as a *broker* at Makanda, Ill., to sell or offer to sell the transportation of *Passengers and their baggage*, in charter operations in round-trip, all-expense tours, beginning and ending at points in that part of Illinois north of U.S. Highway 50 (except Chicago, Ill.) and extending to points in the United States, including Alaska and Hawaii; (3) in MC 12797 (Sub-No. 4), issued August 29, 1975, petitioner hold a license to engage in operations as a *broker* at Elmhurst, Ill., to sell or offer to sell the transportation of *Passengers and their baggage*, in round-trip, all-expense tours, in special and charter operations, beginning and ending at St. Louis, Mo., and points in Illinois (except Chicago, Ill.) and extending to points in the United States (including Alaska and Hawaii); and (4) and in MC 12797 (Sub-No. 6), issued January 11, 1962, petitioner holds a license to engage in operations as a *broker* at Tyrone, Pa., to sell or offer to sell the transportation of *Passengers and their baggage*, between points in the United States (except Alaska and Hawaii). By the instant petition, petitioner seeks to modify the above territorial descriptions in MC 12797 and (Subs 3, 4, and 6) so as to read, between points in the United States, including Alaska and Hawaii.

No. MC 32050 (Notice of filing of petition to modify commodity description), filed March 1, 1976. Petitioner: J. MITCHELL TRUCKING CO., INC., 115 Claremont Ave., Colonia, N.J. 07067. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Petitioner holds motor *common carrier* certificate in No. MC 32050, issued August 24, 1967, authorizing transportation, as pertinent, over irregular routes, of *Butter, coffee, tea, and spices*, between Baltimore, Md., and New York, N.Y. By the instant petition, petitioner seeks to modify its commodity description by deleting "butter", and substituting "butter substitutes" in lieu thereof in the above authority. The rest of Certificate remains the same.

No. MC 99339 (Sub-No. 6) (Notice of filing of petition to modify commodity description), filed February 23, 1976. Petitioner: A & B GARMENT DELIVERY OF SAN FRANCISCO, 690 24th Street, San Francisco, Calif. 94107. Petitioner's representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Petitioner holds a motor *common carrier* Certificate in No. MC 99399 Sub-No. 6, issued February 4, 1971, authorizing transportation, over regular and irregular routes of: (1) *Wearing apparel, materials and supplies, accessories, containers, dry goods, clothes, luggage, textiles*, and *umbrellas;* and (2) *general commodities* not named in (1) above when transported: (a) to or from retailers of garments, not including retailers which sell garments incidentally such as (but not limited to) hardware stores, drug stores, and grocery stores, (b) between retailers, wholesalers, and manufacturers of the commodities specifically named in (1) above, and (c) to or from fashion shows, (1) Between San Francisco, Calif., and Santa Rosa, Calif., serving all intermediate points: From San Francisco over U.S. Highway 101 to Santa Rosa, and return over the same route. Service is authorized at the off-route points of Fairfax, San Anselmo, Two Rocks, Petaluma, Graton, Ft. Cronkhite, Ft. Barry, Ft. Baker, Greenbrae, Daly City, Sebastopol, Fulton, Windsor, Kenwood, Marinwood, Tiburon, Black Point, Ross, Belvedere, Pacifica, Brisbane, Terra Linda, Santa Venetia, Corte Madera, Kentfield, Larkspur, Mill Valley, Hamilton AF Base, Waldo, Strawberry Point, and South San Francisco; (2) Between Ignacio, Calif., and Napa, Calif., serving all intermediate points: From Ignacio Junction over California Highway 37 to Napa, and return over the same route. Service is authorized at the off-route points of Ignacio, Novato, Schellville, Sonoma, and Black Point.

(3) Between San Francisco, Calif., and North Sacramento, Calif., serving all intermediate points: From San Francisco over U.S. Highway 40 to North Sacramento, and return over the same route. Service is authorized at the off-route points of Daly City, Brisbane, Alameda, Piedmont, Crockett, Mare Island, Vallejo, Del Paso, Sulsun City, Davis, Pacifica, Albany, Kensington, El Cerrito, Benicia, Bryte, Rockville, Vacaville, Elmira, Dixon, South San Francisco, El Sobrante, Pinole, Rodeo, Roosevelt Terrace, Sacramento, Broderick, West Sacramento, McClellan AF Base, and Allendale; (4) Between Napa, Calif., and junction California Highway 29 and U.S. Highway 40, serving all intermediate points: From Napa over California Highway 29 to junction U.S. Highway 40, and return over the same route. Service is authorized at the off-route points of Benicia, Mare Island, and Roosevelt Terrace. (5) Between San Francisco, Calif., and Sacramento, Calif., serving all intermediate points: From San Francisco over U.S. Highway 50 to Sacramento, and return over the same route. Service is authorized at the off-route points of Daly City, Pacifica, Bethany, Lathrop, French Camp, Franklin, Perkins, Fruit Ridge, Banta, Parks AF Base, Brisbane, Pleasanton, Piedmont, Lodi, Galt, Sheldon, Bryte, Broderick, Dublin, Mt. Eden, South San Francisco, Berkeley, Hayward, Livermore, Herald, Elk Grove, North Sacramento, West Sacramento, Castro Valley, and Russell City; (6) Between Stockton, Calif., and junction California Highway 4 and U.S. Highway 40, serving all intermediate points: From Stockton over California Highway 4 to junction U.S. Highway 40 and return over the same route. Service is authorized at the off-route points of Crockett, Martinez, Avon, Concord, Port Chicago, Pittsburg, West Pittsburg, Antioch, Knightsen, Byron, Pinole, Rodeo, Pacheco, Camp Stoneman, Clayton, Pleasant Hill, and Collinsville; (7) Between Oakland, Calif., and Pittsburg, Calif., serving all intermediate points: From Oakland over California Highway 24 to Pittsburg, and return over the same route. Service is authorized at the off-route points of Lafayette, Richmond, Moraga, Sparkle, Alameda, El Cerrito, Avon, Orinda, Saranap, Piedmont, Port Chicago, Antioch, and Orinda Village.

(8) Between Warm Springs, Calif., and Martinez, Calif., serving all intermediate points: From Warm Springs over California Highway 21 to Martinez, and return over the same route. Service is authorized at the off-route points of Palo Alto, Fremont, Avon, Benicia, Concord, Pleasanton, Vallecitos, and Milpitas; (9) Between Stockton, Calif., and Meodeto, Calif., serving all intermediate points: From Stockton over U.S. Highway 99 to Modesto, and return over the same route. Service is authorized at the off-route points of Ceres, Empire, Riverbank, Manteca, Lathrop, Simms, French Camp, and Collegeville; (10) Between junction California Highway 33 and U.S. Highway 50 near Tracy and junction U.S. Highway 50 and California Highway 132 at Veranlis, serving all intermediate points: From junction California Highway 33 and U.S. Highway 50 over U.S. Highway 50 to junction California Highway 132, and return over the same route. Service is authorized at the off-route point of Banta; (11) Between Vernalis, Calif., and Modesto, Calif., serving all intermediate points: From Vernalis over California Highway 132 to Modesto, and return over the same route. Service is authorized at

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

the off-route points of Ceres, Empire, Grayson, and Salida. Restriction: The operations authorized herein above are restricted against the transportation of property sold by a retail merchant from said retail merchant's store or warehouse to the purchaser thereof. (12) Between San Francisco, Calif., and San Jose, Calif., serving all intermediate points: From San Francisco over U.S. Highway 101 to San Jose, and return over the same route. From San Francisco over California Highway 82 to San Jose, and return over the same route. From San Francisco over Interstate Highway 280 to San Jose, and return over the same route. Between San Jose, Calif., and Emeryville, Calif., serving all intermediate points: From San Jose over California Highway 17 to Emeryville, and return over the same route.

Irregular routes: (1) *Wearing apparel, materials and supplies, accessories, containers, dry goods, clothes, luggage, textiles, and umbrellas,* and (2) *general commodities* not named in (1) above when when transported: (a) to or from retailers of garments, not including retailers which sell garments incidentally such as (but not limited to) hardware stores, drug stores, and grocery stores, (b) between retailers, wholesalers, and manufacturers of the commodities specifically named in (1) above, and (c) to or from fashion shows, (1) Between points within 10 miles of Stockton; (2) Between points within 10 miles of Sacramento; (3) Between points within 5 miles of Santa Rosa; and (4) Between all points within the San Francisco Territory as hereinafter described and the points of Daly City, Pacifica, Rockaway Beach, San Mateo, Hillsborough, Allerton, El Sobrante, Ft. Baker, Thornton Beach, Pinehurst, Menlo Park, Woodside, Palo Alto, Mountain View, Los Altos Hills, Ft. Barry, Colina, Canyon, Sunnyvale, Monta Vista, Campbell, Cupertino, El Camino Real, Santa Clara, Tiburon, Ft. Cronkhite, Baden, San Jose, Milpitas, Fremont, Irvington, Moraga, Berkeley, Sausalito, Belvedere, Vallemar, Castro Valley, Orinda, Rheem Valley, Lafayette, Albany, Kensington, Marin City, Waldo, Decoto and San Pablo.

San Francisco Territory includes that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with the corporate boundary of the City of San Jose: southerly, easterly, and northerly along said corporate boundary to its intersection with State Highway No. 17; northerly along State Highway No. 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive, and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of thhe University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northern along Arlington Avenue to U.S. Highway No. 40 (San Pablo Avenue); northerly along U.S. Highway No. 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Water front at the foot of Market Street; westerly along said water front and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. By the instant petition, petitioner seeks to modify the commodity description in the above authority so as to read *"General commodities* (except household goods as defined by the Commission, Class A and B explosives, automobiles, trucks and buses, and commodities in bulk)".

No. MC 108676 (Sub-No. 39) (Notice of filing of petition to modify territorial description), filed March 8, 1976. Petitioner: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave NE., Knoxville, Tenn. 37917. Petitioner's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Petitioner holds a motor *common carrier* certificate in No. MC 108676 (Sub-No. 39), issued April 15, 1974, authorizing transportation, over irregular routes, of (1) (a) *Machinery, equipment, materials, parts, and accessories* used in air, water, and sewage systems and installations which because of size or weight require the use of special equipment, and (b) *machinery, equipment, materials, parts, and accessories,* used in air, water, and sewage systems and installations, which do not require the use of special equipment, when moving on the same bill of lading with the commodities described in (a) above, (2) *asphalt making machinery, storage systems, storage silos, surge systems, control centers, heaters and equipment, parts, materials, and supplies* used in the construction and installation thereof, and (3) *fabricated steel tanks, dye machines, steamers, incinerators, furnaces, and parts and accessories* used in the installation thereof, from points in Knox, Bradley, and Hamilton Counties, Tenn., to points in the United States (except Hawaii), restricted against the transporation of commodities in bulk, and further restricted to the transportation of traffic originating at the above-named origins and destined to the above-named destinations. By the instant petition, petitioner seeks to add Anderson and Grainger Counties, Tenn., as origin points in the above territorial description.

No. MC 114552 (Sub-Nos. 31 and 41) (Notice of filing of petition to modify commodity descriptions), filed March 3, 1976. Petitioner: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Petitioner's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 267, Arlington, Va. 22201. Petitioner holds motor *common carrier* certificates in No. MC 114552 (Sub-Nos. 31 and 41), issued June 12, 1968 and September 24, 1970, respectively, authorizing transportation, over irregular routes, in MC 114552 (Sub-No. 31), of *Plywood and molding and stain,* when moving at the same time, and in the same vehicle with plywood, from the plant site and warehouse facilities of Vancouver Plywood Company at Charlotte, N.C., to points in Alabama, Delaware, Georgia, Indiana, Kentucky, Maryland, Mississippi, New Jersey, New York, Pennsylvania, Tennessee, and West Virginia; and in MC 114552 (Sub-No. 41), of *Plywood,* from Charlotte, N.C., to points in Illinois, Michigan, Ohio, Texas, Virginia, Wisconsin, and the District of Columbia. By the instant petition, petitioner seeks to add *gypsum board,* to the above commodity descriptions in MC 114552 (Sub-Nos. 31 and 41). The rest of the authority remains the same.

No. MC 116514 (Sub-No. 30) (Notice of filing of petition to modify commodity description), filed March 9, 1976. Petitioner: EDWARDS TRUCKING, INC., Main Street, Drawer 428, Hemingway, S.C. 29554. Petitioner's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 267, Arlington, Va. 22201. Petitioner holds a motor *common carrier* certificate in No. MC 116514 (Sub-No. 30), issued February 27, 1973, authorizing transportation, over irregular routes, of (1) *Textile waste materials and used bagging,* and (2) *textile waste materials and cotton,* the transportation of which is otherwise exempt from economic regulation pursuant to section 203(b)(6) of the Act, when transported in the same vehicle with the commodities in (1) above, between points in Alabama, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. By the instant petition, petitioner seeks to modify the above commodity descriptions so as to read, "Textile materials and wools."

No. MC 119302 (Notice of filing petition to modify territorial description), filed February 26, 1976. Petitioner: MILLER TRANSFER AND RIGGING CO., a Corporation, P.O. Box 6077, Akron, Ohio 44312. Petitioner's representative: John Brutvan, 744 Broad St., Newark, N.J. 07102. Petitioner holds a motor *contract carrier* permit in No. MC 119302, issued August 12, 1968, authorizing transportation, over irregular routes, of *Machinery and machinery parts,* moving with the machinery or separately, between the plantsite of the Elliott Company, Division of Carrier Corporation, at Jeannette, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a

continuing contract, or contracts with the Elliott Company, Division of Carrier Corporation, located at Jeannette, Pa. By the instant petition, petitioner seeks to include the plantsite of the Elliott Company, Division of Carrier Corporation at Donora, Pa. in the above territorial description.

No. MC 129747 (Sub-No. 3) (Notice of filing of petition to modify territorial description), filed March 8, 1976. Petitioner: CASCO SERVICES, INC., 47 Chetwood Terrace, Fanwood, N.J. 07023. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a motor *common carrier* certificate in No. MC 129747 (Sub-No. 3), issued May 29, 1973, authorizing transportation, over irregular routes, of *General commodities* (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities of unusual value, and those requiring special equipment), in containers, between the facilities of the Reading Railroad, located at Woodbridge Township, (Middlesex County), N.J., on the one hand, and, on the other, points in Middlesex, Monmouth, Ocean, and Somerset Counties, N.J., restricted to the transportation of traffic having a prior or subsequent movement by rail. By the instant petition, petitioner seeks to modify the above territorial description by deleting Reading Railroad located at Woodbridge Township (Middlesex County, N.J.), and substituting ConRail at points in the New York, N.Y., Commercial Zone as defined by the Commission in lieu thereof so as to read, between the facilities of the ConRail located at points in the New York, N.Y. Commercial Zone as defined by the Commission and Somerville, N.J., on the one hand, and, on the other, points in Middlesex, Monmouth, Ocean, and Somerset Counties, N.J.

No. MC 133163 (Sub-No. 2) (Notice of filing of petition for modification of certificate), filed March 8, 1976. Petitioner: TRIANGLE TRUCKING CO., 1301 6th Street, San Francisco, Calif. 94107. Petitioner's representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Petitioner holds a motor *common carrier* certificate in No. MC 133163 (Sub-No. 2), issued October 28, 1969, authorizing transportation over irregular routes, of (1) *New furniture and furniture parts*, from San Francisco, Calif., to points in Sonoma, Napa, Yolo, Sacramento, San Joaquin, Stanislaus, Merced, San Benito, Monterey, Santa Cruz, Santa Clara, San Mateo, San Francisco, Marin, Solano, Contra Costa, and Alameda Counties, Calif.; and (2) *returned shipments* of new furniture and furniture parts, from points in Sonoma, Napa, Yolo, Sacramento, San Joaquin, Stanislaus, Merced, San Benito, Monterey, Santa Cruz, Santa Clara, San Mateo, San Francisco, Marin, Solano, Contra Costa, and Alameda Counties, Calif., to San Francisco, Calif. By the instant petition, petitioner seeks to modify the above authority so as to read, (1) *new furniture and furniture parts; (2) carpets, mats or rugs, pillows, pads, seat or seat back, miscellaneous pottery products, sheet steel ware, lawn mowers, electric appliances and articles, and household appliances and articles* when moving in mixed lots with new furniture and furniture, from San Francisco, Calif., to points in Sonoma, Napa, Yolo, Sacramento, San Joaquin, Stanislaus, Merced, San Benito, Monterey, Santa Cruz, Santa Clara, San Mateo, San Francisco, Marin, Solano, Contra Costa, and Alameda Counties, Calif.; and (3) *returned shipments* of those commodities described in (1) and (2) above, from points in Sonoma, Napa, Yolo, Sacramento, San Joaquin, Stanislaus, Merced, San Benito, Monterey, Santa Cruz, Santa Clara, San Mateo, San Francisco, Marin, Solano, Contra Costa, and Alameda Counties, Calif., to San Francisco, Calif.

No. MC 133801 (Sub-No. 5) (Notice of filing of petition to modify territorial description), filed February 27, 1976. Petitioner: FEDERATION TRUCKING CORP., 769 Fifth Avenue, Brooklyn, N.Y. 11232. Petitioner's representative: Edward L. Nehez, 744 Broad Street, Newark, N.J. 07102. Petitioner holds a motor *contract carrier* permit in No. MC 133801 (Sub-No. 5), issued September 30, 1975, authorizing transportation, over irregular routes, of *Collating, binding, and inserting machines, counter stackers, trimmers, newspaper stuffing, and mailroom machinery and equipment*, between points in that part of the New York, N.Y., Commercial Zone as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by section 203(b)(8) of the Act (the "exempt" zone), and Hauppauge, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Massachusetts, Pennsylvania, Rhode Island, Delaware, Maryland, Virginia, North Carolina, South Carolina, and the District of Columbia, under a continuing contract, or contracts, with Muller-Martini Corp. By the instant petition, petitioner seeks to include Maine, Vermont, New Hampshire, Kentucky, Tennessee, West Virginia, Ohio, Michigan, Indiana, Illinois, and Wisconsin as additional points in the above territorial description or, in the alternative, the matter be assigned for such further proceedings as may be deemed to be appropriate.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

Notice

The following grants of operating rights authorities are republished by Order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 140753 (Sub-No. 1) (Republication), filed July 3, 1975, and published in the FEDERAL REGISTER issue of July 31, 1975, and republished this issue. Applicant: H & D TRUCKING, INC., Route 1, Box 201, Le Gore, Md. 21761. Applicant's representative: Gayle L. Crawford, Jr., P.O. Box 1417, 1329 Penn. Ave., Hagerstown, Md. 21740. An Order of the Commission, Review Board Number 3, dated March 1, 1976 and served March 17, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes of *wooden ladders*, from the facilities of Key Ladder Company located at or near Keysville, Md., to points in Delaware, Florida, Georgia, Kansas, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate that the shipper's facilities are actually located at Keysville (Carroll County), Md., in lieu of Keedysville (Washington County), Md.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

Notice

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use

such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the "Federal Register" of a notice that the proceeding has been assigned for oral hearing.*

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 531 (Sub-No. 330), filed March 1, 1976. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal mucosa*, in bulk, in tank vehicles, from points in the United States (excluding Alaska and Hawaii), to Cordova, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 1931 (Sub-No. 16), filed February 23, 1976. Applicant: VONDER AHE VAN LINES, INC., 600 Rudder Avenue, Fenton, Mo. 63026. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *New furniture, uncrated; new furnishings, uncrated; and new appliances, uncrated; and accessories and parts*, incidental to the commodities described herein which are shipped in the same vehicle and at the same time with such commodities, between points in California, Oregon, and Washington; (b) *new store and office fixtures, uncrated*, and *accessories and parts* incidental thereto which are shipped in the same vehicle and at the same time with the commodities described herein; and (c) *new kitchen and institutional fixtures and equipment, uncrated, and accessories and parts*, incidental thereto which are shipped in the same vehicle at the same time with the commodities described herein, between points in California, Oregon, and Washington, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests Consolidated hearing with Bekins Van Lines Company, Inc., and Allied Van Lines, Inc.

No. MC 2900 (Sub-No. 285), filed February 27, 1976. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Rd., P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: John Carter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery and related products* (except in bulk), and (2) *advertising matter, premium and display materials* when shipped in the same vehicle with commodities described in (1) above, in vehicles equipped with mechanical refrigeration units, from the plantsite and storage facilities of M & M/Mars, a division of Mars, Incorporated, located at or near Waco, Tex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the above named origin and destined to the above named points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Dallas, Tex.

No. MC 2986(Sub-No. 39), filed February 26, 1976. Applicant: I & S—McDANIEL, INC., 1102 Prairie Street, Vincennes, Ind. 47591. Applicant's representative: P. F. O'Bryan(same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between the plantsite of Hoosier Energy Div. (Ind. Statewide Rec.), located at or near Merom, Ind., as an off-route point in connection with applicant's presently authorized regular route operations to and from Sullivan, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 5470 (Sub-No. 105), filed Feb. 25, 1976. Applicant: TAJON, INC., R.D. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Building, 918 16th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent carbon*, in dump vehicles, from points in the United States (except Alaska and Hawaii), to Catlettsburg, Ky., Neville Island, Pa., and Bayport, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 11207 (Sub-No. 362), filed February 27, 1976. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, 702 World Center Bldg., 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel doors, steel door frames, and brass, bronze, copper and steel hardware*, from the plantsite of Ceco Corporation, located at or near Milan, Tenn., to points in Alabama.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birminhgam, Ala., or Memphis, Tenn.

No. MC 13235 (Sub-No. 23) filed February 20, 1976. Applicant: CENTRALIA CARTAGE CO., a Corporation, 650 W. Noleman Street, Centralia, Ill. 62802. Applicant's representative: Jerry Eversgerd (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), serving the Southwind Maritime Center located at or near Mount Vernon (Posey County), Ind. as an off-route point in connection with its regular route from and to Evansville, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Evansville, Ind. or St. Louis, Mo.

No. MC 30605 (Sub-No. 159), filed March 8, 1976. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, 433 East Waterman Street, Wichita, Kans. 67202. Applicant's representative: J. M. Bourk (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite and storage facilities of Houston Chemical Co., a Division of PPG Industries, Inc., located at or near Woodward, Okla., as an off-route point in connection with applicant's regular route operations at Woodward, Okla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans., or Kansas City, Mo.

No. MC 30844 (Sub-No. 561) filed January 19, 1976. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa

50702. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Footwear, footwear accessories, and footwear display cases*, (a) from Huntington, Ind., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas and Wisconsin; and (b) from Huntington, Ind. to points in Connecticut, Delaware, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont and West Virginia, restricted in (a) and (b) above to shipments originating at the warehouses and facilities of Meldisco—Division Melville Shoe Corp., located at Huntington, Ind.; and (2) *footwear, footwear accessories and materials and supplies* used in the distribution of footwear, from points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont to Huntington, Ind., restricted to shipments originating at or destined to warehouses and facilities of Meldisco—Division Melville Shoe Corp., at Huntington, Ind.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 30844 (Sub-No. 563), filed February 18, 1976. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery and related products* (except in bulk); and (2) *advertising matter, premium and display materials* when shipped in the same vehicle with commodities described in (1), in vehicles equipped with mechanical refrigeration, from the plant site and storage facilities of M & M/MARS, a division of Mars, Incorporated located at or near Waco, Tex., to points in Alabama, Arkansas, Colorado, Connecticut, Georgia, Illinois, Indiana, Kansas, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, South Carolina, North Dakota, South Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and Wisconsin, restricted to traffic originating at the above named origin and destined to the above named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 44639 (Sub-No. 88), filed March 3, 1976. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, N.J. 07070. Applicant's representative: Robert B. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel (except commodities in bulk), between Rutherford, N.J.; Culpeper and Narrows, Va.; and Weber City, Va., on the one hand, and, on the other, Hope Mills (Cumberland County), N.C.

NOTE.—Applicant states that the requested authority can be tacked at Rutherford, N.J., to serve New York, N.Y. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Newark, N.J.

No. MC 45910 (Sub-No. 3) filed February 26, 1976. Applicant: ROBERT C. HILTZ, INC., Cape Ann Industrial Park, Gloucester, Mass. 01930. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Bristol, Essex, Hampton, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester, Mass., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in conection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 52110 (Sub-No. 144), filed February 4, 1976. Applicant: BRADY MOTORFRATE, INC., P.O. Box 1000, Staunton, Va., 24401. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, classes A and B explosives, commodities requiring special equipment and household goods as defined by the Commission), serving the plant site and warehouse facilities of Meldisco, Inc., located at or near Huntington, Ind., in connection with applicant's existing regular route authority to serve Fort Wayne, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 59150 (Sub-No. 91), filed March 5, 1976. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, Fla. 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel footwalks*, from Gulfport, Miss., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Gulfport, Miss., or Nashville, Tenn.

No. MC 59720 (Sub-No. 5), filed March 8, 1976. Applicant: KENMORE TRANSPORTATION CO., 22 Eskow Road, Worcester, Mass. 01604. Applicant's representative: Kenneth B. Williams, 84 State Street, Boston, Mass. 02190. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building construction wall sections, aluminum* combined with iron or steel, *aluminum structural forms, hardware, clips, fasteners*, and *materials* used in the installation of such wall sections and structural forms, between the plantsite of Conalco, Inc., Philadelphia, Pa., on the one hand, and, on the other, Detroit, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass., or Washington, D.C.

No. MC 61231 (Sub-No. 90), filed March 1, 1976. Applicant: ACE LINES, INC., 4143 E. 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Vermiculite, vermiculite products, perlite, perlite products, plant bed media, and insulation materials, and materials, equipment, and supplies* used in the manufacturing, processing, and distribution of the above-named commodities, between the plantsites of W. R. Grace & Co. at Phoenix, Ariz.; Little Rock, Ark.; Denver, Colo.; Chicago, and West Chicago, Ill.; Wichita, Kans.; Wilder, Ky.; Dearborn, Mich.; Minneapolis, Minn.; St. Louis, Mo.; Omaha, Nebr.; Dallas, Houston and San Antonio, Tex.; and Milwaukee, Wis., on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming, and (2) *waterproofing compounds, concrete and mortar additives, caulking compounds, joint compounds, sheeting vapor barrier, expansion joint fillers, and construction materials, and materials, equipment and supplies* used in the manufacture, processing and distribution of the above-named commodities, between the plantsite of W. R. Grace & Co., at Chicago, Ill., on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming restricted in (1) and (2) above against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 61502 (Sub-No. 8), filed March 1, 1976. Applicant: WM. McCULLOUGH TRANSPORTATION CO., INC., 1130 U.S. Highway No. 1, Elizabeth, N.J. 07201. Applicant's representative: Ronald I. Shapss, 450 Seventh Ave., New York, N.Y. 10001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in liquid bulk, in tanks

owned or leased by water carrier, between Elizabeth Port Authority Marine Terminal, N.J., and Canadaigua, N.Y., restricted to movements having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 69116 (Sub-No. 181), filed February 17, 1976. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment). Serving Moline, Ill. as an intermediate point on applicant's regular route over U.S. Highway 6 between Omaha, Nebr. and Chicago, Ill., restricted against the transportation of traffic originating at Omaha, Nebr., and points in the Commercial Zone destined to Moline, Ill. and points in its Commercial Zone and further restricted against the transportation of traffic originating at Moline, Ill. and points in its Commercial Zone destined to Omaha, Nebr. and points in its Commercial Zone.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 73165 (Sub-No. 380), filed February 25, 1976. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd St., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cross-ties*, treated and untreated, between points in Alabama, Arkansas, Georgia, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Atlanta, Ga.

No. MC 73165 (Sub-No. 381), filed March 1, 1976. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 830 North 33rd, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road-building machinery, contractors' equipment and supplies, self-propelled vehicles* (except passenger vehicles or truck tractors), and *attachments and parts thereof*, between Irving, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary the applicant requests it be held at either Dallas or Houston, Tex.

No. MC 77129 (Sub-No. 8), filed March 5, 1976. Applicant: RAYMOND H. PUFFER, INC., Box 15, R.D. 1, Vernon, Vt. 05354. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Lehigh, Latrobe and Philadelphia, Pa., to points in New Hampshire and Vermont; and (2) *empty malt beverage containers*, from points in New Hampshire and Vermont to Lehigh, Latrobe and Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Brattleboro, Vt.

No. MC 82063 (Sub-No. 66), filed March 1, 1976. Applicant: KLIPSCH HAULING CO., a Corporation, 119 E. Loughborough, St. Louis, Mo. 63111. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spent phosphoric acid*, in bulk, in tank vehicles, from Cleveland, Miss.; Clanton, Ala.; Kennett, Mo.; Magnolia, Ark. (except the plantsite of Dow Chemical USA, in Columbia County) and the plantsite of Randall Company, in Mississippi County, Ark., to points in Georgia, Louisiana, Tennessee, Arkansas, Kentucky, Alabama, Missouri and Illinois (except points in the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone, as defined by the Commission); and (2) *phosphoric acid*, in bulk, in tank vehicles, from Nashville, Tenn., to points in Arkansas, Louisiana, Mississippi and Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 95540 (Sub-No. 942), filed March 3, 1976. Applicant: WATKINS MOTOR LINES, INC., 1145 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Gulfport, Miss., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or San Francisco, Calif.

No. MC 95540 (Sub-No. 943), filed March 4, 1976. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, scouring or washing compounds*, liquid or other than liquid; *advertising and display material*, from Denver, Colo., to points in Alabama, Arkansas, Florida, Georgia, Missouri, North Carolina, Oklahoma, South Carolina and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Denver, Colo.

No. MC 95540 (Sub-No. 944), filed March 5, 1976. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, Lakeland, Fla. 33802. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Montezuma, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 105461 (Sub-No. 94), filed March 4, 1976. Applicant: HERR'S MOTOR EXPRESS, INC., P.O. Box 8, Quarryville, Pa. 17566. Applicant's representative: Robert R. Herr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, siding materials, and equipment, materials and supplies*, used in the manufacture, distribution, and application of roofing and siding materials, between the facilities of Artic Roofing Company, Inc., at Edgemore, Del., on the one hand, and, on the other, points in New York, west and north of the Counties of Steuben, Schuyler, Tompkins, Cortland, Madison, Oneida, Herkimer, Hamilton, and Essex (including points in the named counties), restricted to traffic originating at or destined to the above named facilities of Artic Roofing Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wilmington, Del., or Washington, D.C.

No. MC 106398 (Sub-No. 737), filed March 2, 1976. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable cement mixing equipment*, from Allentown, Pa., to points in the United States (except Alaska and Hawaii), restricted to transportation in towaway service.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 106674 (Sub-No. 187), filed March 1, 1976. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Agricultural limestock and gypsum,* from Knoxville, Iowa, and Irvington, Ky., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 107403 (Sub-No. 968), filed March 5, 1976. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from the plantsite of Witco Chemical Corporation located at or near Houston, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 107515 (Sub-No. 1002), filed March 5, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Carpet, rugs, and tufted textile products,* from points in that part of Georgia north of U.S. Highway 78 and west of U.S. Highway 411 and Hamilton, Marion, and Bradley Counties, Tenn., to points in Kentucky, Illinois, and Indiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 107839 (Sub-No. 167), filed February 24, 1976. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Ave., P.O. Box 16106, Denver, Colo. 80216. Applicant's representative: David E. Driggers, Suite 1600, Lincoln Center, 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* from the plantsite of Bruce Foods Corporation located at or near Wilson, N.C., to points in Arizona, Alabama, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Louisiana, Kansas, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo., or New Orleans, La.

No. MC 108631 (Sub-No. 8), filed March 5, 1976. Applicant: BOB YOUNG TRUCKING, INC., Schoenersville Road at Industrial Drive, Bethelehem, Pa. 18017. Applicant's representative: Morris Mindlin, 1509 Easton Avenue, Bethlehem, Pa. 18017. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Steel, iron and steel, and iron and steel articles,* from the facilities of M. C. P. Facilities Corp., located in Upper Nazareth Township and the Borough of Bath, Northampton County, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New York, Ohio, Rhode Island, and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Allentown, Bethlehem, Easton, or Philadelphia, Pa.

No. MC 109095 (Sub-No. 23), filed February 5, 1976. Applicant: ANDERSON MOTOR SERVICES, INC., 7525 Ravensridge, St. Louis, Mo. 63119. Applicant's representative: John W. McFadden, Jr., 618 Perpetual Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the facilities of Rimpull Corp., located at or near Olathe, Kans., as an off-route point in connection with applicant's regular route authority to and from Kansas City, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, or St. Louis, Mo.

No. MC 109540 (Sub-No. 34), filed March 1, 1976. Applicant: YEARY TRANSFER COMPANY, INC., 2171 Christian Rd., Lexington, Ky. 40501. Applicant's representative: Chandler L. van Orman, 704 Southern Bldg., 15th & H St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Materials, supplies, and equipment,* used in marketing, packing, storing, processing, and handling or unmanufactured tobacco (except commodities in bulk, in tank vehicles), between points in Florida, Georgia, Kentucky, Maryland, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky., or Washington, D.C.

No. MC 109689 (Sub-No. 295), filed February 25, 1976. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sulfuric acid,* in bulk, from points in Arizona to points in Nevada those points in Utah west of U.S. Highway 89 and north of U.S. Highway 50 those points in Colorado north of U.S. Highway 50 and east of U.S. Highway 285.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 109821 (Sub-No. 45), filed February 27, 1976. Applicant: H. W. TAYNTON COMPANY, INC., 40 Main Street, Wellsboro, Pa. 16901. Applicant's representative: Dewey T. Whitford (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Glass bottles or jars,* from Port Allegany, Pa., to points in Delaware, Maryland, and Virginia; and (2) *commodities and equipment* used in the manufacture, sale and distribution of glass bottles or jars, from points in Delaware, Maryland, and Virginia, to Port Allegany, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 110525 (Sub-No. 1150), filed February 25, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chicken fat,* in bulk, in tank vehicles, from Accomac, Va., to Maspeth, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 110525 (Sub-No. 1151), filed March 5, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry caustic soda,* in bulk, in tank vehicles, from Natrium, W. Va., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

No. MC 110563 (Sub-No. 169), filed March 1, 1976. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such goods, wares and merchandise,* as are used, manufactured or distributed by persons engaged in the manufacture, sale or distribution of sugar, from New York, N.Y., to points in Ohio, Indiana, Michigan, Illinois, Kentucky, Iowa, Missouri and Wisconsin, restricted to the transportation of the above-named commodities in packages or containers and further restricted to traffic originating at the plant or warehouse facilities utilized by Amstar Corporation, at New York, N.Y., and destined to the aforementioned destination states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 110563 (Sub-No. 170), filed March 1, 1976. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W.

Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities utilized by Kingsford Packing Company, Inc., located at or near Fort Wayne, Ind., to points in Alabama, Connecticut, Delaware, Florida, Iowa, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the above-named origin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Ft. Wayne or Indianapolis, Ind.

No. MC 110563 (Sub-No. 171), filed March 1, 1976. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes*, from Clark, and Sioux Falls, S. Dak., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the above-named origin points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 110563 (Sub-No. 172), filed March 3, 1976. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, foodstuffs, margarine, and vegetable oil shortening*, in packages or containers, from the plants or warehouse facilities utilized by CPC International Inc., located in Hudson, Bergen, and Passaic Counties, N.J., to points in Kentucky, Indiana, Illinois, Iowa, Michigan, Missouri, Ohio, and Wisconsin, restricted to traffic originating at the above-named origins and destined to the above destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 110563 (Sub-No. 173), filed March 3, 1976. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green coffee*, from New York, N.Y., and Brooklyn, N.Y.; Jersey City, N.J., and Elizabethport, N.J., to points in Ohio, Michigan, and Illinois, restricted to traffic originating at the plantsites and warehouses facilities utilized by J. Aron and Co. located at or near the above-named origin points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 110563 (Sub-No. 174), filed March 3, 1976. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from New York, N.Y., and its commercial zone, to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Minnesota, North Dakota, South Dakota, Kansas, Nebraska, Iowa, and Wisconsin, restricted to traffic originating at the plantsites and warehouse facilities of Hills Bros. Coffee, Inc., located at or near New York, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 110563 (Sub-No. 175), filed March 8, 1976. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Bldg., Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from St. Louis, Mo., to points in Delaware, Iowa, Kansas, Maine, Nebraska, New Hampshire, Oklahoma, Vermont, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Chicago, Ill.

No. MC 111625 (Sub-No. 21), filed February 25, 1976. Applicant: BERMAN'S MOTOR EXPRESS, INC., P.O. Box 1566, Binghamton, N.Y. 13902. Applicant's representative: J. Edward Derrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite and storage facilities of the Norwich Pharmacal Company, located at or near North Norwich, N.Y., as an off-route point in connection with carrier's otherwise authorized regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Binghamton, N.Y.

No. MC 111729 (Sub-No. 615), filed March 1, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory specimens*, between Las Cruces, N. Mex., and El Paso, Tex., restricted to the transportation of traffic having an immediately prior or subsequent movement by air.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 616), filed March 1, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water samples;* and (2) *related business papers*, from points in Buchanan, Dickinson, Russell, and Wise Counties, Va., to Beckley, W. Va., restricted against the transportation of packages or articles weighing in excess of 50 pounds in the aggregate.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 617), filed March 1, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Powdered plant insecticides* (Class 'B' poison), in packages or articles not to exceed 50 pounds in the aggregate from one consignor to one consignee on any one day, between Blue Point, N.Y., on the one hand, and, on the other, points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Virginia, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 109689 (Sub-No. 295), filed March 1, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media* (except cash letters), (a) between Norfolk, Va., on the one hand, and, on the other, Charlotte,

Chapel Hill, Durham, Elizabeth City, Fayetteville, Gastonia, Greensboro, and Winston-Salem, N.C.; and (b) between Doswell, Va. and Charlotte, N.C.; and (2) *single pairs of sample shoes*, between Norfolk, Va., on the one hand, and, on the other, Charlotte, Chapel Hill, Durham, Elizabeth City, Fayetteville, Gastonia, Greensboro, and Winston-Salem, N.C.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112801 (Sub-No. 181), filed March 5, 1976. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ink*, in bulk, in shipper-owned vehicles, from the plantsite of Sun Chemical Corp., located at Kankakee, Ill., to points in Kentucky, Indiana, Michigan, New York, Ohio, Pennsylvania, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113267 (Sub-No. 332), filed March 1, 1976. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved food products*, in containers, from Napoleon, Ohio, to points in Kentucky and North Carolina, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Indianapolis, Ind.

No. MC 113362 (Sub-No. 293), filed February 25, 1976. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: James R. Ellsworth, 4500 N. State Line Rd., Texarkana, Ark. 75501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery and related products* (except in bulk), and (2) *advertising matter, premium and display materials* when shipped in the same vehicle with commodities described in (1) above, in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of M&M/Mars, a division of Mars, Incorporated located at or near Waco, Tex., to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Michigan, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the above named origin and destined to the above named states.

NOTE.—If a hearing is deemed necessary; the applicant requests it be held at either Dallas, Tex., or Washington, D.C.

No. MC 113651 (Sub-No. 192), filed March 10, 1976. Applicant: INDIANA REFRIGERATED LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in containers (except in bulk and tank vehicles), and *advertising matter, display racks, and premiums*, when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods, Division of American Home Products Corporation located at LaPorte, Ind., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113855 (Sub-No. 340), filed March 3, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, SE., Rochester, Minn. 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves and regulators*, from the plantsite of Grove Valve and Regulator Company located in Washoe County, Nev., to points in the United States, including Alaska, but excluding Hawaii, and points in Canada through ports of entry on the International Boundary lines between the United States and Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Reno, Nev., or San Francisco, Calif.

No. MC 113855 (Sub-No. 341), filed March 3, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors and farm machinery*, and; (2) *attachments, accessories and parts* for the commodities described in (1) above, from Sparks, Nev., to points in Arizona, California, Idaho, Montana, Utah, Washington, and points on the International Boundary line between the United States and Canada located in Washington, Idaho, and Montana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Reno, Nev., or San Francisco, Calif.

No. MC 113908 (Sub-No. 369), filed March 5, 1976. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine, wine products, neutral spirits, distilled spirits, and alcohol*, in bulk, (a) from Roberta, Ga. to Lawrenceburg, Ind.; (b) between Atlanta and Roberta, Ga., on the one hand and, on the other, Lawrenceville, N.J.; (2) *citrus product residue* (except liquid chemicals), and *citrus molasses*, in bulk, from points in Lake, Orange, Pasco, and Polk Counties, Fla. to Atlanta and Roberta, Ga., and their respective commercial zones; and (3) *molasses*, in bulk, from points in Palm Beach and Hendry Counties, Fla., to Atlanta and Roberta, Ga., and their respective commercial zones.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., Chicago, Ill., or Washington, D.C.

No. MC 114045 (Sub-No. 431), filed Feb. 26, 1976. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Finley & Belt Line Rd., Dallas, Tex. 75249. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diagnostic drugs and chemicals and medical supplies* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Winchester, Va., to Salt Lake City, Utah; Denver, Colo., Phoenix, Ariz., Seattle, Wash., and points in California and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 114211 (Sub-No. 261), filed February 25, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard St., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 2440 East Commercial Blvd., Ft. Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm machinery and agricultural implements, parts, attachments, and accessories*, from Holden, Mo., to points in the United States (except Alaska and Hawaii); and (2) *equipment, materials and supplies*, used in the manufacture or distribution of the commodities in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to Holden, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Chicago, Ill.

No. MC 114211 (Sub-No. 262), filed February 27, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard St., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 2440 East Commercial Blvd., Ft. Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Lumber, lumber and wood products, millwork, and mouldings*, from points in California, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif., or Portland, Oreg.

No. MC 114457 (Sub-No. 254), filed February 27, 1976. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of North Side Packing Company, at or near Pittsburgh, Pa., to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn., or Chicago, Ill.

No. MC 115331 (Sub-No. 405), filed February 26, 1976. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and limestone products*, in bulk, from Ste. Genevieve, Mo., to points in Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115496 (Sub-No. 41), filed February 25, 1976. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plantsite of Red Hill Chip Corporation, at or near Conway, S.C., and its sales facilities, at Rieglewood (Columbus County), N.C., to point in Alabama, Florida, Georgia, Kentucky, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Columbia, S.C.

No. MC 115669 (Sub-No. 154), filed March 2, 1976. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the terminal site of Agrico Chemical Company, at or near Falls City, Nebr., to points in Iowa, Kansas, and Missouri; (2) *salt*, in bulk, from the plantsite of Morton Salt Company, at Hutchinson, Kans., to the plantsite of E. I. Dupont De Numours & Company, at or near Woodstock, Tenn.; and (3) *dry feed ingredients*, from the plantsite of American Cyanamid Company, at or near Weeping Water, Nebr., to points in Arkansas, Illinois, Missouri, Montana, New Mexico, North Dakota, and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 115669 (Sub-No. 155), filed March 9, 1976. Applicant: DAHLSTEN TRUCK LINE, INC., 101 West Edgar St., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Malt beverages*, and (b) *such merchandise* as is used in the sale, promotion and distribution of malt beverages when moving at the same time, in the same vehicle with (1)(a) above, from St. Paul, Minn., to Hutchinson and Salina, Kans.; and (2) *empty malt beverage containers, pallets, platforms, and skids* used for transporting malt beverages, from Hutchinson and Salina, Kans., to St. Paul, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita or Hutchinson, Kans.

No. MC 115841 (Sub-No. 512), filed March 3, 1976. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 200, 105 Vulcan Road, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail food chains and grocery houses (except in bulk), from points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana to Norfolk, Va.; Atlanta and Thomasville, Ga.; Columbia, S.C., and Raleigh, N.C., and points in their Commercial Zones, restricted to the transportation of traffic originating at the named origins and destined to the warehouse or other facilities utilized by Colonial Stores, Inc., at the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 115841 (Sub-No. 514), filed March 3, 1976. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 200, 105 Vulcan Road, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products* (except in bulk), from Boston, Cambridge, Norwood, Wilmington, and Mansfield, Mass., and Ashton, R.I., to points in California, Colorado, Nevada, Montana, Oregon, Utah, Washington, and Chicago, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass., or Denver, Colo.

No. MC 115841 (Sub-No. 515), filed March 5, 1976. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 200, Vulcan Life Bldg., 107 Vulcan Road, Birmingham, Ala. 35202. Applicant's representative: Terry P. Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Union City and Humboldt, Tenn., to (1) points in Colorado, Wisconsin, and Minnesota and (2) points in Delaware, Florida, Georgia, Louisiana, Maryland, Texas, Virginia, West Virginia, California, Alabama, and Mississippi (except frozen meats already authorized in part (2)).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Memphis or Nashville, Tenn.

No. MC 116254 (Sub-No. 155), filed March 1, 1976. Applicant: CHEM-HAULERS, INC., P.O. Box 245, Sheffield, Ala. 35660. Applicant's representative: Douglas O. Logue (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Columbia, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Atlanta, Ga.

No. MC 116254 (Sub-No. 157), filed March 3, 1973. Applicant: CHEM-HAULERS, INC., P.O. Box 245, Sheffield, Ala. 35660. Applicant's representative: Hampton M. Mills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in bulk, in dump vehicles, between points in Jefferson County, Ala., on the one hand, and, on the other, points in Colorado, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Washington, D.C.

No. MC 116254 (Sub-No. 158), filed March 1, 1976. Applicant: CHEM-HAULERS, INC., P.O. Box 245, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium sulphate and sodium sulfite and mixtures thereof*, dry, in bulk in tank vehicles, from Montgomery, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham or Montgomery, Ala., or Atlanta, Ga.

No. MC 116325 (Sub-No. 73), filed February 6, 1976. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, P.O. Box 8, Lutesville, Mo. 63762. Applicant's representative: Jennings Bond (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed auto bodies, solid waste, scrap metals*, ferrous and nonferrous for recycling purposes from points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Tennessee, and Wisconsin, to points in Illinois.

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated record with other similar applications at St. Louis, Mo., or Chicago, Ill.

No. MC 116763 (Sub-No. 336), filed March 1, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, prepared, or preserved foodstuffs*, from points in Spartanburg County, S.C., to points in Alabama, Georgia, Illinois, Iowa, Kansas, Kentucky, Minnesota, Iowa, Kansas, Kentucky, Carolina, North Dakota, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Cherokee Products Co., in Spartanburg County, S.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 116915 (Sub-No. 24), filed February 23, 1976. Applicant: ECK MILLER TRANSPORTATION CORPORATION, 2015 Alsop Lane, P.O. Box 1279, Owensboro, Ky. 42301. Applicant's representative: Fred Bradley, Box 773, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, and accessories*, between Mount Vernon, Ind., and Aberdeen, Miss., on the one hand, and, on the other, points in and east of Iowa, Kansas, Minnesota, Oklahoma, and Texas (except Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont), restricted to shipments moving from or to the Evansville Plastic, Incorporated plantsites.

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated hearing with other applications at Lexington, Ky.; Louisville, Ky.; or Washington, D.C.

No. MC 117068 (Sub-No. 62), filed March 8, 1976. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Richard C. McGinnis, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel tanks, seat cabs, and seat cab attachments*, from Menomonee Falls, Wis., and DeWitt, Iowa, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Milwaukee, Wis.

No. MC 117119 (Sub-No. 568), filed March 1, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail, discount department or variety stores* (except commodities in bulk), from the facilities of Wesmor Shipping, Inc., located at or near Secaucus, N.J., to the warehouse facilities of Wal-Mart Stores, Inc., located at or near Bentonville, Ark., restricted to traffic originating at and destined to the named facilities.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Little Rock, Ark., or Kansas City, Mo.

No. MC 117119 (Sub-No. 569), filed March 1, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionary and related products*, (except in bulk), in vehicles equipped with mechanical refregeration; and (2) *advertising matter, premium and display materials*, when shipped in the same vehicle with commodities described in (1) above, from the plant site and storage facilities of M&M/MARS, a division of MARS, Inc., located at or near Waco, Tex., to points in Arizona, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oregon, South Dakota, Tennessee, Utah, Washington, Wisconsin, and Wyoming, restricted to traffic originating at the above named origin and destined to the above named points.

NOTE.—Common control may be involved. Dual operations may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Dallas, Tex.

No. MC 117119 (Sub-No. 570), filed March 4, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising and empty cartons* (except in bulk), from the plantsites and storage facilities of Olympia Brewing Company, located at Olympia, Wash., to Boise and Burley, Idaho.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash., or Portland, Oreg.

No. MC 117940 (Sub-No. 174), filed March 8, 1976. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by discount and variety stores (except foodstuffs and commodities in bulk), from the facilities of U.S. Packing and Shipping Company located at Jersey City, N.J., to points in Illinois, Minnesota, Missouri, Ohio and Texas, restricted to traffic originating at the facilities of U.S. Packing and Shipping Company located at Jersey City, N.J., and destined to points in the above named destination states.

NOTE.—Applicant holds contract carrier authority in No. MC 114789 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 118034 (Sub-No. 23), filed March 5, 1976. Applicant: MILLER TRUCK LINE, INC., 901 N.E. 28th Street, Fort Worth, Tex. 76106. Applicant's representative: Mert Starnes, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 206 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Swift & Company, located at Clovis, N. Mex., and Guymon, Okla., to Memphis, Tenn., restricted to the transportation of traffic originating at the plantsite of Swift & Company and destined to Memphis, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the appli-

cant requests it be held at either Dallas, Tex., or Oklahoma City, Okla.

No. MC 118142 (Sub-No. 118), filed March 1, 1976. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Walla Walla County, Wash., to points in California, Colorado, Iowa, Kansas, and Nebraska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans., or Kansas City, Mo.

No. MC 118178 (Sub-No. 25), filed February 25, 1976. Applicant: BILL MEEKER, 1733 North Washington, P.O. Box 11184, Wichita, Kans. 67202. Applicant's representative: Gailyn L. Larsen, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Wichita, Kans., and the plantsite and facilities of Casa Fiesta, Inc., located at or near Dallas, Tex., to points in Florida, Illinois, Iowa, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in No. MC 110064 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans.

No. MC 118922 (Sub-No. 12), Applicant: CARTER TRUCKING CO., INC., P.O. Box 126, Locust Grove, Ga. 30248. Applicant's Representative: Williams Addams, Suite 232, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. No. MC 118922 Sub 12 was published in the FEDERAL REGISTER of March 18, 1976, that notice should be disregarded.

No. MC 119443 (Sub-No. 34), filed March 1, 1976. Applicant: P. E. KRAMME, INC., Main St., Monroeville, N.J. 08343. Applicant's representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, Pa. 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate products, chocolate liquor, confectioner's products, cocoa butter, and vegetable oil* in bulk, in tank vehicles, (1) from the facilities of M&M/MARS, Inc., located at or near Elizabethtown, Pa., and Hackettstown, N.J., to points in Texas; (2) from the facilities of M&M/MARS, Inc., located at or near Waco, Tex., to the facilities of M&M/MARS, Inc., located at or near Albany, Ga., Chicago, Ill., Elizabethtown, Pa., and Hackettstown, N.J.; and (3) from the facilities of M&M/MARS, Inc., located at or near Albany, Ga., and Chicago, Ill., to the facilities of M&M/MARS, Inc., located at or near Waco, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119789 (Sub-No. 282), filed March 1, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., 2340 Fidelity Union Tower, P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, and chemicals*, from Elkhart, Ind., to points in Colorado, Missouri, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Elkhart or South Bend, Ind.

No. MC 119792 (Sub-No. 54), filed February 27, 1976. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, 3600 South Western Ave., Chicago, Ill. 60609. Applicant's representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles* used, handled and distributed by chain stores and chain store warehouses, from points in Alabama, Arkansas, Florida, Georgia, Iowa, Indiana, Kentucky, Louisiana, Mississippi, Minnesota, Michigan, North Carolina, Ohio, South Carolina, Tennessee, and Wisconsin, to Northlake and Chicago, Ill., restricted to traffic destined to facilities of Dominicks Food Stores and Warehouses.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119864 (Sub-No. 65), filed March 8, 1976. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Rd., Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* dealt in by food distributors or wholesale and retail grocers (except commodities in bulk), from Detroit, Mich., to points in Indiana, Illinois, Kentucky, and Ohio, restricted to the transportation of traffic originating at the facilities of U. S. Cold Storage located at Detroit, Mich., and destined to points in the above described destination territory.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 119880 (Sub-No. 80), filed March 8, 1976. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: Bruce A. Bullock, 530 Univac Bldg., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Atchison, Kans., and Muscatine, Iowa, to Portland, Oreg.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 120257 (Sub-No. 26), filed March 2, 1976. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo Street, Terrell, Tex. 75160. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plantsite and warehouse facilities of Vanply, Inc., at or near Many, La., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Atlanta, Ga.

No. MC 123407 (Sub-No. 294), filed February 26, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass and glass glazing units*, from Truesdail and St. Louis, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo. or Chicago, Ill.

No. MC 123407 (Sub-No. 295), filed March 3, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass, glass doors and fittings, and glass glazing units*, fom Toledo, Ohio, and Clinton and Laurinburg, N.C., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124004 (Sub-No. 31), filed March 3, 1976. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta, N.J. 07871. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bark, quarry products and stone*, from points in North Carolina, to points in Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Vermont, New Hampshire, Massachusetts, Maine, Ohio, Rhode Island, West Virginia, and the District of Columbia: (2) *commodities*, the transportation of which is partially exempt under the provisions of Section 203(b)(6) of the Interstate Commerce Act, as amended, when transported at the same time and in the same vehicles with the foregoing commodities in (1) above, from and to the same points as

shown in (1) above; (3) *stone*, from Westminster, Md., to points in Rockingham County, Va.; and (4) *terrazzo, marble, crushed stone, and materials, equipment and supplies*, used or useful in the manufacture, installation and sale of the foregoing commodities, from points in New Jersey, north of New Jersey Highway 33 and points in the New York, N.Y., Commercial Zone as defined by the Commission, to points in New York, Connecticut, New Jersey, Vermont, New Hampshire, Massachusetts, Maine, Rhode Island, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Ohio, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 124109 (Sub-No. 15), filed March 11, 1976. Applicant: B. F. C. TRANSPORTATION, INC., 708 "J" Street, P.O. Box 985, Cedar Rapids, Iowa 52406. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lignin liquor*, in bulk, from Fort Madison, Iowa, to points in Arkansas, Colorado, Illinois, Kansas, Minnesota, Missouri, Montana, Nebraska, Oklahoma, South Dakota, and Wyoming; (2) *rolled paper*, from Fort Madison, Iowa, to points in Minnesota, Michigan, Indiana, and Ohio; and (3) *material, equipment, and supplies* used in the manufacture, processing and distribution of rolled paper, between Fort Madison, Iowa, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, all of the above are under a continuing contract, or contracts with Consolidated Packaging Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or St. Louis, Mo.

No. MC 124117 (Sub-No. 17), filed March 1, 1976. Applicant: EARL FREEMAN, doing business as MID-TENN EXPRESS, P.O. Box 101, Eagleville, Tenn. 37060. Applicant's representative: Robert L. Baker, Suite 618, Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from Ft. Worth, Houston, and San Antonio, Tex., to points in Alabama, Georgia, Kentucky, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 124656 (Sub-No. 11), filed March 4, 1976. Applicant: JOHN LONG TRUCKING INC., 1030 Denton Street, Sapulpa, Okla. 74066. Applicant's representative: Dean Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, from Muskogee and Ada, Okla., to points in Arizona, California, Colorado, and New Mexico, under a continuing contract or contracts with Brockway Glass Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 124692 (Sub-No. 164), filed February 27, 1976. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: J. David Douglas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and fiberglass building and construction materials and supplies*, from Denver, Colo., to points in Arizona, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Wisconsin, Illinois, Oklahoma, North Dakota, South Dakota, Utah, Wyoming, Iowa, Minnesota, Missouri, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash., or Denver, Colo.

No. MC 124692 (Sub-No. 168), filed March 2, 1976. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: J. David Douglas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut log and wood buildings and materials and supplies*, used in the construction and erection thereof, from Thompson Falls, Mont., to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Missoula, Mont., or Spokane, Wash.

No. MC 125023 (Sub-No. 35), filed March 5, 1976. Applicant: SIGMA-4 EXPRESS, INC., P.O. Box 9117, Erie, Pa. 16504. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising material* moving therewith, (1) from Baltimore, Md., to Milwaukee, Wis.; and (2) from Milwaukee, Wis., to points in Maryland.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa., or Washington, D.C.

No. MC 125433 (Sub-No. 72), filed March 8, 1976. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Rd., Salt Lake City, Utah 84104. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, plastic and iron fittings and connections, valves, hydrants, and gaskets and related commodities*, used in the installation of plastic pipe and plastic conduit (except commodities as described in Mercer Extension Oilfield Commodities, 74 M.C.C. 459), from the plantsite and storage facilities of the Clow Corporation located at or near Columbia, Mo., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Columbia, Mo.

No. MC 125777 (Sub-No. 165), filed March 10, 1976. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent carbon* in bulk, in dump vehicles, from points in the United States (except Alaska and Hawaii), to Catlettsburg, Ky., Neville Island, Pa., and Bayport (Houston), Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 125777 (Sub-No. 166), filed March 5, 1976. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass Cullet*, in bulk, in dump vehicles, between points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 125997 (Sub-No. 9), filed March 3, 1976. Applicant: L. C. FOESCH, doing business as FOESCH TRANSFER LINE, Box 434, Shawano, Wisc. 54166. Applicant's representative: John D. Varda and Michael S. Varda, 121 S. Pinckney Street, Madison, Wisc. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crates, box shook, dimension stock, pallets, and wooden material handling containers*, from Shawano, Wis., to points in Illinois on and north of U.S. Highway 24; and (2) *wire nails and wire steel products*, from the destination area described in (1) above, to Shawano, Wisc., under contract with Hotz Manufacturing Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Green Bay, Wisc.

No. MC 126118 (Sub-No. 19), filed February 13, 1976. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt bev-*

erages and related advertising materials, from San Antonio, Tex., to points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 128375 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Antonio, Tex., or Lincoln, Nebr.

No. MC 126189 (Sub-No. 2), filed March 1, 1976. Applicant: OSCEOLA TRANSIT, INC., P.O. Box 389, Osceola, Ark. 72370. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refined margarine soybean oil*, in bulk, in tank vehicles, from Marks, Miss., to Osceola, Ark., under a continuing contract or contracts with Osceola Foods, Inc., and Cook Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 127115 (Sub-No. 11), filed March 1, 1976. Applicant: MILLER'S TRANSPORT, INC., 510 West Fourth North, Hurum, Utah 84319. Applicant's representative: Harry D. Pugsley, 315 East 2nd South, Suite 400, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cellular expanded plastic and rubber foam, upholstery supplies and accessories, carpeting and carpet pads*, from points in the Los Angeles, Calif. Commercial Zone, to points in Ada, Bannock, Bonneville, Cassia, and Twin Falls Counties, Idaho, points in Utah, points in Clark and Washoe Counties, Nev., and points in Maricopa and Pima Counties, Ariz., under a continuing contract or contracts with Upholstery Supply Co./Ramco, Salt Lake City, Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 127647 (Sub-No. 3), filed March 1, 1976. Applicant: RALPH H. LARSEN, 195 Roundtoft Drive, Salt Lake City, Utah 84123. Applicant's representative: Harry D. Pugsley, Suite 400, 315 East 2nd Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, in mixed loads with the commodities described in (2); and (2) *fresh fruits and vegetables*, which are exempt from economic regulations, under Section 203(b)(6) of the Act, in mixed loads with bananas, from Long Beach, Calif., to Salinas and Indio, Calif., and points in Montana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 128007 (Sub-No. 88), filed March 1, 1976. Applicant: HOFER, INC., P.O. Box 583, Pittsburgh, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat meal, meat scraps, tankage, blood meal, bone meal, and poultry meal*, from points in Vernon, Moniteau, Jasper, McDonald, Saline, Carroll, and Bates Counties, Mo., to points in Akansas, Oklahoma, Kansas, Texas, and Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128338 (Sub-No. 3), filed Feb. 25, 1976. Applicant: RINGER TRUCKING, INC., Route 1, Box 54, Markleysburg, Pa. 15459. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in tank vehicles, (1) (a) from the bulk plant facilities of Ringer Petroleum Company, at Markleysburg, Pa., to points in West Virginia, Maryland, Virginia, and Ohio; and (b) from points in West Virginia, Maryland, Virginia, and Ohio, to the plant facilities of Ringer Petroleum Company, at Markleysburg, Pa.; and (2) from points in Ohio, Maryland, and Pennsylvania, to the Ringer Petroleum Company, in Pennsylvania, West Virginia, Maryland, and Virginia, under a continuing contract with Ringer Petroleum Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128383 (Sub-No. 67), filed March 3, 1976. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, and motor vehicles requiring the use of special equipment), between Douglas Municipal Airport, Charlotte, N.C. and Hartsfield International Airport, Atlanta, Ga., on the one hand, and, on the other, the Dallas Ft.-Worth International Airport near Fort Worth, Tex.; Houston Intercontinental Airport, Houston, Tex.; Will Rogers World Airport, Oklahoma City, Okla.; Wiley Post Airport, Oklahoma City, Okla.; Tulsa International Airport, Tulsa, Okla.; Los Angeles International Airport, Los Angeles, Calif.; and San Francisco International Airport, San Francisco, Calif.; restricted to the transportation of traffic having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128988 (Sub-No. 79), filed March 1, 1976. Applicant: JO/KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities in bulk), from points in Adams, Allegheny, Beaver, Delaware, Mercer, and Westmoreland Counties, Pa., to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, restricted against the transportation of commodities which by reason of size or weight require the use of special equipment, and further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 129602 (Sub-No. 4), filed March 1, 1976. Applicant: DAVID H. LADD TRUCKING, INC., 102 Pawnee Court, Durham, N.C. 27704. Applicant's representative: David H. Ladd (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete blocks*, from the plantsite of Adams Concrete Products, Inc., located at Durham, N.C., to points in Alabama, Florida, Kentucky, Maryland, Tennessee, West Virginia, and the District of Columbia, under a continuing contract or contracts with Adams Concrete Products Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Durham, Raleigh, or Greensboro, N.C.

No. MC 133478 (Sub-No. 18), filed March 5, 1976. Applicant: HEARIN TRANSPORTATION, INC., 8565 S.W. Beaverton-Hillsdale Highway, Portland, Oreg. 97225. Applicant's representative: Brian S. Stern, 2425 Wilson Boulevard, Arlington, Va. 22201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials* (except commodities in bulk and cement) and *fire logs*, (a) between points in Washington, Oregon and California; and (b) from points in Oregon and California, to points in and west of Wisconsin, Iowa, Missouri, Arkansas, and Louisiana; (2) *building materials* (except commodities in bulk and cement), from the facilities of DG Shelter Products Co. at El Paso, Tex., to points in and west of Wisconsin, Iowa, Missouri, Arkansas, and Louisiana (except Alaska, Hawaii, and Texas); (3) *fire logs*, from the facilities of DG Shelter Products Co.

at Austin, Tex., to points in the United States (except Alaska, Hawaii and Texas); (4) *aluminum ingots*, from points in Washington and Oregon to the facilities of DG Shelter Products Co. at City of Industry, Calif.; (5) *soil conditioners and amendments* (except anyhydrous ammonia in bulk), from points in California to points in Oregon and Nevada; and (6) *fertilizer*, in bags, from the facilities of DG Shelter Products Co. at Los Banos, Calif., to points in Oregon and Nevada, parts (1) through (6) under contract with DG Shelter Products Co.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg., or Seattle, Wash.

No. MC 133562 (Sub-No. 17), filed February 24, 1976. Applicant: HOLIDAY EXPRESS CORPORATION, P.O. Box 115, Estherville, Iowa 51334. Applicant's representative: Merle Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh beef and pork gullets, livers and lungs*, (1) from Sioux Falls, S. Dak., to the plantsite of Richland Foods, Inc., at Estherville, Iowa; and (2) from the plantsite of Richland Foods, Inc., at Estherville, Iowa, to points in Illinois, Louisiana, Missouri, Nebraska, Ohio, and Pennsylvania, restricted to the transportation of traffic originating at the named origins and destined to the named destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Sioux City, Iowa.

No. MC 134035 (Sub-No. 7), filed March 1, 1976. Applicant: DOUGLAS TRUCKING COMPANY, INC., 5611 East Imperial Highway, South Gate, Calif. 90280. Applicant's representative: Don Garrison, P.O. Box 657, Haines City, Fla. 33844. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electronic equipment, parts, and supplies*, from Compton, Calif., to points in Florida, Illinois, New Jersey, and Texas, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Akai America, Ltd., at Compton, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 134035 (Sub-No. 12), filed March 1, 1976. Applicant: DOUGLAS TRUCKING COMPANY, a Corporation, 5611 East Imperial Highway, South Gate, Calif. 90280. Applicant's representative: Don Garrison, P.O. Box 657, Haines City, Fla. 33844. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Builders supplies*, from City of Industry, Calif., to Elkhart, Ind., restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Arthur Cox & Sons, Inc., located at or near City of Industry, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134035 (Sub-No. 13), filed March 4, 1976. Applicant: DOUGLAS TRUCKING COMPANY, INC., 5611 East Imperial Highway, South Gate, Calif. 90280. Applicant's representative: Don Garrison, P.O. Box 657, Haines City, Fla. 33844. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sickroom and party equipment*, from Los Angeles, Calif., to points in Massachusetts, Mississippi, and South Carolina, restricted to traffic originating at the warehouse and facilities of Abbey Rents, Inc., located at Los Angeles, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 134323 (Sub-No. 81), filed March 8, 1976. Applicant: JAY LINES, INC., 720 North Grand, Amarillo, Tex. 79105. Applicant's representative: Gailyn Larsen, P.O. Box 81849, 521 South 14th, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk), from points in Bergen, Camden, Middlesex, and Somerset Counties, N.J., to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Oregon, Tennessee, Texas, and Washington, under a continuing contract or contracts with Union Carbide Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York City, N.Y., or Lincoln, Nebr.

No. MC 134477 (Sub-No. 98), filed March 1, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Matches and woodenware* (except commodities in bulk), from Cloquet, Minn., to Detroit, Mich., Springfield, Mass., and Severn, Md.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 13447 (Sub-No. 99), filed March 1, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Matches and Woodenware* (except commodities in bulk), from Cloquet, Minn., to Dallas, Garland, and Houston, Tex., and Oklahoma City, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 101), filed March 1, 1976. Applicant: SCHANNO TRANSPORTATION, INC., P.O. Box 3496, 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Matches and woodenware* (except commodities in bulk), from Dixfield and Oakland, Maine, and Springfield, Mass., to Denver, Colo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 102), filed March 5, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pretzels*, in boxes, and *materials and supplies* used in the preparation of pretzels, form the facilities of J & J Snack Food Corporation located at or near Pennsauken, N.J., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, South Dakota, and Wisconsin, restricted to the transportation of shipments originating at the above named origin points and destined to the above named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 103), filed March 8, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* (except commodities in bulk), as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Huron, S. Dak., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Michigan, Missouri, Nebraska, North Dakota, Texas, and Wisconsin, restricted to shipments originating at the plantsite and storage facilities of Huron Dressed Beef, Inc., located at or near Huron, S. Dak., and destined to points in the above named States.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 104), filed March 5, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pretzels*, in boxes, *and materials and supplies*, used in the preparation of pretzels, from the facilities of J & J Snack Food Corporation located at or near Pennsauken, N.J., to points in Arkansas, Louisiana, Tennessee, Oklahoma,

and Texas, restricted to the transportation of shipments originating at the above described origin points and destined to the above described destination points.

NOTE.—If a hearing is deemed necessary, the applicant request it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 105), filed March 8, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* (except commodities in bulk), as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Huron, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to shipments originating at the plantsite and storage facilities of Huron Dressed Beef, Inc., located at or near Huron, S. Dak., and destined to points in the above named states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134922 (Sub-No. 162), filed March 11, 1976. Applicant: B. J. McADAMS, INC., Rt. 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and meat, meat products and meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Des Moines, Iowa, to points in Alabama, Arizona, California, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa, or Little Rock, Ark.

No. MC 135231 (Sub-No. 16), filed February 25, 1976. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1, Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses (except commodities in bulk and foodstuffs), from St. Cloud, Minn., to Worcester, Mass., New York, N.Y., Orlando, Fla., and the District of Columbia, restricted to transportation of shipments originating at the plantsite and storage facilities of Fingerhut Manufacturing Co., located at or near St. Cloud, Minn., and destined to U.S. Post Offices or United Parcel Service, Inc., for immediate and subsequent movement by U.S. Mail or United Parcel Service, Inc.

NOTE.—Applicant holds contract carrier authority in MC 134145 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 135236 (Sub-No. 9), filed March 3, 1976. Applicant: LOGAN TRUCKING, INC., 801 Erie Avenue, Logansport, Ind. 46947. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Philadelphia, Pa., to points in Ohio, Indiana, Illinois, Missouri, Michigan, Wisconsin, Iowa, Kentucky, and Minnesota; and (2) from Baltimore, Md., to points in Illinois, Michigan, Indiana, Wisconsin, Colorado, Iowa, Louisiana, Minnesota, Virginia, Oklahoma, Tennessee, Texas, and Missouri; and (2) *used empty malt beverage containers* on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 135384 (Sub-No. 18), filed February 26, 1976. Applicant: SPECIALIZED TRUCK SERVICE, INC., Highway 81 & I–75, Rte. 3, McDonough, Ga. 30253. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, related advertising material, and empty malt beverage containers*, (1) between the facilities of Pabst Brewing Company, located at Houston County, Ga., and points in Texas; and (2) between the facilities of Lone Star Brewing Company, located at San Antonio, Tex., and points in Illinois, Tennessee, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 135410 (Sub-No. 4) (Correction), filed December 19, 1975, published in the FEDERAL REGISTER issue of January 29, 1976, and March 4, 1976, as MC 135410 (Sub-No. 3), republished as corrected this issue. Applicant: COURTNEY J. MUNSON, doing business as MUNSON TRUCKING, 700 South Main, Monmouth, Ill. 61462. Applicant's representative: Jack H. Blanshan, Suite 200, W. Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Wilson & Co., located at or near Logansport, Ind., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to partial loading at the named origin in conjunction with the movement of traffic originating at the facilities of Wilson & Co. located at or near Monmouth, Ill.

NOTE.—The purpose of this republication is to correct docket number MC 135410 (Sub-No. 4) in lieu of MC 135410 (Sub-No. 3) in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 135732 (Sub-No. 16), filed March 8, 1976. Applicant: AUBREY FREIGHT LINES, INC., 615 Grove Street, P.O. Box 503, Elizabeth, N.J. 07202. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen prepared foods*, from the facilities of or utilized by The Kitchens of Sara Lee Corporation, located at New Hampton, Iowa, Chicago and Deerfield, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia; and (2) *frozen fruits*, from points in Michigan on and west of U.S. Highway 131, to the New York, N.Y., Commercial Zone; Philadelphia, Pa., Commercial Zone, and those points in Norfolk and Newport News, Va., restricted to shipments for export and further restricted to the transportation of shipments originating at the specified origin points and destined to the specified destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 135787 (Sub-No. 2), filed March 1, 1976. Applicant: R. A. TENNANT TRUCKING, INC., 11620 60th, NE., Lake Stevens, Wash. 98258. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbing and heating fixtures, equipment, supplies, and accessories*, from Colton, Calif., to points in Oregon and Washington, under a continuing contract or contracts with Colton Manufacturing, Inc., Los Angeles, Calif.; and (2) *shakes, shingles, and ridge trim*, from Lake Stevens, Wash., to points in California, under a continuing contract or contracts with Pugsley Celar Prod. Inc., Lake Stevens, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash., or Los Angeles, Calif.

No. MC 135811 (Sub-No. 9), filed March 1, 1976. Applicant: GARDNER TRUCKING CO., INC., 320 Woodlawn, Box 567, Walterboro, S.C. 29488. Appli-

cant's representative: Theodore Polydoroff 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Welders, welding products and parts, materials, equipment and supplies* used in connection therewith; and *materials and supplies* used in the manufacture of welders, welding products, and related items, between points in the United States (except Alaska and Hawaii), restricted to the transportation of shipments originating at or destined to the plantsites, warehouses, and branch facilities of Chemetron Corporation and further restricted to traffic moving under a continuing contract or contracts with Chemetron Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135861 (Sub-No. 10), filed March 2, 1976. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, 2715 Ellis Ave., Fort Worth, Tex. 76106. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and facilities of Maverick Beef Packers, Inc., at or near Eagle Pass, Tex., to points in the United States (except Alaska and Hawaii), under contract with Maverick Beef Packers, Inc., at Eagle Pass, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fort Worth, San Antonio, or Dallas, Tex.

No. MC 136008 (Sub-No. 70), filed March 1, 1976. Applicant: JOE BROWN COMPANY, INC., a Corporation, P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, Suite 200, Timbergate Office Gardens, 6161 North May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aggregate* (in dump vehicles), (a) from points in Arkansas, to points in Louisiana, Oklahoma, and Texas; and (b) from points in Camp Nacogdoches, and Rusk Counties, Tex., to points in Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Oklahome City, Okla., or Little Rock, Ark.

No. MC 136391 (Sub-No. 4), filed February 12, 1976. Applicant: BILL'S MOVING, INC., doing business as A–1 PIONEER MOVING AND STORAGE, 471 West 5th South, Salt Lake City, Utah 84101. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cloth* for recycling, from points in Utah to Salt Lake City, Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 136423 (Sub-No. 5), filed March 2, 1976. Applicant: EMPIRE DIRECT SHIPPERS, INC., 400 Sip Avenue, Jersey City, N.J. 07306. Applicant's representative: Kenneth R. Davis, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granulated sugar substitutes, non-fat dry milk, instant flavored broth, and seasoning*, dry, in containers, from New Paltz, N.Y., to Dallas, Tex.; Chicago, Ill.; Atlanta, Ga., and LaHabra, Calif., under contract with Foodways New York, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136897 (Sub-No. 16), filed March 3, 1976. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, Phoenix Ariz. 85041. Applicant's representative: Donald E. Fernaays, Suite 320, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of CF & I Steel Corporation, located at Pueblo, Colo., to points in Arizona and California, under a continuing contract with CF & I Steel Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Phoenix, Ariz., or Pueblo, Colo.

No. MC 138039 (Sub-No. 4), filed March 8, 1976. Applicant: BAY DELIVERY CORP., 105 Price Parkway, Farmingdale, N.Y. 11735. Applicant's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, New York 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in, used by, and sold by distributors of toys, sporting goods and housewares, and *related commodities*, between points in Dade County, Fla., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y., restricted to a transportation service to be performed under a continuing contract or contracts with Watson Triangle Company located in Miami, Fla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 138235 (Sub-No. 5), filed January 14, 1976. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 412 Route 23, Pompton Plains, N.J. 07444. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles, hardware, conveyors and conveyor equipment, furniture, power equipment, wheel goods, and bicycles and parts thereof and attachments and accessories therefor and materials, equipment and supplies*, used in the manufacture and distribution thereof, between the plantsites and storage facilities of MTD Products, Inc., located at or near Cleveland, Strongsville, Willard and Shelby, Ohio, on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma and Texas, under a continuing contract with MTD Products, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 138274 (Sub-No. 27), filed March 4, 1976. Applicant: SHIPPERS BEST EXPRESS, INC., 2151 North Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Columbia Foods, Inc., located at or near Wallula, Wash., to points in Arizona, California, Nevada, and Utah.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 138926 (Sub-No. 5), filed March 1, 1976. Applicant: GENCOM, INC., R.R. #4, Marshall, Mo. 65340. Applicant's representative: Thomas P. Rose, Jefferson Building, P.O. Box 205, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients* (except salt and urea), between points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City or Jefferson City, Mo.

No. MC 138933 (Sub-No. 5), filed March 5, 1976. Applicant: DEUTZ & CROW CONCRETE CORP., Box 585, Marshall, Minn. 56258. Applicant's representative: James B. Hovland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Bulk cement*, from Watertown, S. Dak., to Marshall, Canby and Madison, Minn., under a continuing contract or contracts with Deutz & Crow Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul or Minneapolis, Minn. or Fargo, N. Dak.

No. MC 138991 (Sub-No. 11), filed March 8, 1976. Applicant: K. J. TRANSPORTATION, INC., P.O. Box 9764, Rochester, N.Y. 14623. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract*

carrier, by motor vehicle, over irregular routes, transporting: *Chilled juices* moving in mechanically temperature controlled equipment and non-carbonated canned juices (not to exceed 10,000 lbs. per load) when moving in mixed loads with chilled juices, from Hightstown, N.J., to points in New York, except New York City, Delaware, Greene, Columbus, Sullivan, Ulster, Dutchess, Orange, Putnam, Rockland, Westchester, Nassau and Suffolk Counties, N.Y., under a continuing contract with Coca-Cola Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Newark, N.J.

No. MC 139495 (Sub-No. 127), filed February 26, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St., N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail shoe stores and *equipment, materials and supplies* used in the conduct of such business, from the plantsite and storage facilities of Thom McAn Shoe Company located at or near Worcester and Auburn, Mass., to Los Angeles, La Mirada, San Francisco and Oakland, Calif.

NOTE.—Applicant holds contract carrier authority in No. MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 128), filed March 8, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St., N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk, in tank vehicles), from points in California, to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or San Francisco, Calif.

No. MC 139642 (Sub-No. 3), filed March 4, 1976. Applicant: BAMA TRANSPORTATION COMPANY, INC., 5247 East Pine, Tulsa, Okla. 74115. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cookies and frozen bakery goods*, from Tulsa, Okla., to points in the United States (except Alaska, Hawaii and Oklahoma); and (2) *materials, equipment and supplies* used in the production of cookies and frozen bakery goods (except commodities in bulk, in tank vehicles), from points in the United States (except Alaska, Hawaii and Oklahoma), to Tulsa, Okla., (1) and (2) are under a continuing contract, or contracts with Harden's Foods, of Tulsa, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tulsa, or Oklahoma City, Okla.

No. MC 140231 (Sub-No. 2), filed March 4, 1976. Applicant: LUMBER DISTRIBUTORS, INC., Building 149, Southside, Port Newark, N.J. 07114. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Middlesex, Somerset and Monmouth Counties, N.J., to points in Connecticut, Delaware, Maryland, New York and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 140330 (Sub-No. 1), filed February 24, 1976. Applicant: R. C. VAN LINES, INC., 1044 Northside Drive, N.W., Atlanta, Ga. 30318. Applicant's representative: Harry A. Sneed, 2171 Old Concord Road, Smyrna, Ga. 20080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Phenolic resin, phenol formaldehyde, caustic soda and urea resin and ethylene glycol and materials* used in the manufacture thereof, between the plantsite of Chembond Corporation, located in Covington County, Ala., on the one hand, and, on the other points in Alabama, Arkansas, Florida, Georgia, Mississippi, Louisiana, Texas, Tennessee, North Carolina and South Carolina, under a continuing contract with Chembond Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 140612 (Sub-No. 5), filed March 8, 1976. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2011, Cedar Rapids, Iowa 52406. Applicant's representative: A. J. Swanson, P.O. Box 81849, 521 South 14th St., Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric, hydraulic, and pneumatic machines* and *such commodities* as are used in the repair and maintenance of motor vehicles, between points in California, Iowa, Illinois, Tennessee and Texas.

NOTE.—Applicant holds contract carrier authority in No. MC 138003 and subs thereunder, therefore dual operations may be involved. If a hearing is deemd necessary, the applicant requests it be held at either Cedar Rapids, Iowa or Lincoln, Nebr.

No. MC 140645 (Sub-No. 3), filed March 4, 1976. Applicant: UNITED TRUCKING, INC., 100 Stoffel Drive, Tallapoosa, Ga. 30176. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd., N.E., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning or washing compounds; buffing or polishing compounds; textile softeners; or oil; lubricating and deodorants and disinfects* (except commodities in bulk), from the plantsite and warehouse facilities of Economic Laboratory, Inc., located at or near Joliet, Ill., to points in Alabama, Georgia and Tennessee, under a continuing contract or contracts with Economics Laboratory, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 140829 (Sub-No. 8), filed March 8, 1976. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Hwy. 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Ave., Morristown, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsite and/or storage facilities utilize by Great Plains Beef, Inc. located at or near Council Bluffs, Iowa, to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, Wisconsin and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in No. MC 136408 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141033 (Sub-No. 11), filed March 4, 1976. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Ave., P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: R. A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles*, from Hialeah-Miami Lakes, Fla., to points in California, Texas and Louisiana; (2) *raw materials and supplies*, used in the manufacture of plastic articles, from points in California, Texas and Louisiana to Hialeah-Miami Lakes, Fla.; and (3) *returned, refused or rejected shipments*, from the destinations in (1) and (2) above to the named origins.

NOTE.—Applicant holds contract carrier authority in MC 124796 sub 11 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Miami, Fla. or Washington, D.C.

No. MC 141052 (Sub-No. 2), filed February 13, 1976. Applicant: PEARL TRUCKING COMPANY, a Corporation,

312 Pearl Parkway, P.O. Box 1661, San Antonio, Tex. 78296. Applicant's representative: Charles G. Dennis, Suite 101, 10205 Oasis Street, San Antonio, Tex. 78216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Malt liquor beverages* (other than in bulk), and *advertising and promotional equipment, materials and supplies*, used in connection therewith, from the plantsite of Pearl Brewing Company at or near San Antonio, Tex., to points in Louisiana, and Mississippi, weight of such articles not to exceed 10 per cent of the weight of malt liquor beverages (other than in bulk); and (B) *recyclable aluminum cans, loose, bracketed, compressed or shredded*, from points in Louisiana, to San Antonio, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applican requests it be held at San Antonio, Tex.

No. MC 141278 (Sub-No. 3), filed March 1, 1976. Applicant: CHARLES W. SIRCY CORPORATION, 424 Atlas Drive, Nashville, Tenn. 37211. Applicant's representative: Roland M. Lowell, Suite 618, Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat processing plants* (except commodities in bulk), from Trenton, Mo., to Jackson, Tenn., under contract with Kelly Foods.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 141590 (Sub-No. 2), filed March 4, 1976. Applicant: NOAH E. FERRIS, doing business as CONTRACT FURNITURE CARRIERS, 7004 Peters Creek Road, Roanoke, Va. 24019. Applicant's representative: Nancy Pyeatt, 1750 New York Avenue, N.W., Suite 210, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, parts thereof and furniture materials*, from the plantsites of Coleman Furniture Corporation at Pulaski, Va. and Pulaski Furniture Corporation at Pulaski, Dublin and Martinsville, Va., to points in North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Nebraska, Kansas, Nevada, Oregon, Washington, California, Missouri, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah and Idaho, under a continuing contract with Coleman Furniture Corporation and Pulaski Furniture Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Roanoke, Va. or Washington, D.C.

No. MC 141609 (Sub-No. 2), filed February 20, 1976. Applicant: C. T. TRANSPORT, INC., 34200 Mound Road, Sterling Heights, Mich. 48077. Applicant's representative: Jack Goodman, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) Irregular routes: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), (a) Between all points in Erie and Cattaragus Counties, N.Y.; (b) Between the port of entry at the international boundary of the United States at Buffalo, N.Y. on the one hand, and, on the other, points in Erie and Cattaragus Counties, N.Y. (2) Regular Routes: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), (a) Between Alden, and Irving, N.Y.: From Alden over U.S. Highway 20 to Irving, and return over the same route; (b) Between Buffalo, and Limestone, N.Y.: From Buffalo over U.S. Highway 219 to Limestone, and return over the same route.

(c) Between Buffalo, and Akron, N.Y.: From Buffalo over Erie County Road 266 to junction with Erie County Road 356 (also from Buffalo over Erie County Road 265 to junction Erie County Road 356) thence over Erie County Road 356 to Getzville, thence over unnumbered County Road via Swormville and Clarence Center to Akron, and return over the same route; (d) Between Buffalo, and Knapp Creek, N.Y.: From Buffalo over New York Highway 16 to Knapp Creek, and return over the same route; (e) Between Buffalo, and Conewango Valley, N.Y.: From Buffalo over U.S. Highway 62 to Conewango Valley, and return over the same route; (f) Between Cattaraugus County and Chautauqua County line and Portville, N.Y.: From the Cattaraugus and Chautauqua County line over New York Highway 17 to Portville, and return over the same route; (g) Between junction U.S. Highway 62 and New York Highway 39 and junction New York Highway 39 and New York Highway 16: From junction U.S. Highway 62 and New York Highway 39 over New York Highway 39 to junction New York Highway 16, and return over the same route; (h) Between Buffalo, and Grand Island, N.Y.: From Buffalo over Interstate 190 to Grand Island, and return over the same route; (i) Between junction New York Highway 17 and Cattaraugus County Road 242 and junction Cattaraugus County Road 242 and New York Highway 16: From junction New York Highway 17 and Cattaraugus County Road 242 over Cattaraugus County Road 242 to junction New York Highway 16, and return over the same route; (j) Between Irving, N.Y. Erie County and Genessee County Line, New York: From Irving over New York Highway 5 to junction Erie County and Genessee County Line, and return over the same route; (k) Between Buffalo, N.Y. and Erie County and Genessee County Line: From Buffalo over New York Highway 33 to junction Erie County and Genessee County Line, and return over the same route; and (l) Between junction U.S. Highway 20 and Alternate Highway 20 and Erie County and Wyoming County Line: From junction U.S. Highway 20 and Alternate U.S. Highway over Alternate U.S. Highway 20 to junction Erie County and Wyoming County line, and return over the same route, serving all intermediate points in part 2 (A) through (L) above and to and from all off-route points located in Erie and Cattaraugus Counties, N.Y., restricted such that the transportation of Canadian traffic in Parts (1) and (2) above originates at, or is destined to, or is interlined at points in the Province of Ontario, and move through the ports of entry at Buffalo or Niagara Falls, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 141610 (Sub-No. 2), filed March 9, 1976. Applicant: WASHINGTON TRANSPORTATION CO., 3305 Hwy. 192, Council Bluffs, Iowa 51501. Applicant's representative: Edward A. O'Donnell, 1004 29th St., Sioux City, Iowa 51104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in Iowa, Kansas, Missouri and Nebraska, to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia and the District of Columbia, restricted to the transportation of traffic originating at the plantsite and facilities of and used by Cudahy Foods Co. and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 141641 (Sub-No. 1), filed March 8, 1976. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 717, Marshall, Mo. 65340. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, explosives, commodities which because of size or weight require the use of special equipment, and meats, meat products, meat by-products and articles distributed by meat packinghouses as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from North Haven, Conn.; Baltimore, Md.; Boston, Springfield and Worcester, Mass.; North Bergen, N.J.; Buffalo, New York City, Syracuse and Troy, N.Y.; Allentown, Harrisburg, and Philadelphia, Pa.; Pawtucket, R.I.; and the District of Columbia, to Denver, Colo.; Minneapolis, Minn.; Kansas City, Mo.; Omaha, Nebr.; Oklahoma City, Okla.; Dallas and Fort Worth, Tex.; and

Milwaukee, Wis., restricted to traffic moving on bills of lading issued by freight forwarders.

NOTE.—Applicant holds contract carrier authority in MC 136168, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 141650 (Sub-No. 2), filed March 1, 1976. Applicant: ROY ELLIS, doing business as ELLIS ENTERPRISES, 100 Second Street, P.O. Box 163, Dodge City, Kans. 67801. Applicant's representative: Eugene W. Hiatt, 308 Casson Bldg., 603 Topeka Blvd., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation equipment*, unassembled, from Valley, Nebr., to points in Kit Carson County, Colo.; points in Cheyenne, Thomas, Finney, Stanton, Stevens, Ford, Pawnee and Barton Counties, Kans.; and points in Texas County, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Wichita or Topeka, Kans.

No. MC 141663 (Correction), filed January 5, 1976, published in the FEDERAL REGISTER issues of January 20, 1976, and March 11, 1976 republished as corrected this issue. Applicant: ROBERT E. MOORE, doing business as MOORE TRUCKING COMPANY, Star Route, Yanceyville, N.C. 27379. Applicant's representative: Robert E. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in North Carolina, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of this republication is to indicate the change of name for the applicant's representative. If a hearing is deemed necessary, applicant requests it be held at either Greensboro or Yanceyville, N.C.

No. MC 141674 (Sub-No. 1), filed February 27, 1976. Applicant: MCCLUNG TRANSPORT, INC., 731 Rutgers St., Lancaster, Tex. 75146. Applicant's representative: Jerry W. McClung (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boat trailers*, assembled, and *accessories*, in a drive-a-way service, from points in the Dallas-Fort Worth, Tex. Commercial Zone, to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 141692 (Sub-No. 1), filed March 3, 1976. Applicant: MONTY R. COBLE, doing business as ARK CITY WAREHOUSE, P.O. Box 837, Arkansas City, Kans. 67005. Applicant's representative: Eugene W. Hiatt, 308 Casson Bldg., 603 Topeka Ave., Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal hides*, between Arkansas City, Kans., on the one hand, and, on the other, North Kansas City, Mo., under contract with Rodeo Meats, Inc., at Arkansas City, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Wichita or Topeka, Kans.

No. MC 141793 (Sub-No. 2), filed March 5, 1976. Applicant: KENNETH M. DAVIS, doing business as DAVIS FARM EQUIPMENT, Rt. 1, Box 1581, Anthony, Fla. 32617. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed and feed ingredients*, from Valdosta, Ga. to Anthony, Fla., under a continuing contract or contracts with Farmers Mutual Exchange, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 141823 (Sub-No. 1), filed March 1, 1976. Applicant: GLASS CONTAINER TRANSPORT, INC., Route 1, Box 271, Ridgeway, S.C., 29130. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles or jars*, one gallon or less in capacity, with or without equipment of caps, covers, stoppers or tops, and *caps, bottle or jar*, metal or plastic, from the plantsite and warehouse facilities of Kerr Glass Manufacturing Corporation located at or near Dunkirk (Jay County), Ind., and at or near Huntington, W. Va., to points in North Carolina and South Carolina, under a continuing contract or contracts with Kerr Glass Manufacturing Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 141831, filed March 3, 1976. Applicant: DEEP SPRINGS TRUCKING COMPANY, INCORPORATED, RFD 1, Box 161, Stoneville, N.C. 27048. Applicant's representative: Kenneth D. Knight, P.O. Box 346, Mayodan, N.C. 27027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textile products, and material, supplies and equipment*, used in the manufacture of textile products, between points in Alamance, Guilford and Rockingham Counties, N.C., on the one hand, and, on the other, points in Los Angeles County, Calif.; points in Tallapossa, Clarke and Marshall Counties, Ala.; points in Dallas County, Tex.; and points in Dade County, Fla., under contract with Macfield Texturizing, Inc., at Madison, N.C.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Charlotte or Raleigh, N.C.

No. MC 141844, filed March 5, 1976. Applicant: GRADY COUNTY FARM LINES, INC., 16055 Ventura Blvd., Suite 724, Encino, Calif. 91316. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Friction material products*, from Danville, Ky., and New Castle, Ind., to points in Arizona, Arkansas, California, Colorado, Nevada, Oregon, Texas and Utah, under a continuing contract with Royal Industries: Brake Products Div.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Washington, D.C.

No. MC 141845 filed March 3, 1976. Applicant: T. W. SMITH WELDING SUPPLY CORPORATION, 885 Meeker Ave., Brooklyn, N.Y. 11222. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: (1) *Compressed gas*, in cylinders, from the facilities of Matheson, at East Rutherford, N.J., to New York, N.Y., and points in Westchester, Rockland, Nassau and Suffolk Counties, N.Y.; and (2) *empty cylinders*, from the destinations named in (1) above, to the facilities of Matheson, at East Rutherford, N.J., under a continuing contract or contracts with Matheson.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 141847 filed March 5, 1976. Applicant: SIMON WRECKING COMPANY, INC., 2525 Trenton Ave., Williamsport, Pa. 17701. Applicant's representative: John E. Fullerton, 407 N. Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent oil, spent solvents and waste chemicals*, from St. Marys, Wellsboro, Williamsport, Huntingdon, Lebanon, Reading and Allentown, Pa., to Sayerville, Middlesex County, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 141849 filed March 8, 1976. Applicant: RAY LOCKRIDGE TRUCKING, INC., 95 Lawrenceville Industrial Park Circle, N.E., Lawrenceville, Ga. 30245. Applicant's representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from points in Newton and Rockdale Counties, Ga., to points in Alabama, Arkansas, Kentucky, Louisiana, Florida, North Carolina, South Carolina, Virginia, Tennessee, and Mississippi, under a continuing contract or contracts with Mobile Chemical Company Plastics Division.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 141850 filed March 4, 1976. Applicant: BARTON TRUCKING, INC., 5 Skinner Street, East Hampton, Conn.

06424. Applicant's representative: Hugh M. Joseloff, 80 State Street, Hartford, Conn. 06103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pressure cylinders and pressure cylinder parts*, from the plantsite of Pressure-Pak Container, Inc. and J. C. Barton, Inc. of East Hampton, Conn., (1) to points in New Jersey and Pennsylvania; and (2) to points in Brooklyn, N.Y.; Joliet and Danville, Ill.; Cleveland and Shelby, Ohio; Paducah and Calvert City, Ky.; Wichita, Hutchinson and Colwich, Kans.; Hernando, Miss.; New Orleans and Baton Rouge, La.; Dallas and Fort Worth, Tex.; Lithonia, Ga.; Hialeah, Fla.; and St. Louis, Mo.; and on *return materials and machinery* used in the manufacture of pressure cylinders and pressure cylinder parts, from Fairless, Pa.; Fort Worth, Tex., Shelby and Cleveland, Ohio to the plantsites of Pressure-Pak Container, Inc. and J. C. Barton Co., Inc. both of East Hampton, Conn., under a contract with Pressure-Pak Container, Inc. and J. C. Barton, Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn. or Washington, D.C.

No. MC 141851 filed March 1, 1976. Applicant: C. C. CALDWELL TRUCKING, INC., Route 1, Northrup, Ohio 45644. Applicant's representative: John L. Alden, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, seed, fertilizer*, and *feed and fertilizer ingredients*, and *grain* when moving with nonexempt commodities, between the facilities of Central Soya of Ohio, Inc., located at or near Gallipolis, Ohio, on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, Michigan, North Carolina, Pennsylvania, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 141857 filed February 17, 1976. Applicant: W. REESE JOHNSON TRUCKING COMPANY, Route 4, Cairo, Ga. 31728. Applicant's representative: W. Reese Johnson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and plywood*, from Thomasville, Ga., to points in Florida and Alabama, under a continuing contract or contracts with Heterington Lumber Limited.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville, Fla. or Atlanta, Ga.

No. MC 141859 filed February 6, 1976. Applicant: K. B. COMPANY, INCORPORATED, P.O. Box 931, Winston-Salem, N.C. 27102. Applicant's representative: Eric Meierhoefer, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Pulaski, Martinsville, and Dublin, Va., to points in Wyoming, Arizona, California, Oregon, Montana, Colorado, Utah, Idaho, Nevada and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Winston-Salem or Charlotte, N.C.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 209), filed February 26, 1976. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Suite 1602, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Regular routes: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, between the junction of Interstate Highway 80 and California Highway 89 and Independence Lake, Calif.: From the junction of Interstate Highway 80 and California Highway 89 over California Highway 89 to junction unnumbered Highway, thence over unnumbered Highway to Independence Lake, Calif.; and return over the same route, serving all intermediate points; and (B) Irregular route: *passengers and their baggage*, in one-way and round-trip charter operations, from points in Sierra and Nevada Counties, Calif., to points in the United States, including Alaska but excluding Hawaii, and return.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Reno, Nev.

No. MC 29623 (Sub-No. 32), filed February 25, 1976. Applicant: SOUTHEASTERN STAGE, INC., 226 Alexander Street, N.W., Atlanta, Ga. 30313. Applicant's representative: Allen Post, 3300 First National Bank Tower, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers in special operations, in round-trip sightseeing or pleasure tours, beginning and ending at points in Baldwin, Burke, Chatham, Clarke, Columbia, De Kalb, Effingham, Fulton, Greene, Gwinnet, Jasper, Jenkins, Jones, McDuffie, Morgan, Newton, Oconee, Oglethorpe, Putnam, Richmond, Rockdale, Screven, Taliaferro, Walton, Warren and Wilkes Counties, Ga., and those in Aiken, Allendale, Bamberg, Barnwell, Beaufort, Charleston, Dorchester, Hampton, Jasper and Orangeburg Counties, S.C., and extending to points in the United States, including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta or Augusta, Ga.

No. MC 101883 (Sub-No. 6), filed February 19, 1976. Applicant: PAUL CAVALLO BUS LINE, 301 W. Osie Street, Gillespie, Ill. 62033. Applicant's representative: Paul Cavallo (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* when moving in the same vehicle with passengers in special and charter operations, in round trip sightseeing and pleasure tours, from points in Macoupin and Montgomery Counties, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Springfield, Ill.

No. MC 139000 (Sub-No. 2), filed March 1, 1976. Applicant: OKANAGAN CHARTER TOURS, LTD., 949 Richter Street, Box 358, Kelowna, British Columbia, Canada V1Y-2K2. Applicant's representative: Michael B. Crutcher, 2000 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round trip charter operations, beginning and ending at Oroville and Sumas, Wash., at or near the International Boundary line between the United States and Canada, and extending to points in Arizona, California, Idaho, Nevada, Oregon, and Washington, restricted to origin and destination operations within (20) twenty road miles of Kelowna, British Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

BROKER APPLICATIONS

No. MC 130364 filed February 18, 1976. Applicant: ARGO TRAVEL AGENCY, INC., doing business as WORLDWIDE TRAVEL SERVICE, 234 E. Washington Street, Athens, Ga. 30601. Applicant's representative: Thomas J. Harrold, Jr., P.O. Box 1744, Athens, Ga. 30601. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Athens, Ga., to sell or offer to sell the transportation of *Passengers and their baggage*, in charter operations, by motor carriers, between points in Georgia, Florida, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Athens or Atlanta, Ga.

No. MC 130365 filed February 20, 1976. Applicant: DONALD OSBORNE AMERO, doing business as ALASKA BRITISH COLUMBIA CAMP TOURS, 1420 Happy Valley Road, Anderson, Calif. 96007. Applicant's representative: Donald Osborne Amero (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Anderson, Calif., to sell or offer to sell the transportation of *Individual passengers and groups of passengers, and their baggage*, in special and charter operations, on pleasure or educational camp tours, by motor carrier, beginning and ending at points in California, and extending to points in Oregon, Washington, British Columbia, Canada, and Alaska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Redding, Sacramento, or San Francisco, Calif.

No. MC 130367 filed February 27, 1976. Applicant: ALLEN MATTINGLY, doing business as ALLEN MATTINGLY TRAVEL AGENCY, 302 Lincoln Federal Bldg., 600 South Fourth Street, Louisville, Ky. 40202. Applicant's representative: Allen Mattingly (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Louisville, Ky., to sell or offer to sell the transportation of *Passengers and their baggage*, in round trip, special and charter operations, by motor carriers, beginning and ending at Louisville, Ky., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky. or Cincinnati, Ohio.

No. MC 130368 filed March 3, 1976. Applicant: NORMAN HUHN, doing business as SUNNYLAND TRAVEL AGENCY, 600 N. Sprigg St., Cape Girardeau, Mo. 63701. Applicant's representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, Mo. 63105. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Cape Girardeau, Mo., to sell or offer to sell the transportation of *individual passengers and groups of passengers and their baggage*, in all expense tours, by motor, air, water and rail carriers, between Jefferson, St. Francois, Ste. Genevieve, Perry, Cape Girardeau, Gollinger, Madison, Wayne, Stoddard, Scott, Butler, Mississippi, New Madrid, Pemiscot, Dunklin, Reynolds, Ripley and Carter Counties, Mo., on the one hand, and, on the other, points in the United States.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Cape Girardeau, Mo.

WATER APPLICATION
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No. W-303 (Sub-No. 1), filed February 19, 1976. Applicant: WESTERN TRANSPORTATION CO., a Corporation, P.O. Box 3869, Portland, Oreg. 97208. Applicant's representative: Paul M. Donovan, 1511 K Street, N.W., Washington, D.C. 20005. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *Commodities generally*, by non-self propelled vessels with the use of separate towing vessels and by towing vessels in the performance of general towage (1) between all ports and points in Oregon and Washington on the Columbia River and its tributaries from below Bonneville Dam to Priest Rapids, Wash.; (2) between all ports and points in Washington and Idaho on the Snake River and its tributaries from its confluence with the Columbia River to Johnson's Bar; and (3) between all ports and points in Idaho on the Clearwater River from its confluence with the Snake River to river mile 6.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg., or Lewiston, Idaho.

FINANCE APPLICATIONS

Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this *Federal Register* notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

No. MC-F-12797. Authority sought for purchase by SANTINI BROS., INC., d.b.a. THE SEVEN BROTHERS AND THE SEVEN SANTINI BROTHERS, 1405 Jerome Avenue, Bronx, N.Y., 10452, of the operating rights of TRANS-UNIVERSAL VAN LINES, INC., 7240 S. Chicago, Chicago, IL, 60619, and for acquisition by GODFREY F. SANTINI, LEO A. SANTINI, MARTIN L. SANTINI, DOROTHEA C. SANTINI, and STEPHEN SANTINI, all of the Bronx, N.Y., 10452 address, of control of such rights through the purchase. Applicants' attorney: Robert J. Gallagher, 55 Madison Avenue, Morristown, N.J., 07960. Operating rights sought to be transferred: *Household goods*, as a *common carrier* over irregular routes between points in Illinois, on the one hand, and, on the other, points in Indiana, Michigan, Ohio, Missouri, Wisconsin, Kentucky, West Virginia, Kansas, North Dakota, Minnesota, New York, New Jersey, Maryland, Pennsylvania, Georgia, Florida, Colorado, and Iowa; between points in that part of Illinois on and north of U.S. Highway 36; those in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Indianapolis and thence along U.S. Highway 40 to the Indiana-Ohio State line; those in that part of Michigan on and south of a line beginning at Muskegon and extending eastward along U.S. Highway 16 to junction Business Route U.S. Highway 16 west of Grand Rapids, thence along Business Route U.S. Highway 16 via Grand Rapids, to junction U.S. Highway 16 east of Grand Rapids, and thence along U.S. Highway 16 to Detroit; and those in that part of Wisconsin on and south of a line beginning at the Mississippi River and extending along U.S. Highway 16 to Wisconsin Dells, thence along Wisconsin Highway 127 to Portage, thence along U.S. Highway 16 to Pewaukee, and thence along Wisconsin Highway 190 to Milwaukee on the one hand, and, on the other points in Colorado, Connecticut, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, and the District of Columbia and those in that part of Illinois south of U.S. Highway 36; and those in that part of Indiana south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Indianapolis, and thence along U.S. Highway 40 to the Indiana-Ohio State line; between points in Iowa, Illinois, and Minnesota. Vendee is authorized to operate as a *common carrier* in Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12782. (Correction), (SKY KARGO, INC.—PURCHASE—AIRLINE FREIGHT, INC.), published in the March 10, 1976, issue of the FEDERAL REGISTER. Prior notice should read as follows: "and for acquisition by DENNIS J. McNICHOL, Jr., and EDWARD J. McNICHOL, (the brothers), both of 6951 Norwitch Drive, Philadelphia, PA 19153, of control of such rights through the purchase. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier*, over irregular routes between the Philadelphia International Airport (located in the City and County of Philadelphia), Philadelphia, Pa., on the one hand, and, on the other, the International Airport located in Newark, N.J., and the John F. Kennedy International Airport located in Jamaica, L.I., N.Y.; *general commodities*, having a prior or subsequent movement by air, except classes A and B, explosives, commodities in bulk, commodities requiring special equipment, animals, and passengers' luggage, between the Philadelphia International Airport, at Philadelphia, Pa., the Newark Municipal Airport, at Newark, N.J., and the John F. Kennedy International Airport, at Jamaica, N.Y., on the one hand, and, on the other, points in Burlington (except those north of Rancocas, Creek), Camden, Gloucester, and Salem Counties, N.J., and Bucks (except those on and south and east of Pennsylvania Highway 232), Chester, Delaware, Montgomery, and Philadelphia Counties, Pa.; *general commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities which because of their size or weight require special equipment, animals, and passengers' baggage) between Edison, N.J., on the one hand, and on the other, the Philadelphia International Airport, located at Philadelphia, Pa.; the above mentioned rights are restricted to the transportation of traffic having a prior or subsequent movement by air. Vendee holds no authority from this Commission. However, it is affiliated with DENNIS TRUCKING COMPANY, INC., which is a *common carrier* in Pennsylvania, New Jersey, New York, Delaware,

Maryland, Virginia, Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont and the District of Columbia. DENNIS TRUCKING COMPANY INC., also controls JOHNSONS TRANSFER, INC., a motor *common carrier* through stock ownership, and DENNIS J. McNICHOL Jr., and EDWARD J. McNICHOL also control D. J. McNICHOL CO., a motor *contract carrier*. D. J. McNICHOL CO., is authorized to operate in New Jersey and Philadelphia."

No. MC-F-12800. Authority sought for purchase by DEARBORN'S MOTOR EXPRESS, INC., 140 Epping Road, Exeter, New Hampshire, 03833, of the operating rights of JAYSON J. LEVINE, d.b.a. BARTLETT'S EXPRESS, 87 Lodge Street, Manchester, New Hampshire, 03104, and for acquisition by WILLIAM M. WALSH, 140 Epping Road, Exeter, N.H., 03833, of control of such rights through the purchase. Applicants' attorney: Ms. Mary E. Kelley, 11 Riverside Ave., Medford, MA., 02155. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes between Manchester, N.H., and Goffstown, N.H., serving all intermediate points, with restrictions. Vendee is authorized to operate as a *common carrier* in Maine, New Hampshire, and Massachusetts. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 30508 (Sub-No. 4), is directly related matter.

No. MC-F-12801. Authority sought for purchase by ALL-AMERICAN, INC., 900 West Delaware, Sioux Falls, S.D. 57104, of a portion of the operating rights of SALT CREEK FREIGHTWAYS, INC., 3333 West Yellowstone, Casper, Wyoming 82601, and for acquisition by H. LAUREN LEWIS and ALL-AMERICAN TRANSPORT, INC., both of 900 West Delaware, Sioux Falls, S.D. 57104, of control of such rights through the purchase. Applicants' attorneys: Ray A. Peterson, P.O. Box 769, Sioux Falls, S.D. 57101, and Cal E. Ogden, P.O. Box 39, Casper, WY. 82601. Operating rights sought to be transferred: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), as a *common carrier* over regular routes between Rapid City, South Dakota, and Spearfish, South Dakota, serving no intermediate points: from Rapid City over combined Interstate Highway 90 and U.S. Highway 14 to Spearfish, and return over the same route, with restrictions. Vendee is authorized to operate as a *common carrier* in Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Wisconsin, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

NOTICE

SOO LINE RAILROAD COMPANY, Soo Line Building, Minneapolis, Minnesota 55440, CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, 516 West Jackson Boulevard, Chicago, Illinois 60606, and CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY, 400 West Madison Street, Chicago, Illinois 60606, represented by Messrs. Robert G. Gehrz, General Solicitor, Soo Line Railroad Company, Soo Line Building, Minneapolis, Minnesota 55440, Thomas H. Ploss, General Attorney, Chicago, Milwaukee, St. Paul and Pacific Railroad Company, 516 West Jackson Boulevard, Chicago, Illinois 60606, and Louis T. Duerinck, General Solicitor, Chicago and North Western Transportation Company, 400 West Madison Street, Chicago, Illinois 60606 hereby give notice that on the 16th day of March, 1976, it filed with the Interstate Commerce Commission at Washington, D.C., a joint application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the (1) Soo Line to purchase that portion of Green Bay and Western Railroad Company's New London and Whitehall Divisions railroad between a point one-quarter mile west of the Green Bay and Western switch to the track serving the Industrial Park in Wisconsin Rapids, which point is approximately milepost 97.5, to the west side of Eisenhower Avenue in Plover, and including the Biron branch line from the junction switch in the main line to the northerly end of Green Bay and Western's ownership and the Stevens Point branch line from the junction switch in the main line at Plover to northerly end of Green Bay and Western's ownership; (2) Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee) to purchase that portion of Green Bay and Western's New London Division railroad between milepost 17.6 in Seymour and milepost 2.3 in Green Bay (including solely owned Green Bay and Western industrial tracks serving Green Bay and Western industries in Green Bay) on the Kewaunee Division, and between Winona and a point 500 feet east of East Switch at Arcadia on the Whitehall Division.

(3) Chicago and North Western Transportation Company (North Western) to purchase that portion of Green Bay and Western's New London Division railroad between Manawa (including all station operations at Manawa) and the point of switch of the interchange track at New London, and that portion of Green Bay and Western's Kewaunee Division railroad between milepost 2.3 in Green Bay (including solely owned Green Bay and Western industrial tracks serving Green Bay and Western industries in Green Bay) and milepost 36.7 in Kewaunee; (4) Soo Line, Milwaukee, and North Western jointly to purchase the remaining assets, properties and franchises of Green Bay and Western, and (5) for authorization to Milwaukee to acquire trackage rights over North Western's line between milepost 241.9 (Tavil) and milepost 1.1, a distance of approximately 2.2 miles, and between a point at Warren Street and the point of switch on the east side of Baird Street, a distance of approximately 1.3 miles, located in the City of Green Bay, Wisconsin, which application is assigned Finance Docket No. 28143.

The purchase of assets of Green Bay and Western is contingent upon approval by the Commission of the abandonment of certain lines of Green Bay and Western as set forth in the related Section 1(18) application which has been filed with the Commission and docketed AB-57 (Sub-No. 3); AB-7 (Sub-No. 28) and AB-1 (Sub-No. 55). Green Bay and Western operates approximately 256 route miles between Winona, Minnesota, and Kewaunee, Wisconsin. It connects with lines of Milwaukee and North Western at Winona, Minnesota, and with lines of one or more of the applicants at Green Bay, Wisconsin Rapids, New London, Plover, Stevens Point, Black Creek, and Merrillan, Wisconsin.

Soo Line, Milwaukee and North Western operate various lines of railroad, including lines which connect with Green Bay and Western at points set forth above.

In the opinion of applicants, the proposal is not a major Federal action which would significantly affect the quality of the human environment. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b)(1)-(5), 340 I.C.C. 431 461.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423, and the aforementioned counsels for applicants, within 45 days after date of first publication in the FEDERAL REGISTER; that such comments shall be served upon (a) Mr. William T. Coleman, Jr., Secretary, Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (b) Mr. Edward H. Levi, Attorney General, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530, and certificate of all such service is given to the Interstate Commerce Commission; and that all other applications, which are inconsistent, in whole or in part, with such applications, and all petitions for inclusion in the transaction, shall be filed with the Commission and furnished to the Secretary of Transportation, within 90 days after the publication of notice of the application in the FEDERAL REGISTER.

SOO LINE RAILROAD COMPANY, CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY

OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

Notice

The following operating rights applications are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with pending transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its applications.

No. MC 2202 (Sub-No. 507), filed March 8, 1976. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving points in Ohio as off-route points in connection with applicant's authorized regular route operations, restricted to shipments moving through Akron, Columbus, or Hamilton, Ohio.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceeding in MC-F-12791 published in the FEDERAL REGISTER issue of March 24, 1976. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 93649 (Sub-No. 18), filed March 8, 1976. Applicant: GAINES MOTOR LINES, INC., P.O. Box 1549, Hickory, N.C. 28601. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Textiles and textile products*, from points in South Carolina (except those within 45 miles of Maiden, N.C.), to points in New Jersey, New York and Pennsylvania; and (2) *general commodities* (except petroleum products in bulk in tank vehicles, Classes A and B explosives, poisons, and household goods), between points in South Carolina, on the one hand, and, on the other, points in Spartanburg County, S.C.

NOTE.—The purpose of filing in part (1) is to eliminate a gateway at Spartanburg, S.C.; and the purpose of filing in part (2) is to convert vendor's Certificate of Registration into a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceeding in MC-F-12799 published in the FEDERAL REGISTER issue of March 24, 1976. If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, N.C., Spartanburg, S.C. or Washington, D.C.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

Notice

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Property (49 CFR § 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 30319 (Sub-No. 133) (Deviation No. 9), SOUTHERN PACIFIC TRANSPORT COMPANY OF TEXAS AND LOUISIANA, P.O. Box 6187, Dallas, Tex. 75222, filed March 15, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Alexandria, La., over Louisiana Highway 28 to Leesville, La., thence over Louisiana Highway 8 to the Texas State Line, thence over Texas Highway 63 to Zavalla, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Alexandria, La., over U.S. Highway 165 to junction Interstate Highway 10, thence over Interstate Highway 10 to Beaumont, Tex., thence over U.S. Highway 69 to Zavalla, Tex., and return over the same route.

No. MC 33641 (Deviation No. 109), IML FREIGHT, INC., P.O. Box 30277, Salt Lake City, Utah 84125, filed March 17, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Fallon, Nev., over U.S. Highway 95 to junction unnumbered Arizona Highway near Dome, Ariz., thence over unnumbered Arizona Highway to junction U.S. Highway 80 near Ligurta, Ariz., thence over U.S. Highway 80 to Phoenix, Ariz., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Fallon, Nev., over U.S. Highway 50 to Ely, Nev., thence over U.S. Highway 93 to junction U.S. Highway 91, thence over U.S. Highway 91 (Interstate Highway 15) to Harrisburg, Utah, thence over Utah Highway 17 to LaVerkin, Utah, thence over Utah Highway 15 to Mt. Carmel Junction, Utah, thence over U.S. Highway 89 to Kanab, Utah, thence over Alternate U.S. Highway 89 to junction U.S. Highway 89 near Bitter Springs, Ariz., thence over U.S. Highway 89 (Interstate Highway 17) to Phoenix, Ariz., and return over the same route.

No. MC 59583 (Deviation No. 54), THE MASON AND DIXON LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662, filed March 10, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From North Collins, N.Y., over New York Highway 249 to junction U.S. Highway 20 near Farnham, N.Y., thence over U.S. Highway 20 to Ashtabula, Ohio, thence over Ohio Highway 11 to junction Ohio Highway 5 near Johnson, Ohio, thence over Ohio Highway 5 to junction U.S. Highway 422 and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From North Collins, N.Y., over U.S. Highway 62 to Buffalo, N.Y., thence over New York Highway 5 to Canandaigua, N.Y., thence over U.S. Highway 20 to Geneva, N.Y., thence over New York Highway 96A to Ovid, N.Y., thence over New York Highway 96 to Owego, N.Y., thence over New York Highway 17 to Binghamton, N.Y., thence over U.S. Highway 11 to Amity Hall, Pa., thence over U.S. Highway 22 to Ebensburg, Pa., thence over U.S. Highway 422 to junction Ohio Highway 5 and return over the same route.

No. MC 105407 (Deviation No. 2), HANNIBAL-QUINCY TRUCK LINES, INC., General Office, Hannibal, Mo. 63401, filed March 11, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Kans., over Interstate Highway 70 to St. Louis, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Kansas City, Kans., over city streets to Kansas City, Mo., thence over Alternate U.S. Highway 69 to Cameron, Mo., thence over U.S. Highway 36 to Hannibal, Mo., thence

over U.S. Highway 61 to Alternate U.S. Highway 40, thence over Alternate U.S. Highway 40 to St. Louis, Mo., and return over the same route.

No. MC 112713 (Deviation No. 35), YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Ave., Shawnee Mission, Kans. 66207, filed March 17, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Mobile, Ala., over Interstate Highway 10 to junction Interstate Highway 12, thence over Interstate Highway 12 to junction Interstate Highway 10, thence over Interstate Highway 10 to Houston, Tex., thence over Interstate Highway 45 to Dallas, Tex., thence over Interstate Highway 35E to Denton, Tex., thence over U.S. Highway 380 to junction U.S. Highway 287, near Decatur, Tex., thence over U.S. Highway 287 to junction Interstate Highway 40 near Amarillo, Tex., thence over Interstate Highway 40 (using portions of U.S. Highway 66 where Interstate Highway 40 is incomplete) to Albuquerque, N. Mex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Mobile, Ala., over U.S. Highway 43 to Tuscaloosa, Ala., thence over U.S. Highway 11 to junction Interstate Highway 59 near Argo, Ala., thence over Interstate Highway 59 to junction U.S. Highway 278, thence over U.S. Highway 278 to Gadsden, Ala., thence over U.S. Highway 11 to Chattanooga, Tenn., thence over U.S. Highway 41 to Nashville, Tenn., thence over Alternate U.S. Highway 41 to Hopkinsville, Ky., thence over U.S. Highway 41 to Evansville, Ind., thence over U.S. Highway 460 to Crossville, Ill., thence over Illinois Highway 1 to Carni, Ill., thence over U.S. Highway 460 to Mt. Vernon, Ill., thence over Illinois Highway 15 to Belleville, Ill., thence over Illinois Highway 13 to E. St. Louis, Ill., thence across the Mississippi River to St. Louis, Mo., thence over U.S. Highway 40 to junction U.S. Highway 24 near Lawrence, Kans., thence over U.S. Highway 24 to junction Kansas Highway 18 near Manhattan, Kans., thence over Kansas Highway 18 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction unnumbered highway, thence over unnumbered highway to junction U.S. Highway 40, near Salina, Kans., thence over U.S. Highway 40 to junction unnumbered highway near Wakeeney, Kans., thence over unnumbered highway to junction U.S. Highway 83, thence over U.S. Highway 83 to junction U.S. Highway 24, thence over U.S. Highway 24 to Goodland, Kans., thence over Kansas Highway 27 to Wheeler, Kans., thence over U.S. Highway 36 to Denver, Colo., thence over U.S. Highway 85 to junction unnumbered highway near Larkspur, Colo., thence over unnumbered highway to junction U.S. Highway 85, thence over U.S. Highway 85 to Albuquerque, N. Mex., and return over the same route.

No. MC 115093 (Deviation No. 58), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed February 26, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Morgantown, W. Va., over U.S. Highway 119 to Uniontown, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Meadville, Pa., over U.S. Highway 19 to Princeton, W. Va., thence over U.S. Highway 460 to Roanoke, Va., thence over U.S. Highway 220 to Greensboro, N.C., thence over U.S. Highway 70 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 701, thence over U.S. Highway 701 to Newton Grove, N.C., and (2) From Pittsburgh, Pa., over Pennsylvania Highway 51 to Uniontown, Pa., thence over U.S. Highway 40 to Hagerstown, Md., and return over the same routes. Said operations in (1) and (2) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 59), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed February 26, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: from Uniontown, Pa., over U.S. Highway 119 to Greensburg, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Pittsburgh, Pa., over U.S. Highway 30 to Gettysburg, Pa., thence over U.S. Highway 140 to Baltimore, Md., and (2) From Pittsburgh, Pa., over Pennsylvania Highway 51 to Uniontown, Pa., thence over U.S. Highway 40 to Hagerstown, Md., and return over the same routes. Said operations in (1) and (2) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 60), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed February 26, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Lancaster, Pa., over Pennsylvania Highway 72 to Lebanon, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Allentown, Pa., over U.S. Highway 222 to Havre De Grace, Md., and (2) From Harrisburg, Pa., over U.S. Highway 422 to Philadelphia, Pa., and return over the same routes. Said operations in (1) and (2) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 61), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed February 26, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Oxford, Pa., over Pennsylvania Highway 10 to junction U.S. Highway 30 near Parkesburg, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From New Haven, Conn., over U.S. Highway 1 to Petersburg, Va., thence over U.S. Highway 301 to Wilson, N.C., thence over U.S. Highway 117 to Goldsboro, N.C., thence over U.S. Highway 13 to Fayetteville, N.C., thence over U.S. Highway 401 to junction U.S. Highway 15, thence over U.S. Highway 15 to Bishopville, S.C., thence over South Carolina Highway 34 to Camden, S.C., thence over U.S. Highway 1 to Key West, Fla., (2) From Allentown, Pa., over U.S. Highway 222 to Havre De Grace, Md., and (3) From Philadelphia, Pa., over U.S. Highway 30 to Gettysburg, Pa., and return over the same routes. Said operations in (1), (2), and (3) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 62), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed February 26, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 30 and Pennsylvania Highway 10 near Parkesburg, Pa., over Pennsylvania Highway 10 to Reading, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Allentown, Pa., over U.S. Highway 222 to Havre De Grace, Md., and (2) From Philadelphia, Pa., over U.S. High-

way 30 to Gettysburg, Pa., and return over the same routes. Said operations in (1) and (2) above are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 63), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed February 26, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From McConnellsburg, Pa., over U.S. Highway 522 to Lewistown, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Binghamton, N.Y., over U.S. Highway 11 to Roanoke, Va., (2) From Erie, Pa., over U.S. Highway 19 to Meadville, Pa., thence over U.S. Highway 322 to Harrisburg, Pa., and (3) From Pittsburgh, Pa., over U.S. Highway 30 to Gettysburg, Pa., thence over U.S. Highway 140 to Baltimore, Md., and return over the same routes. Said operations in (1), (2), and (3) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 64), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed February 26, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 219 and Pennsylvania Highway 56, near Johnstown, Pa., over U.S. Highway 219 to Luthersburg, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Erie, Pa., over U.S. Highway 19 to Meadville, Pa., thence over U.S. Highway 322 to Harrisburg, Pa., (2) From Williamsport, Pa., over U.S. Highway 220 to Bedford, Pa., and (3) From Pittsburgh, Pa., over U.S. Highway 22 to junction Pennsylvania Highway 56, thence over Pennsylvania Highway 56 to junction U.S. Highway 220, and return over the same routes. Said operations in (1), (2), and (3) above are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 65), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed February 26, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Greensburg, Pa., over U.S. Highway 119 to West Liberty, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Erie, Pa., over U.S. Highway 19 to Meadville, Pa., thence over U.S. Highway 322 to Harrisburg, Pa., (2) From Pittsburgh, Pa., over U.S. Highway 30 to Gettysburg, Pa., thence over U.S. Highway 140 to Baltimore, Md., and (3) From Williamsport, Pa., over U.S. Highway 220 to Bedford, Pa., and return over the same routes. Said operations in (1), (2), and (3) above are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 66), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed February 26, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Pittsburgh, Pa., over Pennsylvania Highway 8 to Butler, Pa., thence over Pennsylvania Highway 68 to Clarion, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Erie, Pa., over U.S. Highway 19 to Meadville, Pa., thence over U.S. Highway 322 to Harrisburg, Pa., and (2) From Meadville, Pa., over U.S. Highway 19 to Princeton, W. Va., thence over U.S. Highway 460 to Roanoke, Va., thence over U.S. Highway 220 to Greensboro, N.C., thence over U.S. Highway 70 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 701, thence over U.S. Highway 701 to Newton Grove, N.C., and return over the same routes. Said operations in (1) and (2) above are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

No. MC 115093 (Deviation No. 67), MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, Tampa, Fla. 33622, filed February 26, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* with certin exceptions, over a deviation route as follows: From junction U.S. Highway 19 and Pennsylvania Highway 528, near Zelienople, Pa., over Pennsylvania Highway 528 to junction Pennsylvania Highway 8, thence over Pennsylvania Highway 8 to Franklin, Pa., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Erie, Pa., over U.S. Highway 19 to Meadville, Pa., thence over U.S. Highway 322 to Harrisburg, Pa., and (2) From Meadville, Pa., over U.S. Highway 19 to Princeton, W. Va., thence over U.S. Highway 460 to Roanoke, Va., thence over U.S. Highway 220 to Greensboro, N.C., thence over U.S. Highway 70 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 701, thence over U.S. Highway 701 to Newton Grove, N.C., and return over the same routes. Said operations in (1) and (2) above, are restricted to the transportation of traffic moving between points in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, the District of Columbia, and those in that part of New York on and south of New York Highway 7, on the one hand, and, on the other, points in Georgia and Florida.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

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THURSDAY, APRIL 1, 1976

PART II:

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

■

UNDERGROUND COAL MINES

Illumination Systems; Promulgation Date, and Testing and Evaluation Procedures

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Part 75]

UNDERGROUND COAL MINES

Date on Which Illumination Standards for Working Places Will be Promulgated

Section 317(e) of the Federal Coal Mine Health and Safety Act of 1969, as amended (83 Stat. 783, 30 U.S.C. 877(e)) directed the Secretary of the Interior to propose standards by December 31, 1970, under which all working places in a coal mine shall be illuminated by permissible lighting while persons are working in such places.

Proposed standards were published in the FEDERAL REGISTER for December 31, 1970 (35 FR 20009). Because of written comments, suggestions, and objections received in response to the proposed standards and at subsequent consultation meetings the proposed standards of December 31, 1970 were withdrawn.

Revised illumination standards were proposed and published in the FEDERAL REGISTER for Wednesday, October 27, 1971 (36 FR 20607). Written comments, suggestions, and objections were received and a public hearing was held on April 4, 1974 (39 FR 8618). Findings of fact were made and published in the FEDERAL REGISTER for Friday, June 28, 1974 (39 FR 24021). Although it was found that technology existed and practical stationary and machine mounted lighting systems for self-propelled mining equipment (including longwall mining equipment) had been developed which would illuminate underground working places to 0.06 footlamberts, a thorough and complete review of the proposed standards revealed complex problems in application of the existing technology to the diverse types of machinery used and the widely varying conditions in coal mines. A complex engineering ability was essential in order to make illumination measurements underground with the then existing light measuring instruments. It was apparent that to implement and enforce the standards would require an inordinate amount of an inspector's time to make accurate measurements of the illumination provided using then existing light measuring instruments. Easily useable and reliable light measuring instruments and techniques were not available. It was further recognized that there was a scarcity of illumination engineering expertise in the coal mining industry and in the mining equipment and illumination equipment manufacturing industries.

In the interim since the standards were proposed the Mining Enforcement and Safety Administration (MESA) has continued research on the practical application of illumination technology to the diverse mining conditions and types of equipment used. A less intricate and complicated light measuring instrument has been developed for use by inspectors, and a less complex light measuring method has been developed in making illumination measurements underground to determine whether the required illumination is being provided.

MESA is convinced that technology exists to test and evaluate illumination systems in a simulated working place and to accurately predict the performance of the system prior to installation and use underground if the system is installed, used, and operated in accordance with the designs for the machine upon which the illumination systems are to be installed and within the conditions and parameters established through testing and evaluation in a simulated working place. Testing and evaluation may also be accomplished underground under acutal working conditions existing in a coal mine or at simulated working places constructed by equipment manufacturers.

MESA has constructed a simulated working place and is prepared to test and evaluate illumination systems for coal mine operators, mining machinery manufacturers, and lighting and equipment manufacturers. Concurrent with this Notice there is published in this issue of the FEDERAL REGISTER at page 14108 a Notice of the testing and evaluation of illumination systems which is now available through and which can be performed by Technical Support of MESA to assist mine operators and equipment manufacturers to meet the final standards which are to be promulgated.

Section 317(e) of the Act further provides that all working places in a mine shall be illuminated within eighteen months after the promulgation of the standards. Section 101(h) of the Act provides that any mandatory safety standard promulgated under section 101 shall be effective upon publication in the FEDERAL REGISTER unless the Secretary specifies a later effective date. The Department is of the opinion that under the language of these two sections publication of the illumination standards at this time as final standards would constitute "promulgation" of the standards and that the eighteen month period must commence to run when the final mandatory standards are promulgated by publication in the FEDERAL REGISTER.

Illumination of working places in an underground coal mine has been a new field involving new technology and hardware which had to be developed. Manufacturers and operators have been reluctant to develop, install, test and evaluate illumination systems without knowing what the final standards will require. Such systems which have been installed and tried in mines have been only prototype systems and a lead time is necessary to test and evaluate the systems against the standards and thereafter tool up, manufacture, distribute and install the system. Many machines operating in mines will require custom designed systems which will impose an additional strain upon the expertise available. Mine operators and lighting and equipment manufacturers have complained that they are unable to design and engineer lighting systems without prior knowledge of the illumination requirements and the methods of measuring illumination which will be used by MESA. The Department is of the view that to promulgate the final standards at this time would deprive operators of a substantial portion of the eighteen month period within which to provide the required illumination. A reasonable lead time of six months should be provided which will enable operators and manufacturers to engineer, develop, manufacture, test and evaluate, and install illumination systems which will meet the requirements of the standards within the eighteen month period established by Congress.

Notice is hereby given that on October 1, 1976, the Secretary of the Interior will promulgate by publication in the FEDERAL REGISTER the final standards under which within eighteen months after the standards are promulgated all working places in a mine shall be illuminated by permissible lighting.

The form and substance of the standards which will be promulgated on October 1, 1976 are set forth below, together with the reasons for revisions, modifications, or changes which have been made in the proposed standards.

Interested persons are advised that the standards which will be promulgated are firm and that no further change or revision is contemplated or intended.

Dated: March 24, 1976.

WILLIAM L. FISHER,
Assistant Secretary of the Interior.

ILLUMINATION IN UNDERGROUND COAL MINES

Background. Section 317(e) of the Federal Coal Mine Health and Safety Act of 1969, as amended (83 Stat. 788; 30 U.S.C. 877(e)) directed the Secretary of the Interior within nine months after March 30, 1970, to propose standards under which all working places in a mine shall be illuminated by permissible lighting while persons are working in such places. Section 317(e) further provides that such working places shall be illuminated within eighteen months after such standards are promulgated.

Pursuant to authority under section 101 of the Act (30 U.S.C. 811) and in accordance with section 317(e), there was published in the FEDERAL REGISTER for December 31, 1970 (35 FR 20009) a notice of proposed rulemaking which prescribed the illumination to be provided in the working places of underground coal mines, and in addition, the reflection efficiency of the surfaces on permissible electric face equipment and restrictions on visual impedance and pulsation frequencies of lighting devices installed on such equipment.

In light of written comments, suggestions, and objections submitted to the Director, Bureau of Mines, concerning this notice of proposed standards, and in view of numerous consultation meetings held, in accordance with section 101(c) of the Act, subsequent to the publication of the proposed standards, it was deemed advisable to withdraw the

proposed rulemaking of December 31, 1970, and to propose revised illumination standards.

Therefore, pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Act, and in accordance with section 317(e), there was published in the FEDERAL REGISTER for Wednesday, October 27, 1971, (36 FR 20607) proposed standards contained in § 75.1719 and §§ 75.1719–1 through 75.1719–4 of Part 75, Title 30, Code of Federal Regulations, setting forth proposed mandatory standards which would: (1) prescribe the illumination to be provided in the working places of underground coal mines; (2) specify requirements for lighting fixtures; (3) provide for methods of measuring light; and (4) specify requirements for mining machines, hard hats, and cap lamps. Interested persons were afforded a period of 45 days within which to submit written comments, suggestions, or objections to the Director, Bureau of Mines.

Written comments, suggestions, and objections stating the grounds for objection and requesting a public hearing on the proposed standards were timely filed with the Director. In accordance with section 101(f) of the Act, a notice of objections filed and hearing requested was published in the FEDERAL REGISTER for Tuesday, February 19, 1974 (39 FR 6118).

Subsequently there was published in the FEDERAL REGISTER for Wednesday, March 6, 1974 (39 FR 8618) a notice of public hearing to be held for the purpose of receiving relevant evidence on the issues raised by the written objections and the grounds for such objections which had been filed in response to the proposed standards published on October 27, 1971 (36 FR 20607). The public hearing was held on April 4, 1974, in the Main Auditorium of the Department of the Interior. The record was held open for twenty-one days to permit submission of additional data and information. A verbatim transcript of the hearing, together with the comments, suggestions, information and data submitted, is available for public inspection in the Office of the Assistant Administrator, Coal Mine Health and Safety, MESA, Department of the Interior, Room 818, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Based on the evidence in written comments, suggestions, data, and information submitted in response to the proposed rulemaking and at the public hearing, findings of fact were made public on June 25, 1974, and were published in the FEDERAL REGISTER for Friday, June 28, 1974 (39 FR 24021).

All comments, suggestions, statements, data, information, and objections submitted in response to the notice of proposed rulemaking of October 27, 1971 (36 FR 20607) and the public hearing have been fully and carefully considered. Modifications of the proposed standards have been made which are described below and in the findings of fact.

1. *§ 75.1719:* As proposed, § 75.1719 merely restated the provisions of section 317(e) of the Act. § 75.1719 has been revised to specifically state the date upon which the standards contained in §§ 75.1719–1 through 75.1719–4 were promulgated in the FEDERAL REGISTER and, without the necessity of referring to other sources when published in the Code of Federal Regulations, to provide and specifically state the date 18 months after promulgation by which mine operators shall provide the required lighting.

2. *§ 75.1719–1:* The proposed § 75.1719–1 has been revised and modified to reflect certain findings of fact and comments and suggestions received in response to the notice of proposed rule making. The major revisions concern the requirement for lighting only while self-propelled mining equipment is operated in a working place; a definition of "self-propelled mining equipment" for the purposes of these standards; a clearer description of the illumination required according to specific types of equipment; and rearrangement and redesignation of proposed provisions for clarity. The revisions, modifications and new provisions are further described below.

§ 75.1719–1(a): As proposed, paragraph (a) required each working place to be illuminated at all times while miners were working in such places. Paragraph (a) has been modified to require illumination of working places only while self-propelled mining equipment is operated in the working place. As stated in the June 25, 1974 findings of fact, this change is made because portable task luminaires or area lighting systems for various nonmachine underground operations (for example, timbering, electrical, pipe, or machine repair) would require frequent repositioning which in many cases increases the miner's exposure to electrical shock, ignition, and other hazards present in working places. Additionally, MESA reports show that almost all serious and fatal accidents in working places occur while self-propelled equipment is operated in such working places. Therefore, illumination of working places while self-propelled mining equipment is not operated in working places will not be required, and such requirements are deleted, pending further study and until further notice is given pursuant to section 101 of the Act. As a result of the modification, the majority of light fixtures can be installed on machines, thereby eliminating the need for the presence of additional miners in working places.

§ 75.1719–1(b): A new paragraph (b) has been added defining "self-propelled mining equipment" for the purpose of clarifying the kinds of equipment which would require that illumination be provided in specified areas of the working place while such equipment is operated in the working place.

§ 75.1719–1 (c) and (d): Proposed paragraphs (b) and (c) have been redesignated paragraphs (c) and (d) respectively.

§ 75.1719–1(e): Proposed paragraphs (d), (e), (f) and (g) of § 75.1719–1 have been revised, modified, rearranged or deleted to more clearly define the areas to be illuminated for specific types of equipment or to conform to findings of fact and have been combined into a new paragraph (e).

Proposed paragraph (e) of § 75.1719–1 required the gob-side of the longwall roof support system to be illuminated. Such a requirement would necessitate installation of light fixtures under unsupported roof which would be extremely hazardous to miners. Proposed paragraph (e) has been redesignated paragraph (e)(4), and since miners do not work or travel on the gob-side of the roof support system, the area required to be illuminated has been changed to include only the area in which miners travel and work, which is the area between the gob-side of the travelway and the side of the block of coal from which coal is being extracted. In addition the control station, the head and tail piece, and the roof and floor for a distance of 5 feet horizontally from the control station, head piece, and tail piece shall be illuminated. Because of the similarity in the methods of mining, the areas to be illuminated in a shortwall working place have been included.

Paragraph (e)(2) has been added to cover the use of self-loading haulage equipment, such as scoops, when used to load materials in the working place. Such equipment is often used to load coal, rock, and other materials into shuttle cars and other types of haulage cars, and onto conveyors and belts. When operated in a working place for purposes other than loading, such equipment will be required to comply with § 75.1719–1 (e)(6).

A new paragraph (e)(5) has been added which covers roof-bolting machines separately from other types of equipment. The distance to which a miner is subjected to rib rolls increases as the distance from the floor to the roof increases. It is, therefore, important that illumination be provided on the ribs so that a miner can see a rib roll developing and take evasive action. Illumination will be required of coal surfaces and exposed surfaces of mining equipment which are within a distance of 5 feet from the roof bolting machine or within a distance equal to the distance from the floor to the roof, whichever is greater. It is the intent of the standards that in working places where the distance from the floor to the roof is 5 feet or less, that when the face or a rib is within 5 feet of the machine that such face and ribs shall be illuminated. It is also intended that the roof over the machine and the roof and floor for a distance of 5 feet surrounding the machine shall be illuminated. A distance of 5 feet will be measured, parallel to the floor, from the rear of the machine, from the sides of the machine, and from the sides and front of the drilling boom. The perimeter of the area on the roof and floor which shall be illuminated will be determined by projecting the 5 foot distance to the floor and roof. In addition, any rib surface, face surface, and exposed surface of mining equipment which is within the 5-foot distance shall be illuminated. Where the distance from the

floor to the roof is more than 5 feet, the distance from the sides of the machine and the sides and front of the drilling boom will be increased to a distance equal to the distance from the floor to the roof, but the distance from the rear of the machines shall be 5 feet. A roof bolting machine is operated throughout the working place at greater distances from the face and ribs than other self-propelled mining equipment. Further, unlike other self-propelled mining equipment, the roof bolting machine has operating controls located at an operator station at the front of the machine. In view of its unique function, the location of operating controls, and movement throughout the working place, the requirement for illumination only within a distance of 5 feet from the machine or a distance equal to the distance from the floor to the roof, whichever is greater, is provided in order to minimize discomfort glare, the presence of which could result in diminution of safety.

Paragraph (e)(6) will require illumination in working places in which other self-propelled equipment is operated, unless the entire working place is illuminated by stationary lighting. Luminaires shall be installed on each machine which shall illuminate a face or rib coal surface which is within 10 feet from the front and rear of the machine; the area of the surface to be illuminated shall equal the height and width of the machine; and the luminaires in the direction of travel shall be in operation at all times the machine is being trammed in the working place.

Proposed paragraph (f) has been deleted in view of the finding of fact that portable task luminaires or area lighting systems for various nonmachine underground operations require frequent repositioning which in many cases increases the miner's exposure to electrical shock and ignition hazards.

Proposed paragraph (g) required that in anthracite mines the area between the face and the full box, and the battery area at and inby the last open crosscut be illuminated. This requirement has been deleted because in anthracite mines self-propelled mining equipment is not normally used between the face and the full box or in the battery area. However, the provisions of § 75.1719–1 requiring illumination of working places while self-propelled mining equipment is operated in such places will be applied to anthracite mines.

§ 75.1719–1(f): as proposed, paragraph (h) provided that an authorized representative of the Secretary may specify other areas in working places to be illuminated. Proposed paragraph (h) has been redesignated paragraph (f) and has been revised to conform to the findings of fact and to provide that the Assistant Administrator, Coal Mine Health and Safety, MESA, may specify other areas in a working place to be illuminated while self-propelled mining equipment is operated in the working place.

§ 75.1719–1(g): Proposed paragraph (f) of § 75.1719–2 has been redesignated paragraph (g) of § 75.1719–1 and has been modified to clarify those surfaces to be illuminated and the surface brightness of such surfaces.

3. *§ 75.1719–2:* The provisions of § 75.1719–2 have been rearranged for clarity, content of subject matter, and ease of use. Revisions have been made and several new provisions have been added. The rearrangement, revisions and new provisions are described below.

§ 75.1719–2(a): The second sentence of paragraph (a) is redesignated paragraph (c)(1).

§ 75.1719–2(b): A new paragraph (b) has been added to specifically provide for the use of either machine-mounted or stationary lighting fixtures.

§ 75.1719–2(c): The provisions of § 75.1719–2(c) have been rearranged and contain the provisions of the second sentence of proposed § 75.1719–2(a) and revisions of proposed § 75.1719–2(b).

Paragraph (c)(2) contains revisions of the first sentence of proposed paragraph (b) providing more specific approved methods of grounding of stationary light fixtures and a maximum allowable fault current is specified to prevent electrical burns to miners handling energized stationary light fixtures.

Paragraph (c)(3) contains revisions of the second sentence of proposed paragraph (b) which has been modified to require that the frames of machine-mounted light fixtures be grounded to the machine only by a separate grounding conductor in compliance with § 75.701–4. This method of grounding is necessary in order to assure an adequate grounding circuit, because light fixtures installed on a machine are occasionally broken loose from the frame of the machine which allows an internal ground fault inside the enclosure to become a shock and/or an ignition hazard.

§ 75.7119–2(d): A new paragraph (d) has been added limiting to 300 volts the amount of voltage that can be used to supply power to stationary light fixtures which can be carried by hand while energized. Extremely dangerous shock hazards exist in handling portable equipment energized at a voltage greater than 300 volts. This hazard is also recognized in 30 CFR Part 18 which limits the voltage of hand-held tools to 300 volts.

§ 75.1719–2(e): Paragraph (e) contains the provisions of proposed paragraph (c) which has been modified to specify a maximum allowable amount of fault current setting which may be used to deenergize the circuit.

§ 75.1719–2(f): Paragraph (f) contains the provisions of proposed paragraph (d). Modifications have been made for clarity and to allow light fixtures to be protected by means other than removal for a specified distance from the blasting operation. This change was made to provide flexibility in the protection of light fixtures without diminution of safety, particularly for longwall operations. For example, the standard as proposed required light fixtures to be removed from the entire longwall face during blasting operations.

§ 75.1719–2(g): Paragraph (g) contains the provisions of the first sentence of proposed paragraph (e). The second sentence of proposed paragraph (e) has been deleted because experiments have shown that a light spread exceeding 170° does not cause glare if the light fixtures are properly oriented. However, paragraph (g) continues the requirement that lighting fixture systems shall be designed and installed to minimize discomfort glare.

4. *§ 75.1719–3:* Proposed § 75.1719–3 has been rearranged, revised and modified as explained below.

§ 75.1719–3(a): Proposed paragraph (a) provided that illumination levels could be determined by measuring surface brightness or incident light. Paragraph (a) has been modified to limit measurement of only luminous intensity (surface brightness). Incident light measurements have been deleted because at the present time technical problems exist in determining the reflectance value of rough and irregular surfaces under actual mining conditions. Paragraph (a) has been further modified to state clearly that the method of measurement in § 75.1719–3 is intended as prescribing the manner in which luminous intensity measurements will be made by MESA. The requirement that telescopic photosensors or visual photometers be used as instruments to measure light has also been deleted in order to allow for the use of a variety of existing instruments or others which may be developed in the future.

§ 75.1719–3(b): A new paragraph (b) has been added providing for standardization of light measuring procedures from mine to mine depending upon the areas of working places required to be illuminated. Paragraph (b) also combines provisions of proposed paragraphs (c) and (d) with revisions and modifications. The modifications provide for a more practical and enforceable method of light measurement. In addition, for the purpose of clarity, methods of measuring luminous intensity are depicted by figures in paragraphs (b)(5) and (b)(7).

§ 75.1719–3(c): A new paragraph (c) has been added to permit measurements to be made without hazard to an authorized representative of the Secretary under conditions which reflect as near as practicable the conditions surrounding the actual use of a machine. Temporary support may be required but at other times it may be more expedient to move a machine to a similar working place in which permanent roof supports have been installed.

§ 75.1719–3(d): Proposed paragraph (b) has been redesignated paragraph (d). The reference to Figure 4–5 in the "Illuminating Engineering Society Handbook, 4th Ed.," has been changed to the Commission Internationale de l'Eclairage (CIE) Spectral Luminous Curve. The CIE Spectral Luminous Curve is set forth for convenience and ready availability to assist in color correction of the instruments.

5. *§ 75.1719–4:* Paragraph (a) has been modified to provide that the paint on exterior surfaces of mining machines shall have a minimum reflectance of 30

percent, instead of 50 percent, in order to permit the use of common types of readily available protective paints and materials.

Paragraphs (b) and (d) have been modified to specify minimum sizes for reflectors or reflecting tape on mining machines, and reflecting tape, or equivalent paint, or material on hard hats or hard caps.

TEST AND EVALUATION OF ILLUMINATION SYSTEMS

The Mining Enforcement and Safety Administration (MESA) recognizes the complexity of making underground illumination measurements and evaluating illumination systems. Illumination of working places in underground mines is a relatively new and innovative safety measure, although practical lighting fixtures (stationary and machine-mounted) have been developed which will illuminate the working places to 0.06 footlamberts. Such lighting fixtures have been tried under actual mining conditions and at various coal-bed heights and have been found acceptable to both operators and miners. It is also recognized that a scarcity of illumination engineering expertise exists in the coal industry and in the mining equipment and mine lighting fixture industries. Therefore, in order to facilitate design and installation of illumination systems and to expedite compliance with sections 75.1719 through 75.1719–4 of Part 75, 30 CFR, MESA will provide technical assistance to coal mine operators, mining equipment manufacturers, and lighting fixture manufacturers in their efforts to design and install illumination systems.

The attention of mine operators and equipment manufacturers is directed to a Notice published in this issue of the FEDERAL REGISTER at page 14108 which states where and how technical assistance may be obtained from MESA and the test and evaluation of illumination systems. Requests should be made in writing to the Assistant Administrator—Technical Support, MESA, Ballston Towers No. 3, Room 917, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Mine operators, and equipment and lighting fixture manufacturers, are not required to submit lighting systems for test and evaluation. An approval plate or label will not be issued by MESA, nor will such a plate or label be required on lighting systems which have been tested and evaluated. MESA will, however, issue a Statement of Test and Evaluation which will define the parameters within which the illumination system can be operated to provide the required light. For example, the Statement of Test and Evaluation will state the maximum height of the working place, the maximum width of the working place, the type and model of machine (if machine mounted), and location and orientation of light fixtures, and other conditions under which the equipment may be operated to provide the required light.

It is intended that if lighting systems are installed and a machine is operated within the conditions and parameters set forth in the Statement of Test and Evaluation the operator will be considered by MESA as being in compliance with the requirements of the standards. However, if the lighting system is not installed or the machine is not operated within the conditions and parameters stated, light measurements shall be made in accordance with the procedures specified in the regulations to determine whether the required light is provided and whether a violation exists.

Upon written application and payment of fees MESA will test and evaluate lighting systems in a mine or in a simulated working place. Tests may be made on a machine or on a mockup of a machine upon which it is intended to install the lighting system.

Part 75, Title 30, Code of Federal Regulations is amended and revised as set forth below.

Effective Date: These revisions and amendments shall be effective on ----------.

It is hereby certified that the economic and inflationary impacts of these regulations have been carefully evaluated in accordance with OMB Circular A–107.

Part 75 of Title 30, Code of Federal Regulations, is amended by revising § 75.1719 and by adding new §§ 75.1719–1 through 75.1719–4 as follows:

§ 75.1719 Illumination; purpose and scope of §§ 75.1719 through 75.1719–4; time for compliance.

(a) Section 317(e) of the Act (30 U.S.C. 877(e)) directs and authorizes the Secretary to propose and promulgate standards under which all working places in a mine shall be illuminated by permissible lighting while persons are working in such places. §§ 75.1719 through 75.1719–4 prescribe the requirements for illumination of working places in underground coal mines while persons are working in such places and while self-propelled mining equipment is

(b) Section 317(e) further provides that all working places in a mine shall be illuminated within eighteen months after the promulgation of the standards. §§ 75.1719 through 75.1719–4 were published and promulgated in the FEDERAL REGISTER on ----------. Mine operators shall comply with §§ 75.1719 through 75.1719–4 not later than ----------.

§ 75.1719–1 Illumination in working places.

(a) Each operator of an underground coal mine shall provide each working place in the mine with lighting as prescribed in §§ 75.1719–1 and 75.1719–2 while self-propelled mining equipment is operated in the working place.

(b) Self-propelled mining equipment; definition. For the purposes of §§ 75.1719 through 75.1719–4, "self-propelled mining equipment" means equipment which possesses the capability of moving itself or its associated components from one location to another by electric, hydraulic, pneumatic, or mechanical power supplied by a source located on the machine or transmitted to the machine by cables, ropes, or chains.

(c) The lighting prescribed in this section shall be in addition to that provided by personal cap lamps.

(d) The luminous intensity (surface brightness) of surfaces that are in a miner's normal field of vision of areas in working places that are required to be lighted shall be not less than 0.06 footlamberts when measured in accordance with § 75.1719–3.

(e) When self-propelled mining equipment specified in paragraphs (e)(1) through (e)(6) of this section is operated in a working place, the areas within a miner's normal field of vision which shall be illuminated in the working place shall be as prescribed in paragraphs (e)(1) through (e)(6) of this section.

(1) *Continuous miners and coal-loading equipment.* In working places in which continuous miners and coal-loading equipment are operated, the areas which shall be illuminated shall be as follows:

(i) The face, and

(ii) The ribs, roof, floor, and exposed surfaces of mining equipment, which are between the face and the inby end of the shuttle car or other conveying equipment while in position to receive material.

(2) *Self-loading haulage equipment used as a loading machine.* In working places in which self-loading haulage equipment is operated to load material, the areas which shall be illuminated shall be as follows:

(i) The face, and

(ii) The ribs, roof, floor, and exposed surfaces of mining equipment, which are between the face and a point 5 feet outby the machine.

(3) *Cutting and drilling equipment.* In working places in which cutting or drilling equipment is operated, the areas which shall be illuminated shall be as follows:

(i) The face, and

(ii) The ribs, roof, floor, and exposed surfaces of mining equipment, which are between the face and a point 5 feet outby the machine.

(4) *Shortwall and longwall mining equipment.* In working places in which shortwall or longwall mining equipment is operated, the areas which shall be illuminated shall be as follows:

(i) The area for the length of the self-advancing roof support system and which is between the gob-side of the travelway and the side of the block of coal from which coal is being extracted, and

(ii) The control station, and the head piece and tail piece of the face conveyor, and

(iii) The roof and floor for a distance of 5 feet horizontally from the control station, head piece and tail piece.

(5) *Roof bolting equipment.* In working places in which roof bolting equipment is operated, the areas which shall be illuminated shall be as follows:

(i) *where the distance from the floor to the roof is 5 feet, or less:* the face, ribs, roof, floor, and exposed surfaces of mining equipment, which are within an area the perimeter of which is a dis-

tance of 5 feet from the machine, when measured parallel to the floor.

(ii) *where the distance from the floor to the roof is more than 5 feet:* the face, ribs, roof, floor, and exposed surfaces of mining equipment, which are within an area the perimeter of which from the front and sides of the machine is a distance equal to the distance from the floor to the roof and from the rear of the machine a distance of 5 feet, when measured parallel to the floor.

(6) *Other self-propelled equipment.* Unless the entire working place is illuminated by stationary lighting equipment, in working places in which self-propelled equipment is operated, other than equipment specified in paragraphs (e)(1) through (e)(5) of this section, illumination shall be provided as follows:

(i) Luminaires shall be installed on each machine operated in the working place which shall illuminate a face or rib coal surface which is within 10 feet of the front and the rear of the machine to a luminous intensity of not less than 0.06 footlamberts, and

(ii) The height and width of the area of the coal surface which shall be illuminated shall equal the height and width, respectively, of the machine on which the luminaires are installed, and

(iii) The luminaires in the direction of travel shall be operated at all times the equipment is being trammed in the working place.

(f) The Assistant Administrator, Coal Mine Health and Safety, MESA, may specify other areas in a working place to be illuminated for the protection of miners while self-propelled mining equipment is being operated in the working place.

(g) Surface brightness of floor, roof, coal and machine surfaces in the normal visual field of a miner shall not vary more than 50 percent between adjacent fields of similar surface reflectance, and the maximum surface brightness of such surface shall not exceed 120 footlamberts, which measured in accordance with § 75.1719–3.

§ 75.1719–2 Lighting fixtures; requirements.

(a) Lighting fixtures shall be permissible.

(b) Lighting fixtures may be installed on self-propelled machines or may be stationary lighting fixtures.

(c)(1) Electrically operated lighting fixtures shall be energized by direct current, or by sinusoidal full wave alternating current not less than 50 cycles per second (100 pulses per second), or by an equivalent power source that causes no greater flicker.

(2) Alternating current circuits supplying power to stationary lighting fixtures shall contain conductors energized, at voltages not greater than 70 volts to ground. Alternating current circuits, energized at 100 volts or more and used to supply power to stationary lighting fixtures, shall originate at a transformer having a center or neutral tap grounded to earth through a proper resistor, which shall be designed to limit fault current to not more than 5 amperes. A grounding circuit in accordance with § 75.701–4 shall originate at the grounded terminal of the grounding resistor and extend along with the power conductors and serve as a grounding conductor for the frames of all equipment receiving power from the circuit. The ground fault current rating of grounding resistors shall meet the "extended time rating" set forth in the Institute of Electrical and Electronics Engineers, Inc. Standard No. 32 (IEEE Std. 32–1972) which is hereby incorporated by reference and made a part hereof. The incorporated publication is available for examination at each Coal Mine Health and Safety District and Subdistrict Office of MESA, and may be obtained from the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, N.Y. 10017.

(3) Machine-mounted lighting fixtures shall be electrically grounded to the machine by a separate grounding conductor in compliance with § 75.701–4.

(d) Direct current circuits in excess of a nominal voltage of 300 volts shall not be used to supply power to stationary light fixtures.

(e) Cables conducting power to stationary lighting fixtures from both alternating and direct current power sources, other than intrinsically safe devices, shall be considered trailing cables, and shall meet the requirements of Subpart G of this part. In addition, such cables shall be protected against overloads and short circuits by a suitable circuit breaker or other device approved by the Secretary. Circuit breakers or other device approved by the Secretary protecting trailing cables receiving power from resistance grounded circuits shall be equipped with a ground trip arrangement which shall be designed to deenergize the circuit at not more than 50% of the available fault current.

(f) Before shunts are removed from blasting caps, lighting fixtures and associated cables located in the same working place shall be deenergized. Furthermore, lighting fixtures shall be removed out of the line of blast and not less than 50 feet from the blasting operation unless otherwise protected against flying debris.

(g) Lighting fixtures shall be designed and installed to minimize discomfort glare.

§ 75.1719–3 Methods of measurement; light measuring instruments.

(a) Compliance with § 75.1719–1(d) shall be determined by MESA by measuring luminous intensity (surface brightness).

(b) In measuring luminous intensity the following procedures shall be used:

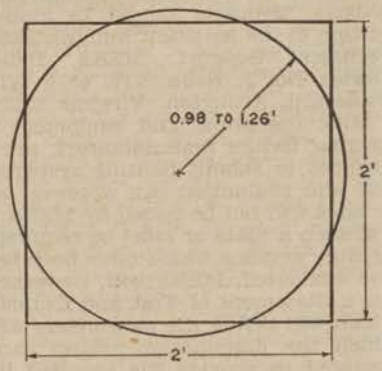
(1) In areas of working places specified in §§ 75.1719–1(e)(1) through 75.1719–1(e)(3) luminous intensity measurements of the face, ribs, roof, floor, and exposed surfaces of mining equipment, shall be made with the machine idle and located in the approximate center of the working place with the cutting, loading, or drilling head toward the face and not more than 3 feet from the face.

(2) In areas of working places specified in § 75.1719–1(e)(4) luminous intensity measurements may be made at any time longwall or shortwall mining equipment is operated except that when measurements are made in the vicinity of shearers, plows, or continuous miners, the equipment shall be idle while measurements are being made.

(3) In areas of working places specified in § 75.1719–1(e)(5) luminous intensity measurements of the face, ribs, roof, floor, and exposed surfaces of mining equipment, shall be made with the machine idle and located in the approximate center of the working place with the drilling head toward the face and a distance from the face of 5 feet, or the distance from the floor to the roof, whichever is applicable. When the machine is located in the center of the working place and the surfaces of the ribs to be illuminated are not within the perimeter of the area determined in accordance with § 75.1719–1(e)(5), the machine shall be positioned the applicable distance from the face and each rib and luminous intensity measurements made for each rib, provided, however, that luminous intensity measurements may be made of the face, roof, floor, and exposed surfaces of mining equipment with the machine so located without locating the machine in the center of the working place.

(4) In areas of working places specified in § 75.1719–1(e)(6), luminous intensity measurements of a coal surface shall be made with the machine idle and located in the approximate center of the working place with the appropriate end toward the face and not less than 9 feet nor more than 10 feet from the face.

(5) The area of surfaces to be measured shall be divided into round or square fields having an area of not less than 3 nor more than 5 square feet as illustrated by the following figure:

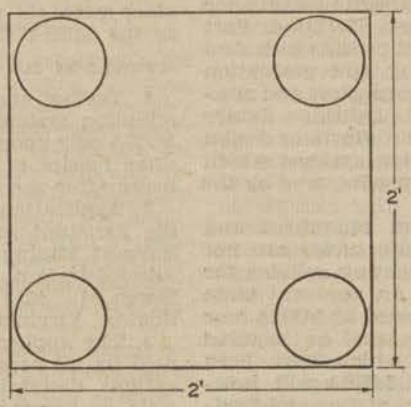


DIRECT MEASUREMENT OF LUMINOUS INTENSITY

(6) Measurements shall be taken with the photometer held approximately perpendicular to the surface being measured and a sufficient distance from the surface to allow the light sensing element in the instrument to receive reflected light from a field of not less than 3 nor more than 5 square feet. The lumi-

nous intensity of each such field shall be not less than 0.06 footlamberts.

(7) In areas of working places where clearances are restricted to the extent that the photometer cannot be held a sufficient distance from the surface to allow the light sensing element in the instrument to receive reflected light from a field having an area of at least 3 square feet, luminous intensity shall be considered as the average of four uniformly spaced readings taken at the corners and within a square field having an area of approximately 4 square feet. In such instances, the area of each of the individual readings shall not exceed 100 square inches. The average of the four readings shall not be less than 0.06 footlamberts. The method of measurement is illustrated by the following figure:



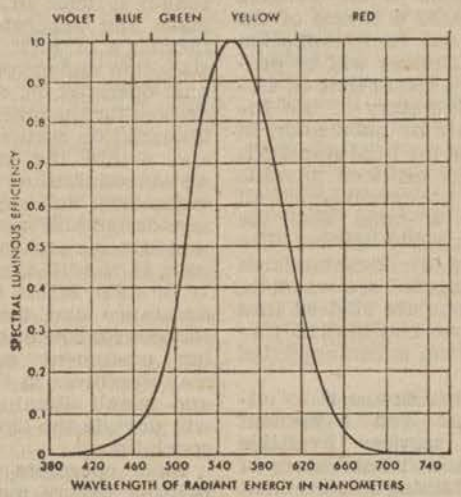
DETERMINATION OF LUMINOUS INTENSITY BY AVERAGING METHOD

(8) Measurements shall not be made where shadows are cast by roof control posts, ventilation equipment, or other obstructions necessary to insure safe mining conditions.

(9) Where machine-mounted light fixtures are used on equipment, except self advancing roof support systems, measurements shall not be made of surfaces on or within 1 foot of a self-propelled machine.

(c) For the purpose of making illumination measurements, an authorized representative of the Secretary may require the installation of temporary roof supports or the removal of the equipment to a similar working place in which permanent roof supports have been installed.

(d) Light measuring instruments shall be properly calibrated and maintained. Instruments shall be calibrated against standards traceable to the National Bureau of Standards and color corrected to the Commission Internationale de l'Eclairage (CIE) Spectral Luminous Curve. The CIE Spectral Luminous Curve is as follows:



§ 75.1719–4 Mining machines, cap lamps; requirements.

(a) Paint used on exterior surfaces of mining machines shall have a minimum reflectance of 30 percent, except cab interiors and other surfaces which might adversely affect visibility.

(b) When stationary light fixtures are used, red reflectors mounted in protective frames or reflecting tape shall be installed on each end of mining machines, except that continuous mining machines, loaders, and cutters need only have such reflectors or tape on the outby end. Reflectors or reflecting tape shall have an area of not less than 10 square inches.

(c) Each person who goes underground shall be required to wear an approved personal cap lamp or an equivalent portable light.

(d) Each person who goes underground shall be required to wear a hard hat or hard cap which shall have a minimum of 6 square inches of reflecting tape or equivalent paint or material on each side and back.

(Secs. 101, 317(e) Pub. L. 91–173, 83 Stat. 745, 788 (30 U.S.C. 811, 877(e)).)

[FR Doc.76–8892 Filed 3–31–76;8:45 am]

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

UNDERGROUND COAL MINES

Testing and Evaluation of Illumination Systems

Concurrent with this Notice there is published in this issue of the FEDERAL REGISTER at page 14102 a Notice of the date on which standards for illumination in underground coal mines will be promulgated. The Notice states that on October 1, 1976, the Secretary of the Interior will promulgate by publication in the FEDERAL REGISTER the final standards under which within eighteen months after the standards are promulgated all working places in a mine shall be illuminated by permissible lighting. The form and substance of the standards which will be promulgated are set forth, and interested persons are advised that the standards are firm and that no further change or revision is contemplated or intended.

The purpose of this Notice is to advise mine operators and equipment manufacturers of services available through the Illumination Laboratory of Technical Support, Mining Enforcement and Safety Administration (MESA), Beckley, West Virginia, in order to facilitate design and installation of illumination systems and to expedite compliance with §§ 75.1719 through 75.1719–4 of Part 75, Title 30, Code of Federal Regulations. Testing and evaluation of illumination systems will be made to determine whether, or in what manner, the system will meet the final standards which are to be promulgated. The procedures state how a Statement of Test and Evaluation will be used by a mine inspector in determining compliance with the illumination standards.

The procedures for obtaining assistance and the test and evaluation of illumination systems by Technical Support, Mining Enforcement and Safety Administration, are set forth below.

Dated: March 24, 1976.

WILLIAM L. FISHER,
Assistant Secretary of the Interior.

PROCEDURES FOR TESTING AND EVALUATION OF ILLUMINATION SYSTEMS

By a Notice published in the FEDERAL REGISTER the Secretary of the Interior has established October 1, 1976 as the date upon which final regulations pertaining to illumination of underground working places will be promulgated. The Notice sets forth the regulations which will be contained in §§ 75.1719 through 75.1719–4 of Part 75, Title 30, Code of Federal Regulations.

PURPOSE

The purpose of these Procedures is to advise mine operators and equipment manufacturers of services available through the Illumination Laboratory of Technical Support, MESA, Beckley, West Virginia. The Mining Enforcement and Safety Administration recognizes the complexity of making underground illumination measurements and evaluating illumination systems. It is also recognized that a scarcity of illumination engineering expertise exists in the coal mining industry and in the mining equipment manufacturing industry. MESA is convinced, however, that the technology exists exists to test and evaluate illumination systems in a simulated working place and accurately predict the performance of such systems prior to installation underground if installed, used, and operated in accordance with the designs for the machines upon which the illumination systems are to be installed and within the conditions and parameters established through testing and evaluation. Therefore, in order to facilitate design and installation of illumination systems and to expedite compliance with §§ 75.1719 through 75.1719–4, Part 75, 30 CFR, MESA will provide technical assistance and testing and evaluation services for coal mine operators and mining equipment and lighting fixture manufacturers in their efforts to design and install illumination systems which will provide the lighting required by the regulations.

Mine operators and equipment and lighting fixture manufacturers are not required to submit lighting systems for test and evaluation. An approval plate or label will not be issued by MESA, nor will such a plate or label be required on lighting systems which have been tested and evaluated. MESA will, however, issue a Statement of Test and Evaluation which will define the conditions and parameters determined by the test and evaluation within which the illumination system can be operated to provide the required light.

It is intended that if lighting systems are installed and a machine is operated within the conditions and parameters set forth in the Statement of Test and Evaluation, the operator will be considered by MESA as being in compliance with the requirements of the standards. However, if the lighting system is not installed or the machine is not operated within the conditions and parameters stated, light measurements shall be made in accordance with the procedures specified in the regulations to determine whether the required light is provided and whether a violation exists. The mine inspector will inspect lighting systems that have been tested and evaluated to determine if the lighting system, in all respects, conforms to the Statement of Test and Evaluation; whether changes or modifications have been made in the lighting system; whether one or more lights are not working; and whether the illumination system is being operated and used within the conditions and parameters specified in the Statement of Test and Evaluation.

IN-MINE ASSISTANCE, TEST AND EVALUATION

Upon written request of a coal mine operator, MESA will test and evaluate installed illumination systems in working places in a mine.

SIMULATED WORKING PLACE, TEST AND EVALUATION

MESA will test and evaluate both machine-mounted and stationary illumination systems for coal mine operators and mine equipment manufacturers in a simulated working place prior to installation underground.

MESA may require that the applicant make available a machine or mock-up of a machine for testing and evaluation of the illumination system or such mock-up may be built by MESA.Testing and evaluation in a simulated working place will be performed by the Illumination Laboratory of Technical Support, MESA, Beckley, West Virginia. Testing and evaluation also may be performed at a simulated working place furnished by an applicant, provided such simulated working place meets the same, or greater, criteria as the MESA simulated working place.

APPLICATION FOR TESTING AND EVALUATION

1. Testing and evaluation of an illumination system will be undertaken by MESA only upon written application and after receipt of the deposit for fees as hereinafter specified.

2. Applications shall be submitted to the Assistant Administrator—Technical Support, Mining Enforcement and Safety Administration, Ballston Towers No. 3, Room 917, 4015 Wilson Boulevard, Arlington, Virginia 22203.

3. The application shall be accompanied by all necessary drawings, specifications, descriptions, and related materials, as hereinafter specified.

a. *Machine-mounted illumination systems.* Applications for test and evaluation of machine-mounted illumination systems shall be accompanied by all necessary drawings and specifications, including drawings of the machine showing the location and orientation of all components of the illumination system and the overall dimensions of the machine.

b. *Stationary illumination systems.* Applications for test and evaluation of stationary illumination systems shall be accompanied by all necessary drawings and specifications, including drawings of the working place showing the location and orientation of all components of the illumination system and a description and list of the types and models of all equipment to be operated in the working place.

c. *Drawings and specifications.* (1) All drawings and specifications shall be submitted in triplicate.

(2) Drawings and specifications shall be in sufficient detail to identify fully the complete assembly, component parts, and subassemblies. Drawings shall be titled, numbered, dated and shall show the latest revision. Each drawing shall include a warning statement that changes in design which have not been authorized by MESA shall be considered by MESA as causing such modified illumination system to be out of compliance with the STE. When intrinsically safe circuits are incorporated into an illumination system, the wiring diagram shall include a warning statement that

any changes in the intrinsically safe circuitry or components may result in an unsafe condition. The specifications shall include an assembly drawing showing the overall dimensions of the machine and the location of each component part of the illumination system. Purchased parts shall be identified by the manufacturer's name, catalog number and rating. All drawings of component parts submitted to MESA shall be identical to those used in the manufacture of the parts.

4. Only complete illumination systems will be tested and evaluated.

5. Illumination systems that include one or more nonexplosion-proof components will not be tested and evaluated unless such components contain intrinsically safe circuits.

FEES AND COSTS

1. Applicants shall be responsible for and pay all packaging, crating, shipping, freight, and delivery charges necessary to deliver a machine, mock-up of a machine, or illumination system to the MESA test and evaluation site and return to the applicant upon completion of the test and evaluation. The applicant shall furnish at its own expense necessary personnel to assemble and disassemble machines, mock-ups, and illumination systems to be tested and evaluated.

2. MESA may require the assistance of the applicant or agents and employees of the applicant during the assembly, disassembly, or preparation of a machine, mock-up of a machine, or illumination system. or in the operation of a machine or illumination system during testing and evaluation. Only necessary government personnel, persons assisting as provided in this paragraph, and such other persons as are requested by MESA or the applicant to be observers, shall be present during the testing and evaluation of the illumination system under consideration. The salaries or wages of the applicant's agents, employees, or observers shall be paid by the applicant. Such agents, employees, and observers shall be deemed to be, and remain at all times, employees of the applicant who shall assume full responsibility and liability for damages that may arise out of their employment on the project, and shall carry all necessary and suitable liability and compensation insurance and make payroll deductions on their account.

Each party shall be responsible for its own acts and the results thereof and shall not be responsible for the acts of the other party and the results thereof. Each party shall assume all risk and liability to itself, its agents or employees for any injury to persons or property resulting from the conduct of its own operations and the operations of its agents, employees, or observers, and for any loss, cost, damage, or expense resulting from and due to any act or acts, negligence. or the failure to exercise proper precautions, or by itself or by its own agents, employees, or observers, while occupying or visiting the test and evaluation site.

3. *Fees.* An applicant shall pay for services involved in the testing and evaluation of an illumination system a fee which shall be determined as follows:

a. The fee shall be an hourly rate based on the most recent rate of basic pay in the General Schedule (GS) contained in Section 5332(a) of Title 5, United States Code, adjusted in accordance with Subchapter I of Chapter 53 of Title 5, U.S.C. The hourly rate shall be determined upon the salaries of the following classes of employees only and shall be determined in the following manner:

An Engineer: Grade GS–12, step 1.
A Technician: Grade GS–7, step 1.
Clerical Personnel: Grade GS–4, step 1.

b. There shall be added to the hourly rate an 8½ percent increment for personal benefits.

4. *Other costs and charges.* When testing and evaluation is performed at locations other than MESA's premises, the applicant shall reimburse MESA for traveling, subsistence and incidental expenses of MESA's representative(s) in accordance with Standardized Government Travel Regulations. Such reimbursement shall be in addition to the hourly fee charged for testing and evaluation.

5. *Deposit and payment of fees and charges.* a. An applicant may consult with MESA in advance of the submission of an application for testing and evaluation to determine the estimated fees and charges which will be required. The applicant may deposit the estimated amount with MESA at the time the application is submitted to the Assistant Administrator—Technical Support.

b. An applicant may submit an application to the Assistant Administrator—Technical Support without a deposit of fees and other charges. Upon receipt of the application, the Assistant Administrator—Technical Support will examine and review the application and determine the estimated amount of fees and other charges which will be required to perform the test and evaluation. The Assistant Administrator—Technical Support will advise the applicant the estimated amount of fees and charges which shall be deposited.

c. Payment or deposit of fees and other charges shall be made by a check, bank draft, or money order, payable to Mining Enforcement and Safety Administration.

d. MESA may from time-to-time require the deposit of additional funds when during the performance of testing and evaluation the amounts on deposit are found to be insufficient to complete such testing and evaluation.

e. No testing and evaluation will be performed until the estimated fees and charges are deposited nor will further testing and evaluation be performed until additional funds are deposited when required.

f. Any funds deposited with MESA that exceed the fees and charges required to be paid will be refunded at the completion of the testing and evaluation, or applied to future testing and evaluation, as directed by the applicant.

STATEMENT OF TEST AND EVALUATION

1. A Statement of Test and Evaluation will be issued for machine-mounted or stationary illumination systems that are tested and evaluated.

2. Upon completion of the test and evaluation of an illumination system, MESA will issue to the applicant a Statement of Test and Evaluation. The Statement will set forth the conditions and parameters under which the illumination system has been found to provide the light required by the regulations. Conditions and parameters that will be specified in the Statement will include, but not limited to:

The maximum height of the working place.
The maximum width of the working place.
The type and model of machine, if machine-mounted.
The location and orientation of light fixtures.

3. The Statement will identify the illumination system tested and evaluated and will be accompanied by the drawings and specifications (and lists thereof) and related material, covering the design and construction of the illumination system and equipment upon which the test and evaluation is based. Applicants shall keep such drawings, specifications, and related materials that relate to the illumination system tested and evaluated. The drawings and specifications shall be adhered to in production, installation, maintenance and use of the illumination system in order to maintain its classification as being in compliance with the requirements of the standards.

4. If the applicant requests that the illumination system be tested and evaluated to determine the maximum height and width of the working place in which the illumination system can be used to provide the required light, the Statement shall specify the maximum height and width which was determined.

If the applicant requests that the illumination system be tested and evaluated to determine whether the illumination system will provide the required light in working places of heights and widths specified by the applicant, the Statement shall specify whether or not the illumination system provides the required light. The Statement will be accompanied with details of the deficiencies with recommendations for possible correction of the illumination system.

CHANGES OR MODIFICATIONS OF A TESTED AND EVALUATED ILLUMINATION SYSTEM

If an applicant desires to change any feature of an illumination system for which a Statement of Test and Evaluation has been issued, he may request MESA's concurrence by filing an application for such change or modification in accordance with the following procedures:

1. The application shall be submitted as an original application for test and

evaluation, with a request for a modification of the original Statement to cover the proposed modification or change.

2. The application shall be accompanied by appropriate drawings, specifications, and related information, showing the proposed modifications for changes in detail.

3. The application, together with the accompanying material, will be examined by MESA to determine whether inspection or testing and evaluation of the modified illumination system will be required.

4. If testing and evaluation is not required, or if testing and evaluation is performed, a supplementary Statement of Test and Evaluation will be issued, accompanied by the new or revised drawings or specifications (and lists thereof), and new or revised conditions or parameters, if any, which shall be applicable.

CRITERIA FOR TESTING AND EVALUATION OF ILLUMINATION SYSTEMS IN A SIMULATED WORKING PLACE USING SURFACE BRIGHTNESS MEASUREMENTS

A. *General.* A simulated working place shall be constructed in such a manner so as to exclude all exterior light and the interior surfaces shall be uniformly diffused and have a reflectance value not greater than five percent. The ceiling and sides may be constructed so that they are adjustible.

B. *Testing and Evaluation of Machine-Mounted or Stationary Illumination Systems using Surface Brightness Measurements.* 1. The illumination system shall be installed in the simulated working place in accordance with the drawings and specifications submitted in the application for testing and evaluation.

2. The ceiling and sides of the simulated working place shall be adjusted to their maximum height and width, or to the height and width specified by the applicant.

3. The illumination system shall be energized and allowed a warm-up period.

4. Luminous intensity measurements shall be performed as prescribed in 30 CFR 75.1719–3.

5. The luminous intensity of all surfaces required to be illuminated by 30 CFR 75.1719–1 shall be at least 0.06 footlamberts when adjusted by the following formula:

$$\frac{\text{Reflectance of underground surface (0.02)}}{\text{Reflectance of simulated working place surface}} \times \text{Light loss factor (0.77)} \times \text{Average footlambert measurement for a field} \geq 0.06 \text{ fL}$$

6. Where the luminous intensity of any field is found to be less than 0.06 footlamberts, when possible, the height and/or the width of the simulated working place shall be decreased until the luminous intensity of all surfaces required to be illuminated by 30 CFR 75.-1719–1 is at least 0.06 footlamberts, as adjusted by the formula in paragraph B.5. of these criteria. The decreased height and/or decreased width at which compliance with the required luminous intensity of 0.06 footlamberts is achieved shall be specified as the maximum allowable height and/or width in the Statement of Test and Evaluation.

CRITERIA FOR TESTING AND EVALUATION OF ILLUMINATION SYSTEMS IN A SIMULATED WORKING PLACE AND IN WORKING PLACES OF UNDERGROUND COAL MINES USING INCIDENT PHOTOMETERS

A. *General.* A simulated working place shall be constructed in such a manner so as to exclude all exterior light, and the surface of the interior ceiling, walls, and floor of a simulated working place shall have reflectance value of not greater than five percent. The ceiling and sides may be constructed so that they are adjustable.

B. *Testing and Evaluation of Machine-Mounted or Stationary Illumination Systems using Incident Light Measurements.* 1. The illumination system shall be installed in the simulated working place or in a working place of an underground coal mine in accordance with the drawings and specifications submitted in the application for testing and evaluation.

2. The illumination system shall be energized and allowed a warm-up period.

3. Incident light for each 4-square-foot field shall be considered as the average of four uniformly spaced measurements taken at the corners of the field.

4. Measurements will be taken for all areas to be illuminated, using an incident photometer. Footcandle averages for each field shall be adjusted by the following formula:

$$\text{Average footcandle measurement for a field} \times \text{Light loss factor (0.77)} \times \text{Reflectance of underground surface (0.02)} \geq 0.06 \text{ fL}$$

5. The luminous intensity of all surfaces required to be illuminated by 30 CFR 75.1719–1 shall be at least 0.06 footlamberts when adjusted by the formula in B.4. of these criteria.

[FR Doc.76-8893 Filed 3-31-76;8:45 am]

federal register

THURSDAY, APRIL 1, 1976



PART III:

CONSUMER PRODUCT SAFETY COMMISSION

■

MATCHBOOKS

Proposed Standards

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1202]

MATCHBOOKS

Proposed Safety Standard

In this notice, the Consumer Product Safety Commission proposes a consumer product safety standard for matchbooks pursuant to section 7(f) of the Consumer Product Safety Act (15 U.S.C. 2056(f)), sometimes referred to below as the Act or the CPSA, and invites public comment on the proposed standard until June 1, 1976. The Commission also extends from 60 days to 120 days the time period, as prescribed in section 9(a)(1) of the Act (15 U.S.C. 2058(a)(1)), during which the Commission must issue a final standard or withdraw the proceeding to establish the standard.

In the proceedings leading to this proposal, the subject articles were referred to as "bookmatches." Commencing with this proposal, they will be referred to as "matchbooks." This is consistent with current English usage and also permits a distinction between the entire article, a "matchbook," and the individual ignition device contained within, a "bookmatch."

The proposed standard, 16 CFR 1202, prescribes safety requirements for matchbooks. The proposed standard is applicable only to matchbooks as defined in § 1202.3(1) of the proposal and is not applicable to such matches as individual wooden matches packaged in boxes, survival matches, or "strike anywhere" wooden kitchen matches. The requirements are designed to reduce or eliminate unreasonable risks of death or injury from accidents associated with matchbooks. All matchbooks manufactured in the United States or imported into the United States after the effective date of the standard must comply with its requirements. The effective date proposed is 365 days after the date that the final standard is published in the FEDERAL REGISTER.

Copies of all documents, data and information relative to these matchbook proceedings and the Commission's decisions thereon are available through the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street, NW., Washington, D.C. 20207.

Risks of injury. The Commission estimates that during fiscal year 1975, approximately 9,500 people throughout the United States required hospital emergency room treatment for match related injuries. This estimate is based on 368 emergency room reports from 119 statistically selected hospitals transmitting data to the Commission's National Electronic Injury Surveillance System (NEISS). Additional data from the Death Certificate Program and the Flammable Fabrics Accident Case and Testing System (FFACTS) further expanded the data from which the Commission identified the nature of the risk of injury associated with bookmatches. These data indicate that bookmatches were involved in:

1. Deaths due to severe burn and other major burn injuries involving the legs, trunk, or between 25–50 percent of the body surface, which involved clothing ignition caused by:

a. Children misusing or playing with matches. (Although most match incidents involving children under 10 years of age are the result of playing with matches, data from in-depth reports indicate that at about age six, the pattern of play may change from one of "random" to that of "purposeful" play.)

b. Adults (ages 45–65) and the elderly (age 66 and over) dropping a lighted match on clothing and causing a fire.

2. Localized burns, primarily affecting the head and eye area, resulting from flaking, fragmentation or dislodging of the matchhead, or afterglow of extinguished match.

3. Burn injuries to the hand and fingers due to poor design of matchbooks, delayed ignition, or ignition of entire matchbook.

4. Deaths from house or room fires caused by misuse of matches, including dropped lighted matches.

The proposed standard for matchbooks is designed to reduce or eliminate the following unreasonable risks of death or serious injury that were listed in the Commission's notice commencing proceedings for a product safety standard (September 4, 1974; 39 FR 32050):

1. Burn injuries sustained by children and others, including mentally or physically impaired persons, who play with or otherwise improperly use matchbooks.

2. Burn injuries sustained by persons who use bookmatches that spark or have delayed ignition.

3. Eye injuries sustained by persons who use bookmatches that fragment and cause particles from such matches to lodge in a person's eye.

4. Burn injuries sustained by persons who use bookmatches that, when struck, ignite the remaining matches in the matchbook.

5. Burn injuries sustained by persons, including children, using bookmatches that after ignition have dropped on exposed parts of the body or that have been dropped on and have ignited clothing because such bookmatches have failed to extinguish in time to avoid such injuries.

6. Burn injuries sustained by persons from fires that have resulted from unexpected ignition of bookmatches with no deliberate action by the user.

7. Burn injuries that have been sustained by persons from fires that have been set by the afterglow of extinguished bookmatches.

In order to address these risks, the Commission is proposing this standard for matchbooks.

Background. In the FEDERAL REGISTER of September 4, 1974 (39 FR 32050), the Commission commenced a proceeding under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) for the development of a consumer product safety standard applicable to matchbooks. On October 24, 1974, the Commission accepted the offer of the American Society for Testing and Materials (ASTM) to develop a standard. The Commission's acceptance of the offer from ASTM was formalized on December 30, 1974, and was announced in the FEDERAL REGISTER of January 7, 1975 (40 FR 1298). On January 31, 1975, ASTM submitted to the Commission a recommended standard.

Section 7(f) of the Consumer Product Safety Act provides that within 210 days after the publication in the FEDERAL REGISTER of a notice of proceeding to develop a consumer product safety standard (here published September 4, 1974), the Commission must either publish a proposed standard or withdraw the notice of proceeding. The Commission may extend the 210-day period for good cause by publishing a notice of extension in the FEDERAL REGISTER.

The 210-day period for the development of a recommended matchbook standard expired on April 2, 1975. The Commission had determined, however, that it needed additional time to review the material submitted by the offeror and the analysis thereof by Commission staff, and to act upon numerous and complex issues and options available in this matter. In the FEDERAL REGISTER of April 17, 1975 (40 FR 17196), the Commission for good cause shown, extended until May 2, 1975, the time in which it had to either publish a proposed consumer product safety standard applicable to matchbooks or withdraw its notice of proceeding.

The Commission thereafter determined that the recommended standard for matchbooks and supporting data submitted by ASTM constituted an adequate response to the section 7 notice of proceeding for matchbooks. The Commission believed that a more detailed discussion of the rationale for each substantive provision of the standard was desirable for possible future rulemaking. In addition, the Commission determined that further information was necessary in order to address adequately the primary hazard of matchbooks, which is the risk of injury to children who play with or otherwise misuse bookmatches. In light of these determinations, the Commission announced in the FEDERAL REGISTER of July 3, 1975 (40 FR 28126), that it was again, for good cause shown, extending the time for publishing a proposed rule or withdrawing the notice of proceeding until October 1, 1975. This extension would allow the necessary time for both the submission and evaluation of ASTM's detailed rationale for its recommended standard and the development by the Commission staff of child-resistant characteristics for the matchbook cover for possible inclusion in the standard.

In the FEDERAL REGISTER of October 31, 1975 (40 FR 50745), the Commission, for good cause shown, extended until December 1, 1975, the period in which it had to propose a product safety rule or withdraw the proceeding. The Commission determined that this was necessary because the staff's review of the ASTM rationale and its testing of bookmatches in accordance with the provisions of the

recommended standard did not verify the standard's effectiveness. The Commission found that additional time was necessary (1) to modify and verify test methods for certain of the ASTM recommended provisions, (2) to allow the Commission staff to prepare detailed justification for the child-resistant matchbook cover requirements, (3) to integrate into a single standard the child-resistant matchbook cover requirements and the provisions of the ASTM recommended standard found effective, and (4) to allow for staff comment on this proposed integrated comprehensive consumer product safety standard for matchbooks.

In the FEDERAL REGISTER of December 2, 1975 (40 FR 55897) the Commission, for good cause shown, extended until January 30, 1976, the date by which it had to publish a proposed consumer product safety rule or withdraw the notice of proceeding. This extension was necessary to allow the Commission additional time to adequately review the proposed standard and the large amount of supporting material.

In the FEDERAL REGISTER of February 6, 1976 (41 FR 5424) the Commission, for good cause shown, extended until March 30, 1976, the date by which it must publish a proposed consumer product safety standard for matchbooks or withdraw the notice of proceeding. This extension was necessary to allow the Commission and its staff additional time to evaluate the relevant environmental data received by the Commission from its contractor on January 30, 1976.

Jurisdiction. Sections 7 and 9 of the Consumer Product Safety Act (15 U.S.C. 2056, 2058) authorize the Commission to issue consumer product safety standards respecting unreasonable risks of injury associated with consumer products. Matchbooks, being produced and distributed for the sale to, and for the personal use, consumption, and enjoyment of consumers, are clearly "consumer products" as that term is defined in § 3(a)(1) of the Act (15 U.S.C. 2052(a)(1)). In addition, the risks of injury presented by matchbooks are not excluded from the Commission's jurisdiction under § 31 of the act (15 U.S.C. 2080). Being flammable, however, and being intended or packaged in a form suitable for use in the household, matchbooks and the risks of injury associated with them could arguably be regulated under the provisions of the Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*). In fact, regulation of bookmatches under the FHSA is recognized by a regulation thereunder (16 CFR 1500.83(a)(2)), which expressly exempts them from the labeling requirements of section 2(p)(1) of the FHSA (15 U.S.C. 1261(p)(1)). In accordance with the provisions of section 30(d) of the CPSA (15 U.S.C. 2079(d)), the Commission may not regulate risks of injury associated with matchbooks under the CPSA unless it determines that such risks of injury cannot be eliminated or reduced to a sufficient extent by action taken under the FHSA.

Not all of the risks of injury associated with matchbooks and addressed by this standard relate to flammability. The risk of "eye injuries sustained by persons who use bookmatches that fragment and cause particles from such matches to lodge in a person's eye" cannot be eliminated or reduced to a sufficient extent under the FHSA because this risk is mechanical in nature and the FHSA covers mechanical hazards only for toys or other articles intended for use by children. The Commission believes that it can more effectively reduce the matchbook risks of injury by addressing all such risks under the provisions of one act, the CPSA, than by using the provisions of two or more acts. For the same reason, child-resistant cover requirements are proposed in this standard under the authority of the CPSA although a separate standard could conceivably be written under the authority of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 *et seq.*) to address the risk of child abuse and misuse of matchbooks. The Commission believes that addressing all identified matchbook risks of injury in a comprehensive standard under one act is the most appropriate mechanism for reducing or eliminating these risks.

Accordingly, the Commission has decided to propose a consumer product safety rule for matchbooks under the CPSA.

Proposal. The proposed matchbook standard, 16 CFR 1202 below, includes provisions that are directed toward the reduction of the aforementioned risks.

1. *Effective date.* Section 1202.1(b) prescribes an effective date to be 365 days after the date of publication of Part 1202 in the FEDERAL REGISTER. In choosing this proposed effective date, the Commission considered, among other things, the rationale of the offeror (ASTM) supporting this time frame for all of the requirements except those related to child-resistant packaging of the matchbook.

With regard to the child-resistant matchbook requirements, ASTM, in submitting its recommended standard to the Commission, stated that developing a child-resistant matchbook cover is essential. ASTM urged the Commission to develop such requirements and to amend the standard not more than one year from February 1975 in order to incorporate such requirements into the standard. The Commission has developed child-resistant matchbook cover requirements and has incorporated them into proposed Part 1202. The Commission believes that a single effective date for the standard is both appropriate and in the public interest.

Under Section 9(d)(1) of the CPSA, the effective date of a product safety standard shall not be more than 180 days after its date of promulgation, unless the Commission finds, for good cause shown, that a later effective date is in the public interest and publishes its reason for such a finding.

The Commission in considering the proposed effective date, has attempted to balance the risk of injury associated with matchbooks against the time necessary for industry to prepare for compliance with the proposed standard. The Commission has concluded that an effective date of 365 days after promulgation is in the public interest. Public comment on this matter is encouraged.

2. *General requirements for child-resistant cover.* Proposed § 1202.4 establishes requirements for a child-resistant matchbook cover. After completion of intense study of possible child-resistant requirements, the Commission has chosen to propose the latching cover design requirement. In the course of that study, the Commission reviewed the epidemiological data, considered various human factors, and tested certain known concepts for child-resistant matchbook cover design. The Commission has also studied the approach taken under the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 *et seq.*) and preliminarily assessed the economic effect on the industry of the matchbook cover designs studied. After evaluating the above, the Commission has determined that the latching design requirement is presently the most feasible means of reducing the primary risk of injury identified by the Commission, namely, "burn injuries sustained by children and others, including mentally or physically impaired persons, who play with or otherwise improperly use bookmatches."[1]

The intent of the Commission, however, is not to exclude other designs that might offer the equivalent child-resistance of the latching cover. Proposed § 1202.4(a)(2) accordingly provides a procedure for proposal and Commission acceptance of alternate cover designs. Proposed § 1202.4(a)(2)(ii) provides for the creation of a cover-evaluation committee. This committee will be made up of Commission personnel from appropriate disciplines. The committee will study any alternate cover design submitted as prescribed in § 1202.4(a)(2) and make a recommendation to the Commission concerning its acceptability.

The Commission does not intend to restrict use of accepted alternate cover designs by persons other than those who submitted the design to the Commission. However, proposed § 1202.4(a)(2)(v) recognizes that any Commission position on use of accepted designs is limited to stating what restriction, if any, the Commission is imposing on use of accepted designs under the standard, and would not affect other rights or obligations that exist between parties.

3. *Other requirements for child-resistant cover.* Proposed § 1202.4(b) provides for other requirements for child-resistant covers. The performance requirements set forth in that paragraph are based on engineering judgment and on the characteristics of paperboard used in match manufacturing.

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[1] For further discussion of these general requirements and data concerning the technical rationale for the test methods see the report entitled "Proposed Consumer Product Safety Standard for Matchbooks and Accompanying Rationale", available through the Office of the Secretary.

Proposed § 1202.4(b)(1) provides that matchbooks shall have a minimum stiffness of 50 g-cm (0.70 oz-in) when measured as specified in § 1202.7(d)(1)(i). Section 1202.4(b)(2) states that the cover shall have a minimum tear strength of 44.5 N force (10.0 lbf) when measured as specified in § 1202.7(d)(1)(ii). These paperboard parameters were selected in order to ensure that minimum necessary quality of cover stock would be used in the manufacture of child-resistant matchbook covers. The stiffness requirement is deemed necessary to provide rigidity to the cover. It was also believed that this requirement is in a range achieveable with quality paperboard. The tear strength requirement of § 1202.4(b)(2) is based on an engineering judgment that such a level could be met with good quality paperboard and that a cover meeting this requirement cannot be easily torn by small children. Cover stock meeting these requirements would complement the latching mechanism and thus ensure overall performance of the matchbook cover.

Proposed § 1202.4(b)(3) and (4) prescribe the requirements for cover-opening force. A matchbook whose child-resistance feature is intended to depend on force for the opening of its cover shall resist an opening force of 22.2 N (5 lbf). A matchbook whose child-resistance feature is intended to depend on simultaneous or sequential motions for its opening shall resist a force of 22.2 N (5 lbf) in any direction without opening. The Commission realizes that the application of the required force in any of the directions associated with the above motions may cause some movement of the cover. Such movements of the cover would not be deemed a failure unless the cover unlatched. The force requirements of § 1202.4(b)(3) and (4) were selected after considering the probability that a child seeking to open a matchbook will exert force in any number of directions, the capabilities of children and the strength of the material involved.

Figure 1 of this proposed standard illustrates some examples of how opening forces might be applied to the cover. It should be noted that the Commission will not limit itself to these illustrated examples in its compliance activities and designers and manufacturers should also not so limit themselves.

Proposed § 1202.4(b)(5) prescribes the requirement that the cover should be capable of being relatched by a single motion requiring less than 4.45 N (1.0 lbf) of force. The latching cover should also continue to function for the number of openings and closings specified in § 1202.7(d)(2)(iv). These requirements address the primary hazard and the risk of burn injury sustained by people as a result of unexpected or nondeliberate ignition. The provision that the cover relatch in a motion requiring less than 4.45 N (1.0 lbf) of force is designed to encourage relatching of the cover both prior to igniting a bookmatch and before laying down the matchbook or putting it into one's pocket or purse. This provision therefore helps ensure that children will not gain access to an open matchbook.

The requirement that the cover should continue to function for the number of openings and closings specified in § 1202.7(d)(2)(iv) is designed to ensure that the child-resistant cover will continue to function effectively for the anticipated number of openings and closings. The relatch requirement specifying a simple relatching procedure is considered necessary to encourage adult acceptance and use of the latching mechanism by requiring both a single motion and low latching force.

Proposed § 1202.4(b)(6) requires that the matchbook cover and combs be securely fastened together and that they shall not separate during the tests prescribed in § 1202.7(d)(2)(iv). This requirement ensures that small children will be less able to gain access to the bookmatches because the matchbook will remain structurally sound during its anticipated service life.

In addition, the Commission believes that the proposed provisions for the design on matchbook covers set out in § 1202.4(a) combined with the structural requirements of § 1202.4(b) will reduce the likelihood of young children gaining access to the bookmatches.

4. *Test procedures for child-resistant cover. Proposed* § 1202.7 defines the test procedures for the requirements given in § 1202.4. The tests have been devised after consideration of all relevant factors. These procedures describe the appartus necessary to perform the tests, the requirements applicable to the test specimens, certain standard requirements for preconditioning and conditioning of test specimens, and the procedure to be followed in the conducting of the tests.[1]

5. *Matchbook general requirements.* The requirement of § 1202.5(a) that friction be placed on the outside back of the cover (known as "reverse friction") addresses those burn injuries sustained by persons who use bookmatches that, when struck, ignite the remaining matches in the book. This requirement, now almost universally accepted in the matchbook industry, additionally addresses those burn injuries sustained by children and others, including mentally and physically impaired persons, who play with or otherwise improperly use matchbooks. It was the censensus of those involved in the ASTM development of a recommended standard that good engineering judgment requires reverse friction. If the friction is located inside the cover or on the outside front of the cover, the remaining bookmatches are exposed to the match flame or fragments as the bookmatch is lit. This could cause ignition of those remaining bookmatches. The friction must be placed away from the matchheads, near the bottom of the matchbook to further reduce the risk of a spark igniting the bookmatches.

The requirement of § 1202.5(b) that the cover remain closed without external force addresses the hazards described in § 1202.2(a), (d) and (f).

The requirement of § 1202.5(c) that no stray friction material shall be located on the inside of the cover where possible contact with the matchhead may occur during ordinary use is intended to reduce the unreasonble risk asociated with unexpected ignition. There is a general recognition of the fact that whenever friction material is in a place where contact with a matchhead is possible, an unexpected ignition becomes more probable.

Section 1202.5(d), which requires that there shall be no bridge(s) or broken bridge(s), provides one way of reducing injuries related to fragmentation.

Section 1202.5(e) specifies that matchheads in the matchbook shall not be split, chipped, cracked, or crumbled. This requirement also addresses the problems caused by bookmatches that fragment.

Section 1202.5(f) requires that no portion of any match shall be outside the matchbook cover when the cover is closed. This provision is intended to reduce the probability of accidental ignition of the entire matchbook. It may also make it harder for a small child to pull a match out of the matchbook and thus possibly cause an injury.

Section 1202.5(g) prescribes that no staple or assembly device shall be within or touching the friction area. This requirement addresses the hazards related to match fragmentation.

Section 1202.5(h), which prohibits sharp edges on assembly or latching devices, is self-explanatory.

The Commission has made certain minor changes in the ASTM submission regarding the matchbook general requirements: (a) In the ASTM offer, the requirement for reverse friction was categorized under matchbook "design." This requirement is now included as one of the matchbook general requirements in § 1202.5; (b) the ASTM visible bookmatch requirements are also included under § 1202.5 as matchbook general requirements. The Commission feels that this classification is more descriptive of these requirements; and (c) the ASTM requirement that no regular friction shall be on the inside cover was eliminated since this is adequately covered by §§ 1202.5 (a) and (c).[1]

6. *Matchbook performance requirements.* Section 1202.6 establishes performance requirements for matchbooks tested in accordance with § 1202.8.

Section 1202.6(a)(1), which prescribes that a bookmatch is defective if it has a delayed ignition exceeding 2 seconds, addresses the hazard of burn injuries sustained by persons, including children and others who play with or improperly use matchbooks, and who use bookmatches that have this delayed ignition problem.

The requirements of §§ 1202.6(a)(2)–(5) prohibit separation of a splint, fragmentation of matchheads, matchheads that fall off, and frictions that fragment, are basically designed to lower the risk of injuries associated with fragmenta-

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See footnotes at end of document.

tion of one form or another. These requirements also are specifically related to reducing the risk of eye injuries sustained during the use of matchbooks. To this extent, they also address the primary hazard.

ASTM's recommendation regarding matchbook performance requirements have been retained with the following three exceptions:

(a) For clarity, the requirement in § 1202.6(a)(2) that a splint should not "separate" into two or more pieces was changed from a splint that "breaks" into pieces.

(b) Since it was the Commission's view that ASTM did not adequately define the term "spark," the Commission eliminated the ASTM provision that a bookmatch which sparks is defective. The term "fragment" as used in Part 1202, will cover the class of defects previously referred to as "sparks".

(c) The ASTM recommended standard prescribed that friction that peels away from the cover board in large flat plates due to poor adhesion is a performance defect without defining "large flat plates." To clarify this requirement, § 1202.6(a)(5) now states that a friction that burns or produces "fragments" as defined by § 1202.3(i) is a defective friction.

Under § 1202.6(a)(6), a bookmatch will also be defective if it has an afterglow exceeding 5 seconds or has a visible flame that reappears after extinction of the first flame. This section addresses burn injuries sustained by persons from fires set by the afterglow of bookmatches. This section also addresses the primary hazard in § 1202.2(a). The ASTM rationale indicates that domestic manufacturers are currently meeting this afterglow requirement.

Section 1202.6(b) prescribes the burn distance and burn time requirements. A bookmatch is to be constructed so that when tested in accordance with § 1202.8, the flame goes out within 12.7 mm (0.5 in) down from the top of the splint and within a 15-second burn time. This addresses the primary hazard of children and mentally and physically impaired persons who improperly use matches and the hazard of burn injuries that occur as a result of lit bookmatches being dropped. It also addresses that primary hazard when injuries to children and others are caused by dropped lit bookmatches.

The use of this requirement to reduce these types of injuries resulted from the technical data developed by ASTM showing dependence of the probability of ignition of a fabric on the burn length and burn time of a match dropped on it. On the basis of extensive discussions, the offeror used a "common sense" or logical approach in setting the burn time/burn length requirement. The ASTM Committee reasoned that a reduction of the total burn time and distance from current levels of 23 or more seconds and up to the full length of the bookmatch, could reduce the injuries resulting from lit bookmatches being dropped. Their collective judgment was that reducing the burn time to 15 seconds or less, and the burn distance to ½ inch or less, would reduce injuries in two ways. First, reducing the burn time and burn distance reduces the total energy released by the bookmatch. This reduces the potential of igniting a surface on which the bookmatch is dropped. Second, the distance limitation provides a portion of the bookmatch splint which will not burn. This reduces the chance of the bookmatch burning the fingers and then being dropped, by providing a safe portion to grasp with the fingers. The documents containing the data considered by the offeror, and the discussions of this requirement are available through the Office of the Secretary. The Commission, after reviewing these data, believes that these requirements are necessary to reduce injuries associated with dropped bookmatches.

7. *Test procedures for general and performance requirements.* Section 1202.8(a) specifies safety precautions to be followed by the tester when striking matches during testing.

Section 1202.8(b) prescribes the preconditioning and conditioning requirements for specimen matchbooks prior to testing. These procedures describe the apparatus and procedures necessary to condition the matchbooks.[1]

Section 1202.8(c) states that matchbooks under test are to be inspected to determine compliance with the general requirements of § 1202.5. A visual inspection should be used to make this determination.

Section 1202.8(d) sets forth the tests for determining compliance with the performance requirements of § 1202.6. These procedures describe the apparatus necessary to perform the tests, the requirements applicable to the test specimens, certain standard requirements for preconditioning and conditioning of test specimens, and the procedure to be followed in conducting the tests. As a result of a Commission determination that the ASTM recommended test methods were deficient in several areas, appropriate changes have been made. The Commission has modified these ASTM methods and procedures to obtain more meaningful and effective tests.[1]

8. *Certification.* Section 1202.9 prescribes the requirements for certification of matchbooks. This section ensures compliance with section 14(a)(1) of the CPSA, which states that, "[e]very manufacturer of a product which is subject to a consumer product safety standard under this act and which is distributed in commerce (and the private labeler of such product if it bears a private label) shall issue a certificate which shall certify that such product conforms to all applicable consumer product safety standards and shall specify any standard which is applicable."

Specific certification requirements are not included in the standard, but will be issued in a separate rule developed under section 14 of the CPSA. The rule or certification will be proposed for public comment in accordance with the requirements of the Administrative Procedure Act (5 U.S.C. 553), and the rule will have the same effective date as this standard.

9. *Marking.* Section 1202.10(a) prescribes that the required manufacturer's identification shall appear on the matchbook and on any box or carton containing two or more caddies. This identification requirement is authorized by section 14(c)(2) of the CPSA.

Sections 1202.10(b) and (c) deal with coupons, certificates, advertisements, or other messages that require the matchbook cover to be sent in to take advantage of or comply with an offer. As proposed, no matchbook shall contain any such items unless the provisions of either § 1202.10(c)(1) or (2) are met. Thus, the coupon must either be designed so that when it is removed the friction is also removed or it must contain a readily visible message instructing the sender to discard any remaining unused matches.

Section 1202.10(d) prescribes that boxes or cartons with two or more caddies shall be marked "For safety, store in a cool, dry place." It is recognized that improper storage of matchbooks could cause changes in the properties of the bookmatch; for example, excessive heat may cause wax migration down the splint and this could affect compliance of the bookmatch with the burn time and/or burn distance requirements of § 1202.6(b). Section 1202.10(d) has been included to require proper marking.

The Commission has not included ASTM's recommended requirement that one-eighth or 12½ percent of the total area of the exposed matchbook cover be used for educational safety messages. In its submission, ASTM listed suggested safety warnings. The Commission has reviewed the ASTM rationale for this provision and studied both the possible human effect and economic impact of such safety messages. Human experience indicates that warnings of this nature have limited effectiveness. The Commission believes that using 12½ percent of the matchbook cover for a safety message will reduce the matchbook's attractiveness as a form of advertisement and thus impose a severe economic impact on the industry. The Commission has therefore decided to exclude this requirement from the proposed standard.

The Commission has also decided to omit the ASTM recommended provisions on shipping, handling, and storage. The Commission has found insufficient technical support for such provisions and believes that such provisions, as a practical matter, would pose extreme enforcement problems.

10. *Stockpiling.* Section 9(d)(2) of the CPSA authorizes the Commission to prohibit manufacturers from stockpiling a product subject to a consumer product safety standard between the standard's promulgation date and its effective date. Stockpiling is defined as manufacturing or importing of a product during this time period at a rate significantly greater than the rate at which the product was produced or imported during a base period (set by rule) ending prior to the promulgation date.

See footnotes at end of document.

Section 1202.11, an antistockpiling provision, is included to ensure that the purposes of the standard, if promulgated, will not be circumvented. Section 1202.11 specifies that manufactures and importers shall not manufacture or import matchbooks that do not comply with the requirements of Part 1202 between its date of promulgation and its effective date at a rate greater than the rate of production or importation during the base period plus 15 percent of that rate. This rate of 15 percent in excess of the base period rate was decided upon because it was considered to be the minimum increase necessary to accommodate production increases which would not be out of line in the industry under current conditions. The proposed base period is, at the option of the manufacturer or importer concerned, any period of 365 consecutive days beginning on or after January 1, 1973, and ending on or before December 31, 1975.

ENVIRONMENTAL CONSIDERATIONS

A careful assessment of all possible environmental effects of the proposed matchbook standard leads to the conclusion that the only potentially significant adverse ones are related to the "time-burn" provision in § 1202.6(b). Further examination of that aspect of the standard suggests that two basic means of meeting the "time-burn" specification would be mechanical and chemical and that chemical additives is the most likely means to be adopted. Certain such chemicals that are theoretically available for use could have adverse effects on human health. However, it is unlikely that those chemicals would be used either because of their obvious toxicity or because of reasons of economic and technical feasibility. Excluding these, there remain several chemicals that, if used, are not known to result in adverse human health effects and are feasible on technical and economic grounds.

Although there are uncertainties about the nature of synergistic effects and decomposition products of combustion, there is no evidence to suggest that conditions any more hazardous than currently prevail would be produced through the use of such chemicals to meet the requirements of the standard. This conclusion is discussed in and supported by the Commission's environmental assessment which includes a report prepared under contract to the Commission and a memorandum from the Commission's Bureau of Biomedical Sciences. A copy of the complete environmental assessment is on file with and available from the Office of the Secretary.

The Commission concludes at this time, based on the environmental assessment, that the proposed standard will not cause significant adverse impacts on the environment and that no environmental impact statement is necessary. However, since the Commission does not currently have evidence that the proposed standard either will or will not cause such impacts, it is especially seeking comments on this subject. Based on any evidence or other comments received on potential environmental impacts during the comment period, the Commission will make a final decision on the need for an environmental impact statement before a final matchbook standard becomes effective.

OTHER CONSIDERATIONS

1. *Possible economic effects.* The Commission has some preliminary reports and other information relating to the probable economic effects of the proposed standard on the matchbook industry. Much of this information is currently available to the public through the Office of the Secretary and it is anticipated that additional information will be submitted following this proposal, during the comment period.

Prior to promulgating any final standard, the Commission, as required under section 9(c)(1) of the CPSA, will take into account the probable effects of the standard upon the utility, cost, and availability of matchbooks and effects on competition, and manufacturing and commercial practices. These factors will be weighed by the Commission in developing an estimation of the economic impact of the standard if adopted, on consumers, manufacturers of matchbooks subject to the standard, advertisers using matchbooks as an advertising medium, those other persons involved in the various levels of the distribution and sale process, and on other areas of the general economy.

2. *Findings required by section 9(c)(2) of the CPSA.* Section 9(c)(2) of the CPSA prescribes that prior to issuing a final standard, the Commission shall make the following finding and include the finding in the rule: (1) That the rule, including its effective date, is reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with the product; and (2) that the promulgation of the rule is in the public interest.

3. *Possible preemptive effects of the matchbook standard.* The Commission is seeking comments from State and local governments on any existing matchbook provisions that could be affected by the preemptive effects of a final Commission standard on matchbooks.

Section 26(a) of the CPSA (15 U.S.C. 2075(a)) provides that whenever a consumer product safety standard issued under the Act is in effect and applies to a risk of injury associated with a consumer product, no State or political subdivision of a State shall have any authority either to establish or to continue in effect any provision of a safety standard or regulation which prescribes any requirements as to the performance, composition, contents, design, finish, construction, packaging, or labeling of such products which are designed to deal with the same risk of injury associated with such consumer products, unless such requirements are identical to the requirements of the standard promulgated under the Act.

Section 26(c) of the Act provides, however, that upon application of a State or political subdivision thereof, the Commission may by rule, after notice and opportunity for oral presentation of views, exempt from the section 26(a) preemption provisions (under such conditions as the Commission may impose) a proposed safety standard or regulation described in the application for exemption. In such cases, it must be established that the proposed standard or regulation (1) imposes a higher level of performance than the standard promulgated under the Act, (2) is required by compelling local conditions, and (3) does not unduly burden interstate commerce. Section 26(a), as stated above, is applicable to provisions of a safety standard which prescribe requirements as to the labeling of a consumer product. The Commission believes that this includes the certification and marking requirements of §§ 1202.9 and 1202.10(a) of the proposed standard, but seeks comments in particular on this issue.

4. *Authorization for various provisions of the proposed standard.* The Commission believes that certain provisions of the proposed standard are authorized by sections of the CPSA other than section 7 and that those provisions are therefore not part of a "consumer product safety rule." Specifically, § 1202.9 of the proposed standard on certification is authorized by section 14 of the CPSA, § 1202.11 of the proposed standard on stockpiling is authorized by section 9(d)(2) of the CPSA, and § 1202.10(a) of the proposed standard on identification marking is authorized by section 14 of the CPSA. Section 9(e) of the CPSA concerning the amendment and revocation of a consumer product safety rule does not therefore apply to the provisions of the proposed standard cited above. Any other CPSA provisions or Commission policies which apply to consumer product safety rules would similarly not necessarily apply to the cited provisions of the proposed standard.

5. *Comment expressly sought.* The Commission is particularly seeking comments on the provisions of the standard which propose child-resistant cover requirements (§ 1202.4) and requirements for burn time and burn distance (§ 1202.6(b)). Recognizing the potential overlap of these provisions, the Commission seeks comments on the need for including these provisions in the matchbook standard. In addition, the Commission seeks comments on an appropriate effective date for these provisions, even if those dates differ from an appropriate effective date for the rest of the regulation. After reviewing all comments on these issues, the Commission may decide to delete or modify the child-resistant cover and/or the burn time/burn distance requirements in issuing a final matchbook standard.

Finally, the Commission seeks comments from the public not only on the substance of the provisions in the proposed matchbook standard and on the issues raised in this preamble, but also on the background materials which support the proposed standard. These in-

clude such documents as the "Proposed Consumer Product Safety Standard for Matchbooks and Accompanying Rationale" and those relating to economic information. All background documents (excluding any confidential data contained in them) are available through the Office of the Secretary.

CONCLUSION AND PROPOSAL

Having considered ASTM's recommended safety standard for matchbooks together with the CPSC's added child-resistant requirements, the supportive material submitted therewith, and other relevant information, the Commission concludes that the standard, (modified with respect to the Commission's authority and for editorial purposes), should be proposed as a consumer product safety standard as set forth below.

Therefore, pursuant to provisions of the Consumer Product Safety Act (secs. 7(f), 9(d)(2) and (14), Pub. L. 92-573, 86 Stat. 1215; 15 U.S.C. 2056(f), 2058(d)(2), and 2063), the Commission proposes that Title 16, Chapter II, be amended by adding to Subchapter B a new Part 1202 as follows:

PART 1202—SAFETY STANDARD FOR MATCHBOOKS

Sec.

1202.1 Scope and effective date.
1202.2 Purpose.
1202.3 Definitions.
1202.4 Requirements for child-resistant matchbook cover.
1202.5 Matchbook general requirements.
1202.6 Matchbook performance requirements.
1202.7 Test procedures for latching cover design.
1202.8 Test procedures for general and performance requirements.
1202.9 Certification.
1202.10 Marking.
1202.11 Prohibited stockpiling.

AUTHORITY: Secs. 7, 9, Pub. L. 92-573, 86 Stat. 1212-17; 15 U.S.C. 2056, 2058.

§ 1202.1 Scope and effective date.

(a) *Scope.* This Part 1202, a consumer product safety standard, prescribes the safety requirements, certification and labeling requirements, and marking and storage requirements for matchbooks, including the components, assembly, and performance of the matchbook and the requirements for a child-resistant cover. This Part 1202 applies to all matchbooks manufactured in or imported into the United States after its effective date.

(b) *Effective date.* The effective date shall be 365 days after final publication of this Part 1202 in the FEDERAL REGISTER.

§ 1202.2 Purpose.

This standard is intended to reduce the following unreasonable risks of death or serious injury to consumers or users of bookmatches:

(a) Burn injuries sustained by children and others, including mentally or physically impaired persons, who play with or otherwise improperly use bookmatches.

(b) Burn injuries sustained by persons who use bookmatches that fragment or have delayed ignition.

(c) Eye injuries sustained by persons who use bookmatches that fregment and cause particles from such matches to lodge in a person's eye.

(d) Burn injuries sustained by persons who use bookmatches that, when struck, ignite the remaining matches in the matchbook.

(e) Burn injuries sustained by persons, including children, using bookmatches that, after ignition, have been dropped on exposed parts of the body, or that have been dropped on and have ignited clothing, because such bookmatches have failed to extinguish in time to avoid such injuries.

(f) Burn injuries sustained by persons from fires that have resulted from unexpected ignition of bookmatches with no deliberate action by the user.

(g) Burn injuries that have been sustained by persons from fires that have been set by the afterglow of extinguished bookmatches.

§ 1202.3 Definitions.

In addition to the definitions given in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052), the following definitions apply for the purpose of this standard.

(a) "Afterglow" means a visible glow in the splint after all the visible flame has been extinguished.

(b) "Bookmatch" means a single splint with a matchhead attached that comes from a matchbook.

(c) "Bridge" means the matchhead material held in common by two or more splints.

(d) "Broken bridge" means a bridge that has become separated.

(e) "Caddy" means a package of 2 or more matchbooks wrapped or boxed together at a production plant.

(f) "Child-resistant matchbook cover" means a matchbook cover that meets the requirements of § 1202.4.

(g) "Comb" means a piece of wood, paper, or other suitable material that has been formed into splints, that remain joined at their base, and that are designed to have matchheads attached to their tips.

(h) "Cover" means the paperboard or other suitable material that is wrapped around and fastened to the comb(s).

(i) "Fragments" means particles of the matchhead or friction material that result from the ignition of a bookmatch on the friction surface and that measure more than 0.76 mm (0.030 inch) in the maximum dimension or particles that leave scorch or burn marks on the detection paper when tested in accordance with § 1202.8.

(j) "Friction" means the dried chemical mixture on the matchbook cover used to ignite the bookmatch.

(k) "Match" means a single splint with matchead attached.

(l) "Matchbook" means one or more combs with matchheads attached and a cover that is wrapped around and fastened to those combs.

(m) "Matchhead" means the dried chemical mixture on the end of a splint.

(n) "Splint" means the support for the matchhead or that portion normally held when using the bookmatch.

§ 1202.4 Requirements for child-resistant matchbook cover.

(a) *General requirements for a child-resistant cover.* The matchbook cover shall utilize one of the following designs to reduce the likelihood of young children gaining access to or igniting a bookmatch.

(1) *Latching cover design.* A design in which the matchbook cover is so secured that opening it requires one or more of the following actions:

(i) Two or more simultaneous motions.

(ii) Two or more sequential motions.

(iii) An opening force in accordance with paragraph (b)(3) of this section.

(2) *Nonlatching cover design accepted by the Commission.* (i) Any person may request acceptance by the Commission of a nonlatching cover design. The request shall be addressed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, and shall be accompanied by samples, drawings, engineering test data, use test data, and environmental effects.

(ii) Upon receipt of such a request by the Office of the Secretary, a cover-evaluation committee shall be appointed by the Commission's Executive Director or Associate Executive Director for Regulatory Development. The committee shall include Commission personnel with backgrounds in engineering, medicine, economics, law, and other disciplines as appropriate.

(iii)(A) The committee shall consider all materials submitted with the request as well as any other relevant information. Using its best judgment, the committee shall evaluate the effectiveness of the proposed alternative design in preventing young children from gaining access to or igniting a bookmatch. In particular the committee shall, using its best judgment, evaluate whether the effectiveness of the proposed alternative design is at least equivalent to the effectiveness of designs that comply with the latching cover requirements of paragraph (a)(1) of this section.

(B) In addition, the committee shall evaluate the extent to which the alternative design (*1*) could create safety hazards other than those related to child access and ignition and/or (*2*) might encourage users of matchbooks to circumvent the intended operation of matchbooks so designed and thus reduce or eliminate the safety effectiveness.

(C) The committee's evaluation shall be based, to the extent possible and appropriate, on the following types of data:

(*1*) Laboratory test results submitted by the person requesting the alternative design.

(*2*) Sound judgment by qualified engineers, safety experts, and other professionals.

(*3*) Human experience data on the alternative design itself (for example, if used on other products) or on similar designs.

(*4*) Environmental impact data.

(iv) If the Commission rejects the proposed design, it shall, within 90 days,

notify the person submitting the design of the rejection. If the design is preliminarily accepted by the Commission, the proposed design will be published in the FEDERAL REGISTER for public comment within 120 days after receipt of the request by the Commission. In no case shall the Commission propose a design which it does not consider at least as effective in reducing the likelihood of young children gaining access to or igniting a bookmatch as designs which comply with the latching cover requirements of § 1202.4(a)(1).

(v) The committee shall furnish the Commission with an analysis of any comments received. The Commission shall then publish a document in the FEDERAL REGISTER acting on the proposal within 90 days after its publication. Whenever the Commission publishes final acceptance of an alternate design, any person may use that design to comply with the requirements of § 1202.4(a) subject to any patent or similar restriction.

(vi) Any of the time periods set forth in this section may be extended by the Commission if good cause is shown and the reasons for such extension are published in the FEDERAL REGISTER. In no event shall failure of the Commission to meet a deadline under this section be construed as acceptance by the Commission of an alternative design.

(b) *Other requirements for latching cover designs.* (1) The cover used on matchbooks shall have a minimum stiffness of 50 g-cm (0.70 oz-in) when measured as specified in § 1202.7(d)(1)(i).

(2) The cover shall have a minimum tear strength of 44.5 N (10.0 lbf) when measured as specified in § 1202.7(d)(1)(ii).

(3) A matchbook whose child resistance depends on force for the opening of its cover shall resist an opening force of 22.2 N (5.0 lbf) when tested in accordance with § 1202.7(d)(2)(i).

(4) A matchbook whose child resistance depends on simultaneous or sequential motions for the opening of its cover shall resist a force of 22.2 N (5.0 lbf) in any direction. Application of the force in any single direction associated with any such motions that results in unlatching of the cover will constitute a failure. These requirements will be tested in accordance with § 1202.7(d)(2)(ii).

(5) The cover shall be capable of being relatched by a single motion requiring less than 4.45 N (1.0 lbf) of force. The latching cover shall continue to function during and at conclusion of the testing specified in § 1202.7(d)(2)(iv).

(6) The matchbook cover and combs shall be securely fastened together and shall not separate during the tests in § 1202.7(d)(2)(iv).

§ 1202.5 Matchbook general requirements.

A matchbook shall meet the following general requirements:

(a) The friction shall be located on the outside back cover near the bottom of the matchbook.

(b) The cover shall remain closed without external force.

(c) No friction material shall be located on the inside of the cover where possible contact with the matchheads may occur during ordinary use.

(d) There shall be no bridge(s) or broken bridge(s).

(e) The matchheads in the matchbook shall not be split, chipped, cracked, or crumbled.

(f) No portion of any matchhead shall be outside the matchbook cover when the cover is closed.

(g) No part of a staple or other assembly device for securing the cover and combs shall be within or touching the friction area.

(h) A staple, assembly device, or latching device shall not have any sharp edges or points exposed to the user.

§ 1202.6 Matchbook performance requirements.

(a) A bookmatch is defective if it has, when tested in accordance with § 1202.8, any of the following performance defects:

(1) Delayed ignition exceeding 2 seconds.

(2) A splint that separates into two or more pieces.

(3) A matchhead that produces fragments as defined in § 1202.3(i).

(4) A matchhead that falls off.

(5) Friction that burns or produces fragments as defined in § 1202.3(i).

(6) Afterglow exceeding 5 seconds or the reappearance of a visible flame after the first extinction of the original flame.

(b) A bookmatch shall be constructed so that, when tested in accordance with § 1202.8, the flame goes out within 12.7 mm (0.5 in) down from the top of the splint and within a 15-second burn time.

§ 1202.7 Test procedure for latching cover design.

(a) *Apparatus.* The following apparatus or equipment yielding equivalent test results shall be used for these tests.

(1) *Force gauge.* A force gauge having a range of 0 to 44.5 N (0 to 10 lb) that is accurate to at least 0.44 N (0.1 lb).

(2) *Preconditioning chamber.* A circulating air oven or other chamber capable of preconditioning the samples to a relative humidity of 10–35 percent and a temperature of 22°–40° C (72°–104° F).

(3) *Conditioning chamber.* A conditioning room or chamber that can be accurately controlled to 50±2 percent relative humidity and a temperature of 23°±1° C (73.4°±1.8° F).

(4) *Holding devices.* Clamps, hooks, and other holding devices, such as those illustrated in figure 1, to be used in applying a force to the matchbook cover.

(b) *Selection of specimens.* Randomly select three matchbooks and prepare test specimens as follows:

(1) Disassemble one matchbook and obtain two unfolded cover specimens 3.8 cm by 3.8 cm (1.5 in by 1.5 in).

(2) Disassemble another matchbook and cut down the center of the long dimension so as to obtain two cover specimens 10.3 cm by 1.9 cm (4 in by 0.75 in) in size.

(3) The third matchbook will be used for the latching cover test.

(c) *Conditioning.* (1) Before testing, precondition the matchbooks and cover specimens as specified in ASTM D 685–73,[2] or precondition the specimens in the preconditioning chamber for at least 1½ hours at 39°±° C (102.2°±1.8° F) and at a relative humidity of 10–35 percent. Assure that the matchbook cover is open and the cover specimens are separated to allow free circulation of air around them.

(2) Condition the specimens at 50±2 percent relative humidity and 23°±1° C (73.4°±1.8° F) as specified in ASTM D 685–73.[2] The minimum conditioning time shall be 2 hours.

(d) *Testing.* Test the conditioned matchbook or cover specimens in the following manner within 10 minutes of removal from the conditioning chamber.

(1) *Cover material tests.* (i) Test cover specimens for the stiffness value given in § 1202.4(b)(1) in accordance with TAPPI Test Method T489 os–70.[3] Use specimens prepared according to paragraph (b)(1) of this section in lieu of those prepared according to T489 os–70.

(ii) Test cover specimens for tear resistance value give in § 1202.4(b)(2) in acordance with ASTM D 827–67.[4] Use specimens prepared according to paragraph (b)(2) of this section. The force gauge specified in paragraph (a)(1) of this section may be used to measure the tear strength in lieu of the tension testing machine specified in ASTM D 827–67.

(2) *Latching cover tests*—(i) *Minimum force cover.* Using the force gauge and holding devices specified in paragraph (a) of this section, test that a force of 22.2 N (5.0 lbf) applied in any direction will not disengage the cover. (Examples of methods of applying the force are given in Figure 1.)

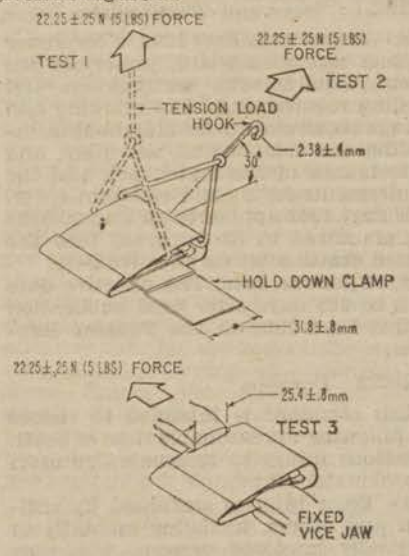


FIG-1 EXAMPLE OF METHODS OF HOLDING & APPLYING FORCES TO MATCH BOOKS

See footnotes at end of document.

(ii) *Simultaneous or sequential motion cover.* Attach the force gauge to the cover as above and test that a force of 22.2 N (5.0 lbf) applied in any direction will not disengage the cover.

(iii) *Relatching.* Test for relatching conditions as specified in § 1202.4(b)(5).

(iv) *Usage test.* Using the matchbook tested in paragraph (d)(2)(i) and (ii) of this section, remove, one at a time, all of the enclosed bookmatches. The matchbook latching device shall be properly resecured after each bookmatch is removed and then properly reopened to remove the next bookmatch. After all of the bookmatches have been removed, the cover shall be resecured. The matchbook cover tests performed in paragraph (d)(2)(i) and (ii) of this section shall then be repeated to assure that the child-resistant feature still meets the requirements of this Part 1202. After this usage test, the matchbook shall be examined to assure that the cover and the comb base remain securely fastened together.

(e) *Report.* Prepare a written report recording all test results, including failures, and documenting that the matchbook and cover specimens were tested in accordance with this section.

§ 1202.8 Test procedures for general and performance requirements.

(a) *Safety precautions.* (1) When striking the bookmatch, keep the matchbook cover closed to avoid possible ignition of the remaining test bookmatches. Perform test bookmatch ignitions in the collection box with the matchbook affixed in its holder. (See Figure 2 and 1202.8(d)(1)(i).)

(2) After testing, place the used bookmatches in a disposal container. Safety glasses should be worn by the tester.

(b) *Conditioning.* (1) Before testing, precondition the specimen matchbooks for 1½ hours at 39°±1° C (1022.2°±1.8° F) in the circulating air oven in a manner that will permit free circulation of air through the combs of the matchbooks to be conditioned. Open the matchbook covers, separate each comb so that the matchheads have a minimum separation of 1.6 mm (1/16 in) and place the matchbooks in the oven so that air flow through the combs is allowed.

(2) After preconditioning and prior to testing, place the specimens in a conditioning room or chamber for a period of 2 hours at 23°±2° C (73.4°±3.6° F) and at a relative humidity within the range of 30–50 percent. A conditioned matchbook container may be used for storage of the test specimens after preconditioning and/or conditioning.

(3) Samples shall be tested within 10 minutes of removing from the conditioning chamber or conditioned matchbook container.

(c) *Inspection for general requirements.* Inspect the matchbooks under test for the general requirements listed in § 1202.5.

(d) *Test for performance requirements.* These methods will test for the performance defects and flame expiration characteristics stated in § 1202.6:

(1) *Apparatus and materials.*—(i) *Test device and collection box.* A device shall be provided that is capable of indicating a force and of holding the matchbook above a fragment collection base. The device shall hold the matchbook with the long dimension of the friction in a vertical position to permit ignition of the bookmatch by striking in a path perpendicular to the base. The friction surface of the matchbook shall be parallel to an operator's access panel. The device shall be contained in a cubical collection box each interior edge of which is 61±1 cm (2 ft ±0.4 in). This box is for the purpose of collecting fragmentation debris and for controlling the environment for the flame expiration test. The matchbook shall be centered within the box; that is, approximately 30.5±2.5 cm (12±1 in) from each side of the cube with the bottom of the matchbook 15.2±1 cm (6±0.4 in) above the collection base. The collection box shall have one vertical face hinged to permit access to the collecting paper as well as to insure that the air in the box is representative of ambient conditions. The box shall have a handhole no larger than 10.2 cm by 12.7 cm (4 in by 5 in) located in the hinged vertical face with the 12.7 cm dimension of the handhole located vertically to facilitate striking of matches by hand if elected in lieu of a striking device. The top and/or side(s) should be transparent to observe the loading, striking, and ignition of the match.

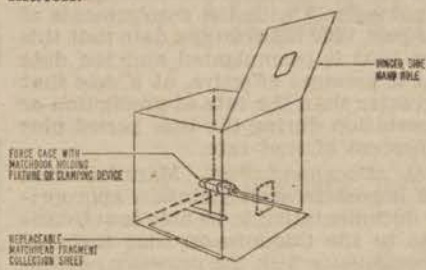


FIG 2–MATCHBOOK DATA COLLECTION BOX (2'x2'x2' inside) ASSY

(ii) *Fragment measuring instrument.* A device, such as an optical comparator with reticle, that is capable of measuring particle size of 0.76±.05 mm (0.030±0.002 in) shall be used.

(iii) *Preconditioning chamber.* A circulating air oven of adequate size to precondition the specimen matchbooks at 39°±1° C (102°±1.8° F).

(iv) *Conditioning chamber.* A conditioning room or chamber that can be controlled to a temperature of 23.0°±2.0° C (73.4°±3.6° F) and a relative humidity within the range of 30–50 percent.

(v) *Collection sheet.* The fragment collection sheet of 7.26 kg (16 lb) white bond paper is placed on the base of the collection box and may be removed for examination for fragments and scorch marks.

(vi) *Conditioned matchbook container.* A desiccator containing anhydrous silica gel with an indicator.

(vii) *Timer.* A timing device with an accuracy of ±0.2 second.

(viii) *Clamping device.* A clamping device shall hold a single bookmatch 2.7 cm (1 1/16 in) from the matchhead end of the splint and shall hold the bookmatch horizontally with the plane of the wide surface of the splint vertical.

(ix) *Igniter.* A soldering iron or other similar ignition source.

(x) *Ash removal tool.* An ash removal tool (Figure 3) containing a razor edge that when applied to the burnt splint shall exert a force of 0.10±0.01 N (0.35±0.03 ozf).

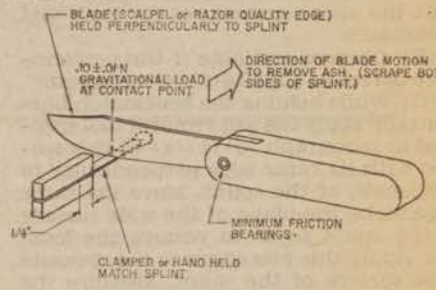


FIG 3–ASH REMOVAL TOOL

(2)(i) *Procedures.* (A) Position the fragment collection sheet in the collection box on the base panel. Attach the force measuring and matchbook holding fixture within the box so that the matchbook friction surface is centered within 2.54 cm (1 in). Remove five randomly selected bookmatches from the matchbook. Place the matchbook in the holding fixture with the plane of the friction surface perpendicular to the collection sheet and the friction surface oriented for a vertical striking mode. Hold the bookmatch as close as necessary to maintain a force of between 4.5 and 6.7 N (1 to 1.5 lbf) during the striking operation. Maintain the splint's wide surface parallel to the striking direction and perpendicular to the friction surface. Press the matchhead against the strip 6.4 mm (¼ in) from the top of the friction pad and maintain a constant force during the striking motion. The striking stroke should be terminated within 7.6 cm (3 in) after leaving the bottom edge of the friction.

(B) Strike five bookmatches as in paragraph (d)(2)(i)(A) of this section and measure the time lapsed from striking to ignition. Observe and note if the performance defect in § 1202.6(a)(2) occurred.

(C) After all five test bookmatches have been struck, measure any debris on the collection sheet for fragments and note the presence of any scorch marks on the collection sheet.

(ii) *Flame expiration and afterglow.* (A) Position the clamping device near the center of the collection box. Before removing five test bookmatches from the matchbook, scrape the matchhead from a splint in the same comb in order to determine the end of the splint with reference to the top of the matchhead. Mark the five test bookmatches 2.54 cm (1 in.) from the matchhead end of the splint. Remove the test bookmatches in a normal manner and place one book-

match in the clamping device horizontally, as described in paragraph (d)(1)(viii) of this section. Assure that the illumination in the area where the match is being struck does not exceed 0.3 ft-candles. Ignite the test bookmatch with the igniter and measure the elapsed time between ignition and extinguishment and from extinguishment until all afterglow disappears. Disregard any afterglow under the head. Observe and note any reappearance of a visible flame after first extinction of the visible flame. Repeat the above procedures for each test bookmatch.

(B) Observe and note if the performance defect in § 1202.6(a)(4) occurred.

(C) While holding the bookmatch horizontally apply the ash removal tool specified in paragraph (d)(1)(x) of this section with its razor edge perpendicular to the length of the splint. Move the razor edge along the plane of the wide surface of the splint so as to remove the loose ash. Apply this procedure to the opposite wide surface of the splint. Measure the distance between the mark on the match and the burnt end to determine compliance with § 1202.6(b).

(e) *Report.* Prepare a written report recording all test results, including failures, and documenting that the bookmatches were tested in accordance with this section.

§ 1202.9 Certification.

Certification shall be in accordance with section 14(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2063(a)(1)) and regulations issued under section 14.

§ 1202.10 Marking.

(a) The manufacturer's identification shall appear on the matchbook and on any box or carton containing two or more caddies. Such identification shall include the name, street address, city and zip code; except that, if such manufacturer is listed in a current city directory or current local telephone directory setting forth the street address, then the name of the city and zip code of the manufacturer will suffice for the address requirements.

(b) No matchbook shall contain any coupon, certificate, advertisement, or other message that requires the matchbook cover or any portion of the cover to be sent in to take advantage of or comply with any offer.

(c) The provisions of paragraph (b) of this section shall not be applicable if:

(1) The coupon is designed so that when the coupon is removed, the friction is also removed; or

(2) The coupon contains a readily visible message instructing the sender to discard any remaining unused match splints.

(d) Boxes or cartons in which two or more caddies are shipped shall be marked "For safety, store in a cool, dry place."

§ 1202.11 Prohibited stockpiling.

(a) *Definitions.* (1) "Base period" means, at the option of the manufacturer or importer concerned, any period of 365 consecutive days beginning on or after January 1, 1973, and ending on or before December 31, 1975.

(2) "Rate of production (or importation)" means the total number of matchbooks manufactured (or imported) during a stated time period. In determining whether a matchbook was manufactured during a stated time period, the date on which the cover and combs were assembled to form a matchbook shall be used. In the event that a manufacturer currently operates a matchbook manufacturing plant that he did not operate during the base period, or that he did not operate for an entire base period, that manufacturer shall use, as the rate of production during the base period for that plant, either (i) the average daily rate of production (including nonproduction days such as Sundays, holidays, and vacations) for the part of the base period he did operate that plant, multiplied by 365 or (ii) the rate of production during the base period of his most nearly similar matchbook manufacturing plant.

(b) *Prohibited act.* Manufacturers and importers of matchbooks, as these products are defined in § 1202.3(n), shall not manufacture or import matchbooks that do not comply with the requirements of this Part 1202 between the date that this Part 1202 is promulgated and the date that it becomes effective, at a rate that is greater than the rate of production or importation during the base period plus 15 percent of that rate.

(c) *Documentation.* Manufacturers and importers shall maintain appropriate documentation to be able to substantiate to the Commission that they are in compliance with the provisions of this section.

Extension of time for written comments. Section 9(a)(1) of the CPSA requires that within 60 days after publication of a proposed rule under section 7(f) of the Act, the Commission shall promulgate a consumer product safety rule, or withdraw by rule the notice of proceeding; except that the Commission may extend such 60 day period for good cause shown if it publishes the reasons for such extension in the FEDERAL REGISTER.

In the present instance the Commission, in accord with the provision of section 9(a)(1) of the Act, has determined for good cause to extend the 60 day period to 120 days. It is the belief of the Commission that this proposed matchbook standard which includes, among other things, provisions relating to a child resistant cover, burn control and fragmentation presents a number of complex issues. It appears to the Commission that additional time will be required by interested parties to test, develop technical and economic data, and prepare written and oral comments based upon their examination and study of the proposed rule. The Commission staff will also need an equal amount of additional time to examine, analyze, and respond to the comments of the interested parties.

Therefore, interested persons are invited to submit, on or before June 1, 1976, written comment regarding this proposal. Late comments will be considered to the extent practicable.

Written submission and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Comments received and other relevant material may be seen in the Office of the Secretary, 8th Floor, 1750 K Street NW., Washington, D.C., during working hours Monday through Friday.

Oral presentations. Interested persons will be afforded an opportunity to make an oral presentation of data, views, or arguments in addition to the opportunity to make written comments, on any aspect of the proposed standard on May 21, 1976. The proceedings for the oral presentation will be held at 10 a.m. at the 6th Floor Hearing Room, 1750 K Street, N.W., Washington, D.C. The procedural regulations for oral presentations, 16 CFR Part 1109, promulgated October 14, 1975, (40 FR 49122), shall govern this proceeding.

All persons wishing to make an oral presentation should notify Richard Danca of the Office of the Secretary, (202)634-7700, no later than close of business April 21, 1976 for scheduling purposes. A summary or outline of each oral presentation and an estimate of the length of time it will require should be filed with the Office of the Secretary at least two business days prior to the oral presentation.

Dated: March 29, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-9241 Filed 3-31-76;8:45 am]

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[3] Entitled "Standard Method of Conditioning Paper and Paper Products for Testing" approved and published in 1973 by American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

[3] Entitled "Stiffness of Paperboard," approved and published in 1970 by Technical Association of Pulp and Paper Industry, 360 Lexington Avenue, New York, N.Y. 10017.

[4] Entitled "Standard Method of Test for Edge Tearing Strength of Paper," approved and published in 1967 by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

federal register

THURSDAY, APRIL 1, 1976

PART IV:

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

■

CHARTER AND SCHOOL BUS OPERATIONS

Title 49—Department of Transportation

CHAPTER VI—URBAN MASS TRANSPORTATION ADMINISTRATION

[Docket No. 76-02, Notice 1]

PART 604—CHARTER BUS OPERATIONS

Codification of Requirements

On June 13, 1975, the Urban Mass Transportation Administration published its proposed regulations governing the provision of charter bus service by recipients of Federal financial assistance for the purchase and operation of buses.

The Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. 1604 *et seq.* (hereinafter "the UMT Act"), makes available both capital and operating assistance for mass transportation facilities and equipment. In addition, certain provisions of title 23, United States Code (Highways) authorize the use of Federal-aid highway funds for capital costs of carrying out non-highway mass transportation projects.

Funds from both programs may be made available for bus projects. The authorizing legislation restricts eligible projects, however, to "mass transportation," and expressly excludes charter, sightseeing or school bus service. UMTA therefore does not fund buses the principal use of which is such service. Pursuant to an Opinion of the Comptroller General of the United States, UMTA does permit its grantees to use federally-financed equipment in "incidental" charter operations—operations that do not interfere with regularly scheduled service to the public (see Appendix A of this part). Operating assistance under section 5 of the UMT Act, however, may only be used to support mass transportation operations. These regulations codify the "incidental" charter restriction on the use of federally-financed equipment, give guidelines for incidental use of mass transportation equipment, and establish financial reporting procedures that will enable UMTA to ensure that Federal operating assistance will not be used in support of charter operations.

The charter bus operations of grantees of Federal financial assistance for the purchase or operation of buses are further constrained by section 3(f) of the UMT Act, as amended, which applies also to bus grants under the Federal-aid highway programs of Title 23. Section 3(f) of the UMT Act, 49 U.S.C. 1602(f), provides that an applicant for Federal assistance for the purchase or operation of buses (and/or the operation of the equipment) must enter into an agreement with the Secretary of Transportation that it will not engage in charter bus operations outside of the urban area within which it provides regularly scheduled mass transportation service except as provided in an agreement with the Secretary of Transportation that in his judgment provides fair and equitable arrangements designed to ensure that the Federal financial assistance will not enable the assisted operators, whether public or private, to foreclose private operators from the intercity charter bus industry where such private operators are willing and able to provide service.

The proposed regulations required public operators in constructing their charter rates to take into account the actual costs (both direct and indirect) of operating charter service, without regard to capital or operating assistance received under either the Federal-Aid Highway Act or the UMT Act, and compelled public operators to generate revenues from their charter bus operations that were equal to or greater than the cost of providing the service. The proposed regulations also set out a requirement for a cost allocation plan, the construction of charter rates based on that allocation, and the generation of revenues that equal or exceed cost as determined in the allocation plan. As a result of the public comments on the proposed regulations, we have made some changes in the final regulations which cause them to differ from the proposed regulations. The requirement of cost certification was for the most part favorably received, although several different views were put forth as to what costs should or should not be subject to certification. These final regulations require the certification of all costs which are attributable to a public operator's charter bus operations. Public operators must include in their certifications, in addition to all other relevant costs, depreciation expense on federally-assisted buses, facilities and equipment as an element of cost, and State and Federal taxes whether or not the public operator pays such taxes.

The accounting methods used by a grantee to arrive at certified costs must be consistent with its regular methods of accounting, and must be consistent with generally accepted accounting principles. Public operators therefore may not use an accounting method to construct favorable rates for charter bus operations if the accounting method used is different from their regular method of accounting.

Like the proposed regulations, the final regulations require the public operator applicant to give notice to all private operators in its service area of its proposed charter bus operations. Private operators are allowed to comment at public hearings on the public operator's proposed charter bus operations prior to each new grant. Private operators are also allowed to comment on a public operator's proposed charter bus operations where grants are already approved since grantees are required to come into compliance with this new part. The UMTA Administrator will take into account these comments in making a decision whether to approve the public operator's plan as a "fair and equitable arrangement" within the meaning of a section 3(f) of the UMT Act, or to take some action in disapproval.

The final regulations do not require quarterly or annual reporting of charter revenues by a public operator. Such operators are, however, required to maintain records which justify their costs. These records must be made available in the event they are requested by an authorized person. The failure of a public operator to produce such records when requested will result in UMTA's refusal to pay requisitioned funds.

In addition to the requirements that charter revenues exceed costs, the final regulations prohibit any practice which is designed to circumvent the requirements of section 3(f) of the UMT Act. Under this provision, a private operator may complain if it believes that specific point-to-point charter rates charged by an UMTA grantee are designed to eliminate competition by private charter operators on these routes, or if he believes that the grantee has violated the agreement.

Other changes made in the final regulations include a modified definition of the term "urban area" which is now defined as the entire area within which a public operator is authorized, by appropriate local, State, and Federal law, to conduct mass transportation services. The words "authorized by appropriate local, State, and Federal law" did not appear in the proposed regulations. The definition of "charter bus operations" has been modified to exclude sightseeing services. Federally-assisted buses, facilities and equipment may not be used in sightseeing service, however, except on an incidental basis. A new provision has been added to these final regulations which clarifys that the public hearing on charter bus operations is the same hearing required under section 3(d) of the UMT Act. Finally, the procedures for certification in lieu of notice has been modified to require proof where an applicant certifies that there are no private charter bus operators in its service area.

The Administrator will investigate all complaints made under the procedures in these regulations. In the event of a finding of a violation, he may order such remedial measures as he deems appropriate, including cancellation of the agreement. Where he finds that there has been a continuing pattern of violations, the Administrator may prohibit disbursement of funds under the instant grant contract or bar a grantee from the receipt of further Federal financial assistance for mass transportation facilities and equipment. Formal administrative procedures are provided for the adjudication of complaints.

A number of grantees have, prior to the publication of this notice, entered into agreements under previous and superseded versions of the charter bus legislation. In section 813(a) of the Housing and Community Development Act of 1974 (Pub. L. 93-383, 88 Stat. 633), the Congress authorized the modification of these agreements to conform with current requirements; these regulations provide procedures for effecting appropriate modifications. In addition, since passage of the National Mass Transportation Assistance Act of 1974, which brought section 3(f) into its current form, many UMTA grantees have signed grant contracts incorporating an agreement not to engage in charter bus service at all except in accordance with an agreement that has not yet been en-

tered into as of the date of this notice. The procedures contained herein may be used for the creation of appropriate arrangements.

In summary, these final regulations govern the formulation and content of agreements required in the UMT Act and the Federal-Aid Highway Act which in the judgment of the Secretary of Transportation provides fair and equitable arrangements designed to ensure that the Federal financial assistance will not enable the assisted operations, whether public or private, to foreclose private operators from the intercity charter bus industry where such private operators are willing and able to provide service.

Although these are final regulations, interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted to the Urban Mass Transportation Administration, Office of the Chief Counsel, Attention: Rules Docket Number 76–02. Notice 1, 400 7th Street S.W., Washington, D.C. 20590. All communications received will be considered.

These regulations are issued under the authority of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.); 23 U.S.C. 142 (a) and (c); 23 U.S.C. 103 (e) (4); 49 CFR 1.51.

In consideration of the foregoing, it is proposed to issue a new Part 604 of 49 CFR Chapter IV as follows.

Issued on: March 29, 1976.

ROBERT E. PATRICELLI,
Urban Mass Transportation Administrator.

Subpart A—General

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604.2 Scope.
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Subpart B—Charter Bus Agreements

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Subpart C—Modification of Prior Agreements and Amendment of Applications for Assistance

604.20 Modification of prior agreements.
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604.30 Revisions of certification.

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604.40 Filing a complaint.
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Subpart F—Reports, Information and Records

Sec.
604.50 Reports and information.
604.51 Records.

AUTHORITY: Urban Mass Transportation Act, as amended (49 U.S.C. 1601 *et. seq.*); 23 U.S.C. 103(e)(4); 23 U.S.C. 142 (a) and (c); and 49 CFR 1.51.

Subpart A—General

§ 604.1 Purpose.

The purpose of this part is to prescribe policies and procedures governing the provision of charter bus services and the reporting of charter bus revenues and expenses by recipients of Federal financial assistance for the purchase or operation of buses under either the Urban Mass Transportation Act of 1964, as amended, or those provisions of title 23, United States Code, that authorize the use of Federal-aid highway funds for the purchase of buses. The procedures of this part are designed to ensure that capital and operating assistance made available under these statutes will not be used in support of charter bus operations.

By the terms of section 3(f) of the Urban Mass Transportation Act of 1964, as amended, which is made applicable to bus purchases, no Federal financial assistance may be provided for the purchase or operation of buses unless the grantee enters into an agreement with the Secretary of Transportation that the grantee, or any operator of mass transportation equipment for that grantee, will not engage in charter bus operations outside the urban area within which it provides regularly scheduled mass transportation service, except as permitted under that agreement.

§ 604.2 Scope.

These regulations apply to all recipients of Federal financial assistance for the purchase or operation of buses under: (a) the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 *et seq.*); (b) 23 U.S.C. 142 (a) and (c); and (c) 23 U.S.C. 103(e)(4) who derived more than fifteen thousand dollars ($15,000) in annual revenues, during its most recently completed fiscal year, from charter bus operations as defined herein.

§ 604.3 Definitions.

(a) Except as otherwise provided, terms defined in the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604, 1608) are used in this part as so defined.

(b) For purposes of this part—

"The Acts" means the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 *et seq.*); 23 U.S.C. 142 (a) and (c); and 23 U.S.C. 103(e)(4).

"Administrator" means the Urban Mass Transportation Administrator or his designee.

"Agreement" means a contractual agreement required under section 3(f) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602(f)) providing that a grantee, or any operator of mass transportation equipment for a grantee, will not engage in charter bus operations outside its urban areas except by the terms of that agreement.

"Applicant" means applicant for assistance under the Acts.

"Assistance" means Federal financial assistance for the purchase or operation of buses under the Acts.

"Grant contract" means the contract between the Government and the grantee which states the terms and conditions for assistance under the Acts.

"Certification of costs" means a statement prepared using generally accepted accounting principles, consistent with a grantee's regular accounting methods, and certified to be true and accurate by a grantee's chief financial officer. This statement indicates the elements of cost that are attributable to a grantee's charter bus operations. A grantee's statement must include depreciation expense on federally-assisted buses, facilities and equipment as an element of cost, and State an i Federal taxes, whether or not the grantee is required to pay such taxes. This statement shall also give assurance that the revenues generated by charter bus operations are, and shall remain, equal or greater than the cost of providing the service. The period covered by a grantee's statement shall not be less than two or greater than four of its most recently completed fiscal quarters. (Costs which are subject to certification are listed in Appendix B of this part.

"Charter bus operations" means transportation by bus of a group of persons who, pursuant to a common purpose, and under a single contract, at a fixed charge for the vehicles or service, in accordance with the carrier's tariff, have acquired the exclusive use of a bus to travel together under an itinerary, either agreed on in advance, or modified after having left the place of origin. (This includes the incidental use of buses for the exclusive transportation of school students, personnel and equipment.)

"Cost allocation plan" means the documentation identifying, accumulating, and distributing cost attributable to charter bus operations together with the allocation methods used.

"Government" means the Government of the United States of America.

"Grantee" means a recipient of assistance under the Acts.

"Incidental" means charter bus operations which do not interfere with regularly scheduled service to the public (as defined in the Opinion of the Comptroller General of the United States, B-160204, December 7, 1966, which is attached as Appendix A of this part).

"Urban area" means the entire area in which a local public body is authorized by appropriate local, State and Federal law to provide regularly scheduled mass transportation service. This includes all areas which are either: (a) within an "urbanized area" as defined and fixed in accordance with 23 CFR Part 470, subpart B; or (b) within an "urban area" or other built-up place as determined by the Secretary under section 12(c)(4) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1608(c)(4)).

Subpart B—Charter Bus Agreements

§ 604.10 Purpose.

The purpose of this subpart is to formulate procedures for the development of an agreement concerning charter bus operations.

§ 604.11 Use of mass transportation equipment.

(a) No grantee or operator of mass transportation equipment shall engage in charter bus operations using buses, facilities, or equipment funded under the Acts except on an incidental basis in strict compliance with the Opinion of the Comptroller General of the United States, B–160204, December 7, 1966, in Appendix A of this part.

(b) Any of the following uses of mass transportation buses in charter bus operations will be presumed not to be incidental:

(1) Weekday charters which occur during peak morning and evening rush hours;

(2) Weekday charters which require buses to travel more than fifty miles beyond the grantee's urban area; or

(3) Weekday charters which require the use of a particular bus for more than a total of six hours in any one day.

§ 604.12 Agreement.

Every grantee shall as a condition of assistance, enter into a written agreement, that neither it nor any operator of mass transportation equipment on its behalf, will engage in any charter bus operations where points of origin or destination will be outside of its urban area except as permitted under that agreement. The agreement shall become a part of the grant contract between the Government and the grantee.

§ 604.13 Contents of agreement.

Except as provided in § 604.14 the agreement required by § 604.12 shall contain the following provisions:

Special Agreement—These provisions are found to constitute fair and equitable arrangements within the meaning of section 3(f) of the Urban Mass Transportation Act of 1964, as amended, to assure that the financial assistance granted by the Government under this mass transportation grant project will not enable the grantee, or any operator of the project equipment for the grantee, to foreclose private operators from the intercity charter bus industry where such private operators are willing and able to provide such service.

Accordingly, the parties agree as follows:

(1) The grantee agrees that neither it, nor any operator or project equipment, will engage in charter bus operations outside the urban area within which it provides regularly scheduled mass transportation services except as provided herein.

(2) The grantee, or any operator of project equipment, agrees that revenues generated by its charter bus operations are equal or greater than the cost of providing charter bus operations consistent with its cost allocation plan.

(3) The grantee, or any operator of project equipment, agrees that it will not establish any charter rate which is designed to foreclose competition by private charter bus operators.

(4) The grantee agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement or part 604 of the Urban Mass Transportation regulations.

(5) The grantee agrees that the project facilities and equipment shall be used for the provision of mass transportation services within its urban area and that any use of project facilities and equipment in charter service will be incidental to and shall not interfere with the use of such facilities and equipment in mass transportation services to the public.

(6) If the Administrator determines that there has been a violation of this agreement, he may order such remedial measures as he may deem appropriate, including cancellation of this agreement. The Administrator may prohibit disbursement of funds under the grant contract to the grantee or operator if he determines that there has been a continuing pattern of violations of the terms of this agreement, and may bar future Federal financial assistance to the grantee.

§ 604.14 Other agreements.

Where the Administrator determines that the requirements of section 3(f) of the UMT Act and section 164(b) of the Highway Act can be met by an agreement which contains provisions other than those set forth in § 604.13 of this part, he may authorize the use of alternative provisions as he deems appropriate.

§ 604.15 Notice.

(a) Each applicant who engages or wishes to engage charter bus operations shall include the following in its application:

(1) A statement that it has provided written notice to all private charter bus operators operating in its urban area of its application for assistance and its proposed or existing charter bus operations;

(2) A statement that it has published in a newspaper of general circulation in its urban area a notice of its application and its proposed or existing charter bus operations;

(3) A certification of costs for the applicants proposed charter bus operations;

(4) A cost allocation plan.

(b) The notice required by paragraphs (a)(1) and (a)(2) of this section shall include the following information:

(1) A description of the area within which the applicant is authorized by local, State and Federal law to conduct charter bus operations. Copies of the document granting such authority should be attached. Where there are disputes over jurisdiction pending that would affect charter bus operations this information should be included in that notice.

(2) An estimation of the number of each type of bus which will be employed on the proposed charter bus operations, and the number of weekdays or weekends those buses will be available for charter bus operations. The applicant shall also include a statement that the proposed use of these buses will not interfere with regularly scheduled mass transportation services.

(3) A statement of the time, date, and place of public hearings required under section 3(d) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602(d)), to be held on the application for assistance.

(c) Copies of the application for assistance and notice required by paragraph (a) of this shall be available for inspection during the regular business hours at the office of the applicant.

§ 604.16 Certification in lieu of notice.

If there are no private charter bus operators operating in the applicant's urban area, the applicant may so certify in its application in lieu of meeting the requirements of § 605.15. This certification shall be accompanied by a statement that the applicant has published, in a newspaper of general circulation in its urban area a notice stating that it has applied for assistance under the Acts as provided under § 604.15(b) and that it has certified that there are no private charter bus operators operating in its urban area. A copy of the notice as published shall be included.

§ 604.17 Comments by private charter bus operators.

Private charter bus operators may file written comments on an applicant's proposed or existing charter bus operations at the time of the public hearing held pursuant to section 3(d) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602(d)). The comments of private charter bus operators must be submitted by the applicant to the Administrator together with the transcript of this public hearing required pursuant to 49 U.S.C. 1602(d).

§ 604.18 Approval of charter bus operations.

(a) The Administrator will consider the comments filed by private charter bus operators prior to making any findings regarding either the applicant's certification of costs, cost allocation plan, or other aspects of its proposed charter bus operations.

(b) After a showing by the applicant that it has complied with the requirements of 49 U.S.C. 1602(d) and this subpart, the Administrator may accept the applicant's certification of costs and otherwise approve its cost allocation plan and charter bus operations. Such acceptance and approval, however, is subject to audit and inspection which may be conducted at any time by the Government under § 604.52 of this part.

(c) If the Administrator finds that the applicant has not complied with the notice requirement of § 604.15, or otherwise finds that the applicant's certification of costs, cost allocation plan, or proposed charter bus operations are unacceptable, he will so notify the applicant in writing stating the reasons for his findings.

(d) Within 30 days after receiving notice of adverse findings from the Administrator, an applicant may file written objections to the Administrator's findings or submit a revised certification of costs, a revised cost allocation plan, or a revised proposal for its charter bus operations.

(e) Upon receipt of notice of acceptance of its certification of costs, cost allocation plan, and approval of its charter bus operations, the applicant may enter into an agreement with the Administrator under § 604.12 of this part.

Subpart C—Modification of Prior Agreements and Amendment of Applications for Assistance

§ 604.20 Modification of prior agreements.

(a) Any grantee which, prior to the adoption of this part, entered into an agreement required by section 164(a) of the Federal-Aid Highway Act of 1973, section 3(f) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602(f)), not to engage in charter bus operations in competition with private providers of charter bus operations outside its urban area, or an interim agreement under section 3(f) allowing charter bus operations, shall seek modification of that agreement to conform to the requirements of this part in accordance with paragraphs (b)–(d) of this section.

(b) The grantee shall develop a certification of costs for its charter bus operations and send it with its proposed or existing charter bus operations and cost allocation plan to private charter bus operators whose service originates in the grantee's urban area.

(c) The grantee shall allow 30 days for persons receiving notice in this section to respond with written comments concerning its proposed or existing charter bus operations.

(d) After receiving written comments, the grantee shall send his proposal with written comments thereon to the Administrator for his review under § 604.18 of this part.

§ 604.21 Amendment of applications for assistance.

Pending applications for assistance upon which public hearings have been held pursuant to section 3(d) of the UMT Act (49 U.S.C. 1602(d)), and applications which have been approved by the Administrator but for which no grant contract has been executed, shall be amended by the applicant to conform to this part by following the procedures of § 604.20(b)–(d). Any other applications for assistance shall comply with §§ 604.15 or 604.16 of this part.

Subpart D—Revisions of Certification

§ 604.30 Revisions of certification.

(a) Certification of costs filed under this part may be revised by a grantee or any operator of project equipment by filing proposed revisions, properly certified, with the Administrator. Notice of those revisions shall be sent to private charter bus operators in the urban area, who may file comments with the Administrator within 15 days after receipt of notice. Proposed revisions shall become effective 30 days after filing unless within that period the Administrator finds them to be unacceptable and so notifies the party filing the certification of costs.

(b) UMTA may require that certification of costs be revised using the procedures in paragraph (a) of this section where the grantee has a gross revenue change of 25 percent or more from the average two preceding fiscal quarters.

Subpart E—Complaint Procedures and Remedies

§ 604.40 Filing a complaint.

Any interested party may file a complaint with the Administrator alleging a violation or violations of terms of an agreement entered into pursuant to § 604.12. A complaint must be in writing and must specify in detail the action claimed to violate the agreement, and must be accompanied by evidence sufficient to enable the Administrator to make a preliminary determination as to whether probable cause exists to believe that a violation of the agreement has taken place.

§ 604.41 Notification to the respondent.

On receipt of any complaint under § 604.40, or on his own motion if at any time he will have reason to believe that a violation may have occurred, the Administrator will provide written notification to the grantee concerned (hereinafter called the "respondent"). The Administrator will inform the respondent of the conduct which constitutes a probable violation of the agreement.

§ 604.42 Accumulation of evidentiary material.

The Administrator will allow the respondent not more than 30 days to show cause, by submission of evidence, why no violation should be deemed to have occurred. A like period shall be allowed to the complainant, if any, during which he may submit evidence to rebut the evidence offered by the respondent. The Administrator may undertake such further investigation as he may deem necessary, including, in his discretion, the holding of an evidentiary hearing or hearings before an Administrative judge.

§ 604.43 Adjudication.

(a) After reviewing the results of such investigation, including hearing transcripts, if any, and all evidence submitted by the parties, the Administrator will make a written determination as to whether the respondent has engaged in charter bus operations in violation of terms of the agreement.

(b) If the Administrator determines that there has been a violation of this agreement, he may order such remedial measures as he may deem appropriate.

(c) If the Administrator should determine that a violation has occurred, he will include a specific statement as to whether there has been a continuing pattern of violations.

(d) The determination by the Administrator will include an analysis and explanation of his findings.

§ 604.44 Remedy where there has been a continuing pattern of violations.

If the Administrator determines, pursuant to this subpart, that there has been a continuing pattern of violations of the terms of the agreement, he may bar a grantee from the receipt of further financial assistance for mass transportation facilities and equipment.

§ 604.45 Judicial review.

The determination of the Administrator pursuant to this subpart will be final and conclusive on all parties, but shall be subject to judicial review pursuant to Title 5 U.S.C. §§ 701–706.

Subpart F—Reports, Information and Records

§ 604.50 Reports and information.

The Administrator may order any grantee or operator for a grantee, to file special or separate reports setting forth information relating to any transportation service rendered by such grantee or operator, in addition to any other reports required by this part.

§ 604.51 Records.

(a) Each grantee subject to this part shall maintain such records as are sufficient to demonstrate that its charter rates are in compliance with the terms of its agreement.

(b) Records required to be maintained under paragraph (a) of this section shall be made available for audit and inspection at any time upon the request of an officer or employee of the Government.

(c) Upon the request of an authorized officer or employee of the Government any grantee which has filed a certification of costs pursuant to this part, shall:

(1) Specify the records that comply with paragraph (a) of this section; and

(2) Justify certification of costs.

(d) Each grantee required to maintain a record under this section shall preserve that record at least four years after the last day of the calendar year in which the record was made or events recorded in that record occurred, whichever is later.

APPENDIX A

COMPTROLLER GENERAL OF THE UNITED STATES,
WASHINGTON, D.C. 20548

B-160204.

DEC. 7, 1966.

DEAR MR. WILSON: The enclosure with your letter of October 4, 1966, concerns the legality of providing a grant under the Urban Mass Transportation Act of 1964 to the City of San Diego, (City), California. The problem involved arises in connection with the definition in subsection 9(d)(5) of the act, 49 U.S.C. 1608(d)(5), excluding charter or sightseeing service from the term "mass transportation."

It appears from the enclosure with your letter that the City originally included in its grant application a request for funds to purchase 8 buses designed for charter service. Subsequently the City amended its application by deleting a request for a portion of the funds attributable to the charter bus coaches. However, in addition to the 8 specially designed charter buses initially applied for, the City allegedly uses about 40 of its transit type buses to a substantial extent for charter-type services. In light of these factors surrounding the application by the City, the enclosure requests our opinion with regard to the legality of grants under the act as it applies to certain matters (in effect ques-

tions), which are numbered and quoted below and answered in the order presented.

Number one:

"The grant of funds to a City to purchase buses and equipment which are intended for substantial use in the general charter bus business as well as in the Mass Transportation type business."

The Urban Mass Transportation Act of 1964 does not authorize grants to assist in the purchase of buses or other equipment for any service other than urban mass transportation service. Section 3(a) of the act limits the range of eligible facilities and equipment to "* * * buses and other rolling stock, and other real or personal property needed for an efficient and coordinated mass transportation system." In turn, "mass transportation" is defined, in section 9(d)(5) of the act, specifically to exclude charter service. We are advised by the Department of Housing and Urban Development (HUD) that under these provisions, the Department has limited its grants to the purchase of buses of types suitable to meet the needs of the particular kind of urban mass transportation service proposed to be furnished by the applicant.

HUD further advises that:

"One of the basic facts of urban mass transportation operations is that the need for rolling stock is far greater during the morning and evening rush hours on weekdays than at any other time. For that reason, any system which has sufficient rolling stock to meet the weekday rush-hour needs of its customers must have a substantial amount of equipment standing idle at other times, as well as drivers and other personnel being paid when there is little for them to do. To relieve this inefficient and uneconomical situation, quite a number of cities have offered incidental charter service using this idle equipment and personnel during the hours when the same are not needed for regularly scheduled runs. Among the cities so doing are Cleveland, Pittsburgh, Alameda, Tacoma, Detroit and Dallas.

"Such service contributes to the success of urban mass transportation operations by bringing in additional revenues and providing full employment to drivers and other employees. It may in some cases even reduce the need for Federal capital grant assistance.

"We do not consider that there is any violation of either the letter or the spirit of the Act as a result of such incidental use of buses in charter service. To guard against abuses, every capital facilities grant contract made by this Department contains the following provisions:

"'Sec. 4. *Use of Project Facilities and Equipment*—The Public Body agrees that the Project facilities and equipment will be used for the provision of mass transportation service within its urban area for the period of the useful life of such facilities and equipment. . . . The Public Body further agrees that during the useful life of the Project facilities and equipment it will submit to HUD such financial statements and other data as may be deemed necessary to assure compliance with this Section.'"

It is our view that grants may be made to a city under section 3(a) of the act to purchase buses needed by the city for an efficient and coordinated mass transportation system, even though the city may intend to use such buses for charter use when the buses are not needed on regularly scheduled runs (i.e. for mass transportation purposes) and would otherwise be idle.

Number two:

"Whether a grant of such funds is proper if charter bus use is incidental to mass public transportation operations. If so, what is the definition of 'incidental use.'"

We are advised by HUD that under its legislative authority, it cannot and does not take charter service requirements into consideration in any way in evaluating the needs of a local mass transportation system for buses or other equipment.

HUD further advises that:

"However, as indicated above, we are of the opinion that any lawful use of project equipment which does not detract from or interfere with the urban mass transportation service for which the equipment is needed would be deemed an incidental use of such equipment, and that such use of project equipment is entirely permissible under our legislation. What uses are in fact incidental, under this test, can be determined only on a case-by-case basis."

In view of what we stated above in answer to the first question, the first part of question two is answered in the affirmative.

As to the second part of the question, in *Security National Insurance Co.* v. *Secuoyah Marina*, 246 F.2d 830, "incident" is defined as meaning "that which appertains to something else which is primary." Thus, we cannot say HUD's definition of "incidental use" as set forth above is unreasonable. Under the act involved grants may be made to purchase buses only if the buses are needed for an efficient and coordinated mass transportation system. It would appear that if buses are purchased in order to meet this need, and are, in fact, used to meet such need, the use of such buses for charter service when not needed for mass transportation services would, in effect, be an "incidental use," insofar as pertinent here. In our opinion such incidental use would not violate the provisions of the 1964 act.

Number three:

"The grant of funds for mass public transportation purposes to a City which has expressed an intent to engage in the general charter bus business when such funds would in effect constitute a subsidy to the City of its intended charter bus operations; i.e. freeing Municipal funds with which to purchase charter bus equipment."

Section 4(a) of the 1954 Act (49 U.S.C. 1603(a)) provides, in part, as follows:

"* * * The Administrator (now Secretary), on the basis of engineering studies, studies of economic feasibility, and data showing the nature and extent of expected utilization of the facilities and equipment, shall estimate what portion of the cost of a project to be assisted under section 1602 of this title cannot be reasonably financed from revenues—which portion shall hereinafter be called 'net project cost'. The Federal grant for such a project shall not exceed two-thirds of the net project cost. The remainder of the net project cost shall be provided, in cash, from sources other than Federal funds * * *."

It is clear from the legislative history of the act involved that the "revenues" to be considered are mass transportation system revenues including any revenues from incidental charter operations. There is nothing in the language of the act which requires HUD to take into account the status of the general funds of an applicant city in determining how much capital grant assistance to extend to that city.

It should be noted that in a sense nearly every capital grant to a city constitutes a partial subsidy of every activity of the city which is supported by tax revenues, since it frees tax revenues for such other uses.

Number four:

"With specific reference to the application of the City of San Diego for funds under its application to the Department of Housing and Urban Development dated June 2, 1966, whether the Act permits a grant to purchase equipment wherein 25 per cent of such equipment will be used either exclusively or substantially in the operation of charter bus services."

As to the City of San Diego's grant application, we have been advised by HUD as follows:

"As explained above, the Act authorizes assistance only for facilities to be used in mass transportation service. We could not, therefore, assist San Diego in purchasing any equipment to be used 'exclusively' in the operation of charter bus service. Furthermore, as also explained above, assisted mass transportation equipment can be used only incidentally for such charter services.

"Whether equipment used 'substantially' in such service qualifies under this rule can be answered only in the light of the specifics of the San Diego situation. * * * we have already, during our preliminary review of the City's application, disallowed about $150,000 of the proposed project cost which was allocated to the purchase of eight charter-type buses.

"The final application of the City of San Diego is presently under active consideration by this Department. In particular, we have requested the City to furnish additional information as to the nature and extent of the proposed use, if any, of project facilities and equipment in charter service, so that we can further evaluate the application under the criteria above set forth. We have also requested similar information from Mr. Fredrick J. Ruane, who has filed a taxpayers' suit (Superior Court for San Diego County Civil #297329) against the City, contesting its authority to engage in charter bus operations."

As indicated above, it is clear that under the act in question grants may not legally be made to purchase buses to be used "exclusively" in the operation of charter bus service. However, in view of the purposes of the act involved it is our opinion that a city which has purchased with grant funds buses needed for an efficient mass transportation system, is not precluded by the act from using such buses for charter service during idle or off-peak periods when the buses are not needed for regularly scheduled runs. As indicated above, such a use would appear to be an incidental use.

The fourth question is answered accordingly.

As requested, the correspondence enclosed with your letter is returned herewith.

Sincerely yours,

FRANK H. WEITZEL,
Assistant Comptroller General of the United States.

Enclosures.
The Honorable Bob Wilson,
House of Representatives.

APPENDIX B

EXPENSE REPORTING

List of Expenses

LABOR

1. Operators' Salaries and Wages
2. Other Salaries and Wages

FRINGE BENEFITS

1. FICA or Railroad Retirement
2. Pension Plans (including long-term disability insurance)
3. Hospital, Medical and Surgical Plans
4. Dental Plans
5. Life Insurance Plans
6. Short-Term Disability Insurance Plans
7. Unemployment Insurance
8. Workmen's Compensation Insurance or Federal Employees Liability Act Contributions

9. Sick Leave
10. Holiday (including all premiums paid for on holidays)
11. Vacation
12. Other Paid Absence (bereavement pay, military pay, jury duty pay, etc.)
13. Uniform and Work Clothing Allowances
14. Other Fringe Benefits
15. Distribution of Fringe Benefits

SERVICES

1. Management Service Fees
2. Advertising Fees
3. Professional and Technical Services
4. Temporary Help
5. Contract Maintenance Services
6. Custodial Services
7. Security Services
8. Propulsion Power
9. Utilities Other than Propulsion Power
10. Dues and Subscriptions
11. Travel and Meetings
12. Bridge, Tunnel and Highway Tolls
13. Other Services

MATERIALS AND SUPPLIES CONSUMED

1. Fuel and Lubricants
2. Tires and Tubes
3. Other Materials and Supplies

CASUALTY AND LIABILITY COSTS

1. Premiums for Physical Damage Insurance
2. Recoveries of Physical Damage Losses
3. Premiums for Public Liability and Property Damage Insurance
4. Payouts for Uninsured Public Liability and Property Damage Settlements
5. Provision for Uninsured Public Liability and Property Damage Settlements
6. Payouts for Insured Public Liability and Property Damage Settlements
7. Recoveries of Public Liability and Property Damage Settlements
8. Premiums for Other Corporate Insurances
9. Other Corporate Losses
10. Recoveries of Other Corporate Losses.

LEASES AND RENTALS

1. Transit Way and Transit Way Structures and Equipment
2. Passenger Stations
3. Passenger Parking Facilities
4. Passenger Revenue Vehicles
5. Service Vehicles
6. Operating Yards or Stations
7. Engine Houses, Car Shops and Garages
8. Power Generation and Distribution Facilities
9. Revenue Vehicle Movement Control Facilities
10. Data Processing Facilities
11. Revenue Collection and Processing Facilities
12. Other General Administration Facilities

DEPRECIATION AND AMORTIZATION

1. Transit Way and Transit Way Structures and Equipment
2. Passenger Stations
3. Passenger Parking Facilities
4. Passenger Revenue Vehicles
5. Service Vehicles
6. Operating Yards or Stations
7. Engine Houses, Car Shops and Garages
8. Power Generation and Distribution Facilities
9. Revenue Vehicle Movement Control Facilities
10. Data Processing Facilities
11. Revenue Collection and Processing Facilities
12. Other General Administration Facilities

PROPERTY RETIREMENT WRITE-OFFS

1. Property Retirement Write-Offs

INTEREST EXPENSE

1. Interest on Debt Obligations (net of interest capitalized)

OTHER TAXES

1. Federal Income Tax
2. State Income Tax
3. Property Tax
4. Vehicle Licensing and Registration Fees
5. Fuel and Lubricant Taxes
6. Other Taxes

EXPENSE TRANSFERS

1. Function Reclassifications
2. Expense Reclassifications
3. Capitalization of Nonoperating Costs

SUBSIDY PAYMENTS

1. Purchased Transportation Service

MARCH 29, 1976.

INFLATIONARY IMPACT STATEMENT

FINAL REGULATIONS

Charter Bus Operations

I certify that, in accordance with Executive Order 11821, dated November 27, 1974, and Departmental implementing instructions, an Inflationary Impact Statement is not required for the final regulations on Charter Bus Operations.

ROBERT E. PATRICELLI,
Urban Mass Transportation Administrator.

[FR Doc.76-9418 Filed 3-31-76;8:45 am]

[Docket No. 76-03, Notice 1]

PART 605—SCHOOL BUS OPERATIONS

Codification of Requirements

On June 13, 1975, the Urban Mass published proposed regulations governing school bus operations by recipients of Federal financial assistance for the purchase of buses, or the construction or operation of facilities and equipment, for use in providing mass transportation service. These regulations added a new Part 605 to UMTA regulations to protect private school bus operators who are in competition with federally-assisted operators in providing transportation for school students, personnel and equipment. The proposed regulations prohibited school bus operations by federally-assisted operators unless such operators were expressly permitted under section 3(g) of the Urban Mass Transportation Act of 1964, as amended, or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).

Section 3(g) provides that an applicant for Federal financial assistance for the construction or operation of facilities and equipment for use in providing public mass transportation service must agree not to engage in school bus operations, exclusively for the transportation of students and school personnel, in competition with private school bus operators. The subsection does not apply if the applicant operates a school system in the area to be served and operates a separate and exclusive school bus program for such school system; nor does it apply unless private school bus operators are able to provide adequate transportation, at reasonable rates, and in conformance with applicable safety standards; and it does not apply with respect to any State or local public body or agency thereof if it or a direct predecessor in interest from which it acquired the function of so transporting schoolchildren and personnel (along with facilities to be used therefore) was engaged in school bus operations at any time during the twelve-month period immediately prior to the date of enactment of the provision. Section 164(b) is an identical provision applying only to the purchase of buses, but applying irrespective of whether they are assisted under the Urban Mass Transportation Act or under the Federal-Aid Highway Act. Where school bus operations were permitted either under sections 3(g) or 164(b), the proposed regulations required a showing by the federally-assisted operator that the Federal assistance was not used to subsidize those school bus operations.

UMTA received a great deal of public comment on the proposed regulations. All of the comments were helpful. Many were invaluable. As a result of the comments, we have developed these final regulations on school bus operations which will effectively carry out the purpose of sections 3(g) and 164(b). These final regulations will add a new Part 605 to UMTA's regulations.

The current Part 605 differs in many respects from the proposed version issued for public comment. Greater emphasis is placed in the current version on the fact that federally-assisted buses, facilities and equipment may not be used for the exclusive transportation of school students, personnel or equipment. Even if a federally-assisted operator is allowed to engage in school bus operations under one of the exemptions listed in sections 3(g) and 164(b), the operator cannot use federally-assisted buses, facilities and equipment in those operations. School bus operations as defined in Part 605 may only be undertaken in Type I or Type II buses as defined by Highway Safety Program Standard 17 (as amended May 1973). Federally-assisted buses must remain open to the public at all times and be clearly marked for public use. This requirement was added to prevent federally-assisted operators from operating special routes for schoolchildren which are not generally available to the public. Where a federally-assisted operator is allowed to engage in school bus operations using Type I or Type II buses, these buses may be serviced or maintained in federally-assisted facilities or equipment only where such use does not interfere with the use of such facilities and equipment for the regular mass transit fleet. If these buses are so serviced or maintained, the proportion of such use attributable to school bus service maintenance is not an al-

lowable operating expense for which Federal funds may be requisitioned.

A considerable amount of confusion developed from UMTA's policy which allows the use of federally-assisted buses in the "incidental" transportation of school students, personnel and equipment pursuant to an Opinion of the Comptroller General of the United States (see Appendix A of this part). Incidental use of federally-assisted buses is a use which does not interfere with regularly scheduled mass transportation service to the public. By nature of their definitions, the terms "school bus operations" and "incidental use" are mutually exclusive as defined in these final regulations. Since school bus operations are usually undertaken in peak morning and evening hours, the incidental use of federally-assisted buses during those times is not possible. The incidental use of federally-assisted buses to transport school students, personnel and equipment exclusively can only occur during non-peak hours and is therefore "charter service" which is subject to Part 604 of UMTA regulations. Because the transportation of school students, personnel and equipment during off-peak hours is a charter service subject to Part 604 of UMTA regulations, these final regulations do not require a separate cost certification for school bus operations as did the proposed regulations. Federally-assisted buses may not be used in school bus operations, and Type I or Type II school buses may not be serviced or maintained in federally-assisted facilities or equipment except where such use is demonstrably incidental to the use of such facilities for the regular mass transit fleet. For these reasons, UMTA feels that the concept of cost certification need not be applied to school bus operations.

These final regulations also set forth specific guidelines for an acceptable use of federally-assisted buses in the transportation of school students and personnel.

A new term "tripper service" has been added in § 605.3 which did not appear in the proposed regulations. Tripper service means regularly scheduled mass transportation service which is open to the public, and which is designed or modified to accommodate the needs of schoolchildren and personnel, using various fare collection and subsidy systems. Tripper service is therefore not unlike any other regularly scheduled mass transportation service. Buses used in this type of service must therefore be clearly marked as being available to the general public, must stop only at regular service stops, and their routes must be included in the published schedules of the operator. Tripper service may be operated during peak-hour periods.

With respect to who may engage in school bus operations, each federally-assisted operator who wishes to engage in such operations must take an affirmative showing to UMTA that it is exempt under section 3(g) or section 164(b) at the time of its next grant application following the effective date of these regulations. This requirement is found in §§ 605.11 and 605.20 of these final regulations. It applies to all federally-assisted operators regardless of how long such operators have engaged in school bus operations.

Other changes made in these final regulations include the addition of § 605.4 which makes clear that the issue of school bus operations must be discussed in public hearings conducted under section 3(d) of the Urban Mass Transportation Act if the operator wishes to engage in such operations. These public hearings are conducted to consider the economic, social or environmental effects of the requested Federal financial assistance. In § 605.3 the terms "adequate transportation," "interested party," and "reasonable rates" are also defined for the first time. The term "urban area" has been redefined to mean the entire area in which a local body is authorized by appropriate State and Federal law to provide regularly scheduled mass transportation service. The words "authorized by appropriate local, State and Federal law" did not appear in the proposed version of the regulations. In § 605.16 the notice provision remains generally the same except that applicants are required to publish notice of their intent to engage in school bus operations in a newspaper of general circulation in its urban area. The requirements for developing cost certifications and a cost allocation plan were deleted from this Part. In § 605.17 the applicant is required to submit proof of his publication of notice when he certifies that there are no private school bus operators in the urban area. Other aspects of these final regulations such as amendment and modification of applications and the complaint procedures are basically unchanged.

In summary, these regulations are issued to provide economic protection for private school bus operators who must compete with federally-assisted operators in providing transportation for schoolchildren, personnel and equipment. The regulations govern the formation and content of school bus agreements required under the Urban Mass Transportation Act and the Federal-Aid Highway Act.

Although these are final regulations, interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted to the Urban Mass Transportation Administrator, Office of the Chief Counsel, Attention: Rules Docket Number 76-03, Notice 1, 400 7th Street S.W., Washington, D.C. 20590. All communications will be considered.

These regulations are issued under the authority of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.); 23 U.S.C. 142(a) and (c); 23 U.S.C. 103(e)(4); 49 CFR 1.51.

In consideration of the foregoing, a new Part 605 of 49 CFR Chapter IV is added to read as follows.

Issued on March 29, 1976.

ROBERT E. PATRICELLI,
Urban Mass Transportation Administrator.

Subpart A—General

Sec.
605.1 Purpose.
605.2 Scope.
605.3 Definitions.
605.4 Public hearing requirement.

Subpart B—School Bus Agreements

605.10 Purpose.
605.11 Exemptions.
605.12 Use of project equipment.
605.13 Tripper service.
605.14 Agreement.
605.15 Content of agreement.
605.16 Notice.
605.17 Certification in lieu of notice.
605.18 Comments by private school bus operators.
605.19 Approval of school bus operations.

Subpart C—Modification of Prior Agreements and Amendment of Application for Assistance

605.20 Modification of prior agreements.
605.21 Amendment of applications for assistance.

Subpart D—Complaint Procedure and Remedies

605.30 Filing a complaint.
605.31 Notification to the respondent.
605.32 Accumulation of evidentiary material.
605.33 Adjudication.
605.34 Remedy where there has been a violation of the agreement.
605.35 Judicial review.

Subpart E—Reporting and Records

605.40 Reports and information.

AUTHORITY: Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 *et seq.*); 23 U.S.C. 103(e)(4); 23 U.S.C. 142(a) and (c); and 49 CFR 1.51.

Subpart A—General

§ 605.1 Purpose.

The purpose of this part is to prescribe policies and procedures to implement section 109(a) of the National Mass Transportation Assistance Act of 1974 (Pub. L. 93-503; November 26, 1974; 88 Stat. 1565). Section 109(a) adds a new section 3(g) to the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602(g)) and differs from section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)) in that section 3(g) applies to all grants for the construction or operation of mass transportation facilities and equipment under the Urban Mass Transportation Act, and is not limited to grants for the purchase of buses as is section 164(b).

By the terms of section 3(g) no Federal financial assistance may be provided for the construction or operation of facilities and equipment for use in providing public mass transportation service to an applicant unless the applicant and the Administrator enter into an agreement that the applicant will not engage in school bus operations exclusively for the transportation of students and school personnel, in competition with private school bus operators.

§ 605.2 Scope.

These regulations apply to all recipients of financial assistance for the construction or operation of facilities and equipment for use in providing mass transportation under: (a) the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 *et seq.*); (b) 23

U.S.C. 142(a) and (c); and 23 U.S.C. 103 (e)(4).

§ 605.3 Definitions.

(a) Except as otherwise provided, terms defined in the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604, 1608) are used in this part as so defined.

(b) For purposes of this part—

"The Acts" means the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 *et seq.*); 23 U.S.C. 142(a) and (c); and 23 U.S.C. 103(e)(4).

"Administrator" means the Urban Mass Transportation Administrator or his designee.

"Adequate transportation" means transportation for students and school personnel which the Administrator determines conforms to applicable safety laws; is on time; poses a minimum of discipline problems; is not subject to fluctuating rates; and is operated efficiently and in harmony with state educational goals and programs.

"Agreement" means a contractual agreement required under section 3(g) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602(g)).

"Applicant" means applicant for assistance under the Acts.

"Assistance" means Federal financial assistance for the purchase of buses and the construction or operation of facilities and equipment for use in providing mass transportation services under the Acts, but does not include research, development and demonstration projects funded under the Acts.

"Grant contract" means the contract between the Government and the grantee which states the terms and conditions for assistance under the Acts.

"Government" means the Government of the United States of America.

"Grantee" means a recipient of assistance under the Acts.

"Incidental" means the transportation of school students, personnel and equipment in charter bus operations during off peak hours which does not interfere with regularly scheduled service to the public (as defined in the Opinion of the Comptroller General of the United States, B160204, December 7, 1966, which is attached as Appendix A of this part).

"Interested party" means an individual, partnership, corporation, association or public or private organization that has a financial interest which is adversely affected by the act or acts of a grantee with respect to school bus operations.

"Reasonable Rates" means rates found by the Administration to be fair and equitable taking into consideration the local conditions which surround the area where the rate is in question.

"School bus operations" means transportation by bus exclusively for school students, personnel and equipment in Type I and Type II school vehicles as defined in Highway Safety Program Standard No. 17.

"Tripper service" means regularly scheduled mass transportation service which is open to the public, and which is designed or modified to accommodate the needs of school students and personnel, using various fare collections or subsidy systems. Buses used in tripper service must be clearly marked as open to the public and may not carry designations such as "school bus" or "school special". These buses may stop only at a grantee or operator's regular service stop. All routes traveled by tripper buses must be within a grantee's or operator's regular route service as indicated in their published route schedules.

"Urban area" means the entire area in which a local public body is authorized by appropriate local, State and Federal law to provide regularly scheduled mass transportation service. This includes all areas which are either: (a) within an "urbanized area" as defined and fixed in accordance with 23 CFR Part 470, Subpart B; or (b) within an "urban area" or other built-up place as determined by the Secretary under section 12(c)(4) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1608(c)(4)).

§ 605.4 Public hearing requirement.

Each applicant who engages or wishes to engage in school bus operations shall afford an adequate opportunity for the public to consider such operations at the time the applicant conducts public hearings to consider the economic, social or environmental effects of its requested Federal financial assistance under section 3(d) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602(d)).

Subpart B—School Bus Agreements

§ 605.10 Purpose.

The purpose of this subpart is to formulate procedures for the development of an agreement concerning school bus operations.

§ 605.11 Exemptions.

A grantee or applicant may not engage in school bus operations in competition with private school bus operators unless it demonstrates to the satisfaction of the Administrator as follows:

(a) That it operates a school system in its urban area and also operates a separate and exclusive school bus program for that school system; or

(b) That private school bus operators in the urban area are unable to provide adequate transportation, at a reasonable rate, and in conformance with applicable safety standards; or

(c) That it is a state or local public body or agency thereof (or a direct predecessor in interest which has acquired the function of so transporting schoolchildren and personnel along with facilities to be used therefor) who was so engaged in school bus operations:

(1) In the case of a grant involving the purchase of buses—anytime during the 12-month period immediately prior to August 13, 1973.

(2) In the case of a grant for construction or operating of facilitits and equipment made pursuant to the UMT Act as amended (49 U.S.C. 1601 *et seq.*), anytime during the 12-month period immediately prior to November 26, 1974.

§ 605.12 Use of project equipment.

No grantee or operator of project equipment shall engage in school bus operations using buses, facilities or equipment funded under the Acts. A grantee or operator may, however, use such buses, facilities and equipment for the transportation of school students, personnel and equipment in incidental charter bus operations. Such use of project equipment is subject to Part 604 of Urban Mass Transportation Regulations.

§ 605.13 Tripper service.

The prohibition against the use of buses, facilities and equipment funded under the Acts shall not apply to tripper service.

§ 605.14 Agreement.

Except as provided in § 605.11 of this part no assistance shall be provided under the Acts unless the applicant and the Administrator shall have first entered into a written agreement that the applicant will not engage in school bus operations exclusively for the transportation of students and school personnel in competition with private school bus operators.

§ 605.15 Content of agreement.

(a) Every grantee who is not authorized by the Administrator under § 605.11 of this part to engage in school bus operations shall, as a condition of assistance, enter into a written agreement required by § 605.14 of this part which shall contain the following provisions:

(1) The grantee and any operator of project equipment agrees that it will not engage in school bus operations in competition with private school bus operators.

(2) The grantee agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, Part 605 of the Urban Mass Transportation Regulations, or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a (b)).

(b) Every grantee who obtains authorization from the Administrator to engage in school bus operations under § 605.11 of this part shall, as a condition of assistance, enter into a written agreement required by § 605.14 of this part which contains the following provisions:

(1) The grantee agrees that neither it nor any operator of project equipment will engage in school bus operations in competition with private school bus operators except as provided herein.

(2) The grantee, or any operator of project equipment, agrees to promptly notify the Administrator of any changes in its operations which might jeopardize the continuation of an exemption under Part 605.11 of the regulations of the Urban Mass Transportation Administration.

(3) The grantee agrees that it will not engage in any practice which constitutes

a means of avoiding the requirements of this agreement, Part 605 of the Urban Mass Transportation Administration regulations or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b).

(4) The grantee agrees that the project facilities and equipment shall be used for the provision of mass transportation services within its urban area and that any other use of project facilities and equipment will be incidental to and shall not interfere with the use of such facilities and equipment in mass transportation service to the public.

§ 605.16 Notice.

(a) Each applicant who engages or wishes to engage in school bus operations shall include the following in its application:

(1) A statement that it has provided written notice to all private school bus operators operating in the urban area of its application for assistance and its proposed or existing school bus operations;

(2) A statement that it has published in a newspaper of general circulation in its urban area a notice of its application and its proposed or existing school bus operations;

(b) The notice required by paragraphs (a)(1) and (a)(2) of this section shall include the following information:

(1) A description of the area to be served by the applicant.

(2) An estimation of the number of each type of bus which will be employed on the proposed school bus operations, and the number of weekdays those buses will be available for school bus operations.

(3) A statement of the time, date, and place of public hearings required under section 3(d) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602(d)), to be held on the application for assistance.

(4) A statement setting forth reasons the applicant feels it should be allowed to engage in school bus operations under § 605.11 of this part.

(c) Copies of the application for assistance and notice required by paragraph (a) of this shall be available for inspection during the regular business hours at the office of the applicant.

§ 605.17 Certification in lieu of notice.

If there are no private school bus operators operating in the applicant's urban area, the applicant may so certify in its application in lieu of meeting the requirements of § 605.16. This certification shall be accompanied by a statement that the applicant has published, in a newspaper of general circulation in its urban area, a notice stating that it has applied for assistance as provided under § 605.16(b) and that it has certified that there are no private school bus operators operating in its urban area. A copy of the notice as published shall be included.

§ 605.18 Comments by private school bus operators.

Private school bus operators may file written comments on an applicant's proposed or existing school bus operations at the time of the public hearing held pursuant to section 3(d) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602(d)). The comments of private school bus operators must be submitted by the applicant to the Administrator together with the transcript of this public hearing.

§ 605.19 Approval of school bus operations.

(a) The Administrator will consider the comments filed by private school bus operators prior to making any findings regarding the applicant's proposed or existing school bus operations.

(b) After a showing by the applicant that it has complied with the requirements of 49 U.S.C. 1602(d) and this subpart, the Administrator may approve its school bus operations.

(c) If the Administrator finds that the applicant has not complied with the notice requirement of this part or otherwise finds that the applicant's proposed or existing school bus operations are unacceptable, he will so notify the applicant in writing, stating the reasons for his findings.

(d) Within 20 days after receiving notice of adverse findings from the Administrator, an applicant may file written objections to the Administrator's findings or submit a revised proposal for its school bus operations. If an applicant revises its proposed or existing school bus operations, it shall mail a copy of these revisions along with the findings of the administrator to private school bus operators required to be notified under § 605.16.

(e) Private school bus operators who receive notice under paragraph (d) of this section may within 20 days after receipt of notice file written comments on the proposed revisions with the Administrator. The Administrator will consider these comments prior to his approval of a proposed revision by the applicant.

(f) Upon receipt of notice of approval of its school bus operations, the applicant may enter into an agreement with the Administrator under § 605.14 of this part.

Subpart C—Modification of Prior Agreements and Amendment of Application for Assistance

§ 605.20 Modification of prior agreements.

(a) Any grantee which, prior to the adoption of this part, entered into an agreement required by section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602(a)(b)), or section 3(g) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602(g)), who engages or wishes to engage in school bus operations in competition with private school bus operators, shall seek modification of that agreement in accordance with paragraphs (b)–(d) of this section.

(b) The grantee shall develop a statement setting forth in detail the reasons it feels it should be allowed to engage in school bus operations under § 605.11 of this part. A copy of the statement should be provided private school bus operators who provide service in the grantee's urban area.

(c) The grantee shall allow 30 days for persons receiving notice under this section to respond with written comments concerning its proposed or existing school bus operations.

(d) After receiving written comments, the grantee shall send his proposal with written comments thereon to the Administrator for his review under § 605.17 of this part.

§ 605.21 Amendment of applications for assistance.

Pending applications for assistance upon which public hearings have been held pursuant to section 3(d) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602(d)), and applications which have been approved by the Administrator but for which no grant contract has been executed, shall be amended by the applicant to conform to this part by following the procedures of § 605.20(b)–(d).

Subpart D—Complaint Procedures and Remedies

§ 605.30 Filing a complaint.

Any interested party may file a complaint with the Administrator alleging a violation or violations of terms of an agreement entered into pursuant to § 605.14. A complaint must be in writing, must specify in detail the action claimed to violate the agreement, and must be accompanied by evidence sufficient to enable the Administrator to make a preliminary determination as to whether probable cause exists to believe that a violation of the agreement has taken place.

§ 605.31 Notification to the respondent.

On receipt of any complaint under § 605.30, or on his own motion if at any time he shall have reason to believe that a violation may have occurred, the Administrator will provide written notification to the grantee concerned (hereinafter called "the respondent") that a violation has probably occurred. The Administrator will inform the respondent of the conduct which constitutes a probable violation of the agreement.

§ 605.32 Accumulation of evidentiary material.

The Administrator will allow the respondent not more than 30 days to show cause, by submission of evidence, why no violation should be deemed to have occurred. A like period shall be allowed to the complainant, if any, during which he may submit evidence to rebut the evi-

dence offered by the respondent. The Administrator may undertake such further investigation, including hearing tran- including, in his discretion, the holding of an evidentiary hearing or hearings.

§ 605.33 Adjudication.

(a) After reviewing the results of such investigation, including hearing transcripts, if any, and all evidence submitted by the parties, the Administrator will make a written determination as to whether the respondent has engaged in school bus operations in violation of the terms of the agreement.

(b) If the Administrator determines that there has been a violation of the agreement, he will order such remedial measures as he may deem appropriate.

(c) The determination by the Administrator will include an analysis and explanation of his findings.

§ 605.34 Remedy where there has been a violation of the agreement.

If the Administrator determines, pursuant to this subpart, that there has been a violation of the terms of the agreement, he may bar a grantee or operator from the receipt of further financial assistance for mass transportation facilities and equipment.

§ 605.35 Judicial review.

The determination of the Administrator pursuant to this subpart shall be final and conclusive on all parties, but shall be subject to judicial review pursuant to Title 5 U.S.C. §§ 701–706.

Subpart E—Reporting and Records

§ 605.40 Reports and information.

The Administrator may order any grantee or operator for the grantee, to file special or separate reports setting forth information relating to any transportation service rendered by such grantee or operator, in addition to any other reports required by this part.

APPENDIX A

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., December 7, 1966.

DEAR MR. WILSON: The enclosure with your letter of October 4, 1966, concerns the legality of providing a grant under the Urban Mass Transportation Act of 1964 to the City of San Diego, (City), California. The problem involved arises in connection with the definition in subsection 9(d)(5) of the act, 49 U.S.C. 1608(d)(5), excluding charter or sightseeing service from the term "mass transportation."

It appears from the enclosure with your letter that the City originally included in its grant application a request for funds to purchase 8 buses designed for charter service. Subsequently the City amended its application by deleting a request for a portion of the funds attributable to the charter bus coaches. However, in addition to the 8 specially designed charter buses initially applied for, the City allegedly uses about 40 of its transit type buses to a substantial extent for charter-type services. In light of these factors surrounding the application by the City, the enclosure requests our opinion with regard to the legality of grants under the act as it applies to certain matters (in effect questions), which are numbered and quoted below and answered in the order presented.

Number one:

"The grant of funds to a City to purchase buses and equipment which are intended for substantial use in the general charter bus business as well as in the Mass Transportation type busines."

The Urban Mass Transportation Act of 1964 does not authorize grants to assist in the purchase of buses or other equipment for any service other than urban mass transportation service. Section 3(a) of the act limits the range of eligible facilities and equipment to "* * * buses and other rolling stock, and other real or personal property needed for an efficient and coordinated mass transportation system." In turn, "mass transportation" is defined, in section 9(d)(5) of the act, specifically to exclude charter service. We are advised by the Department of Housing and Urban Development (HUD) that under these provisions, the Department has limited its grants to the purchase of buses of types suitable to meet the needs of the particular kind of urban mass transportation proposed to be furnished by the tion-type business."

HUD further advises that:

"One of the basic facts of urban mass transportation operations is that the need for rolling stock is far greater during the morning and evening rush hours on weekdays than at any other time. For that reason, any system which has sufficient rolling stock to meet the weekday rush-hour needs of its customers must have a substantial amount of equipment standing idle at other times, as well as drivers and other personnel being paid when there is little for them to do. To relieve this inefficient and uneconomical situation, quite a number of cities have offered incidental charter service using this idle equipment and personnel during the hours when the same are not needed for regularly scheduled runs. Among the cities so doing are Cleveland, Pittsburgh, Alameda, Tacoma, Detroit and Dallas.

"Such service contributes to the success of urban mass transportation operations by bringing in additional revenues and providing full employment to drivers and other employees. It may in some cases even reduce the need for Federal capital grant assistance.

"We do not consider that there is any violation of either the letter or the spirit of the Act as a result of such incidental use of buses in charter service. To guard against abuses, every capital facilities grant contract made by this Department contains the following provisions:

" 'Sec. 4. *Use of Project Facilities and Equipment*—The Public Body agrees that the Project facilities and equipment will be used for the provision of mass transportation service within its urban area for the period of the useful life of such facilities and equipment. . . . The Public Body further agrees that during the useful life of the Project facilities and equipment it will submit to HUD such financial statements and other data as may be deemed necessary to assure compliance with this Section.' "

It is our view that grants may be made to a city under section 3(a) of the act to purchase buses needed by the city for an efficient and coordinated mass transportation system, even though the city may intend to use such buses for charter use when the buses are not needed on regularly scheduled runs (i.e. for mass transportation purposes) and would otherwise be idle.

Number two:

"Whether a grant of such funds is proper if charter bus use is incidental to mass public transportation operations. If so, what is the definition of 'incidental use.' "

We are advised by HUD that under its legislative authority, it cannot and does not take charter service requirements into consideration in any way in evaluating the needs of a local mass transportation system for buses or other equipment.

HUD further advises that:

"However, as indicated above, we are of the opinion that any lawful use of project equipment which does not detract from or interfere with the urban mass transportation service for which the equipment is needed would be deemed an incidental use of such equipment, and that such use of project equipment is entirely permissible under our legislation. What uses are in fact incidental, under this test, can be determined only on a case-by-case basis."

In view of what we stated above in answer to the first question, the first part of question two is answered in the affirmative.

As to the second part of the question, in *Security National Insurance Co.* v. *Secuoyah Marina*, 246F.2d 830, "incident" is defined as meaning "that which appertains to something else which is primary." Thus, we cannot say HUD's definition of "incidental use" as set forth above is unreasonable. Under the act involved grants may be made to purchase buses only if the buses are needed for an efficient and coordinated mass transportation system. It would appear that if buses are purchased in order to meet this need, and are, in fact, used to meet such need, the use of such buses for charter service when not needed for mass transportation services would, in effect, be an "incidental use," insofar as pertinent here. In our opinion such incidental use would not violate the provisions of the 1964 act.

Number three:

"The grant of funds for mass public transportation purposes to a City which has expressed an intent to engage in the general charter bus business when such funds would in effect constitute a subsidy to the City of its intended charter bus operations; i.e. freeing Municipal funds with which to purchase charter bus equipment."

Section 4(a) of the 1954 Act (49 U.S.C. 1603(a)) provides, in part, as follows:

"* * * The Administrator (now Secretary), on the basis of engineering studies, studies of economic feasibility, and data showing the nature and extent of expected utilization of the facilities and equipment, shall estimate what portion of the cost of a project to be assisted under section 1602 of this title cannot be reasonably financed from revenues—which portion shall hereinafter be called 'net project cost'. The Federal grant for such a project shall not exceed two-thirds of the net project cost. The remainder of the net project cost shall be provided, in cash, from sources other than Federal funds * * *."

It is clear from the legislative history of the act involved that the "revenues" to be considered are mass transportation system revenues including any revenues from incidental charter operations. There is nothing in the language of the act which requires HUD to take into account the status of the general funds of an applicant city in determining how much capital grant assistance to extend to that city.

It should be noted that in a sense nearly every capital grant to a city constitutes a partial subsidy of every activity of the city which is supported by tax revenues, since it frees tax revenues for such other uses.

Number four:

"With specific reference to the application of the City of San Diego for funds under its application to the Department of Housing and Urban Development dated June 2, 1966, whether the Act permits a grant to purchase equipment wherein 25 per cent of such

equipment will be used either exclusively or substantially in the operation of charter bus services."

As to the City of San Diego's grant application, we have been advised by HUD as follows:

"As explained above, the Act authorizes assistance only for facilities to be used in mass transportation service. We could not, therefore, assist San Diego in purchasing any equipment to be used 'exclusively' in the operation of charter bus service. Furthermore, as also explained above, assisted mass transportation equipment can be used only incidentally for such charter services.

"Whether equipment used 'substantially' in such service qualifies under this rule can be answered only in the light of the specifics of the San Diego situation. * * * we have already, during our preliminary review of the City's application, disallowed about $150,000 of the proposed project cost which was allocated to the purchase of eight charter-type buses.

"The final application of the City of San Diego is presently under active consideration by this Department. In particular, we have requested the City to furnish additional information as to the nature and extent of the proposed use, if any, of project facilities and equipment in charter service, so that we can further evaluate the application under the criteria above set forth. We have also requested similar inaformation from Mr. Fredrick J. Ruane, who has filed a taxpayers' suit (Superior Court for San Diego County Civil #297329) against the City, contesting its authority to engage in charter bus operations."

As indicated above, it is clear that under the act in question grants may not legally be made to purchase buses to be used "exclusively" in the operation of charter bus service. However, in view of the purposes of the act involved it is our opinion that a city which has purchased with grant funds buses needed for an efficient mass transportation system, is not precluded by the act from using such buses for charter service during idle or off-peak periods when the buses are not needed for regularly scheduled runs. As indicated above, such a use would appear to be an incidental use.

The fourth question is answered accordingly.

As requested, the correspondence enclosed with your letter is returned herewith.

Sincerely yours,

FRANK H. WEITZEL,
Assistant Comptroller General of the United States.

Enclosures:
The Honorable Bob Wilson, House of Representatives.

MARCH 29, 1976.

INFLATIONARY IMPACT STATEMENT

FINAL REGULATIONS ON SCHOOL BUS OPERATIONS

I certify that, in accordance with Executive Order 11821, dated November 27, 1974, and Departmental implementing instructions, as Inflationary Impact Statement is not required for final regulations on School Bus Operations.

ROBERT E. PATRICELLI,
Urban Mass Transportation Administrator.

[FR Doc.76-9419 Filed 3-31-76;8:45 am]

federal register

THURSDAY, APRIL 1, 1976



PART V:

ENVIRONMENTAL PROTECTION AGENCY

■

POLYCHLORINATED BIPHENYL-CONTAINING WASTES

Disposal Procedures

ENVIRONMENTAL PROTECTION AGENCY

[FRL 514-4]

PCB-CONTAINING WASTES (INDUSTRIAL FACILITIES)

Recommended Procedures for Disposal

On December 22, 1975, the Administrator of the Environmental Protection Agency announced an action plan of regulatory and administrative actions to help ensure that polychlorinated biphenyls currently in service do not enter the environment. One portion of that program includes investigation and recommendation of appropriate disposal procedures for *industrial users* of this family of chemicals or products containing them. The Agency is also evaluating the consumer waste disposal problem and may issue further guidance on that subject at a later time.

Purpose.—Pursuant to Section 204(b)(1) of the Solid Waste Disposal Act, as amended, the Administrator may issue advisory guidance and recommendations related to the disposal of waste materials. These recommended procedures do not have standard-setting or regulatory status, but represent the best information available on preferable disposal options for PCB-containing waste materials. The Agency plans to conduct studies to determine other options for treatment and disposal of PCB-containing wastes (including incineration of capacitors containing PCB liquids) during calendar year 1976. (In addition to Agency activities, the American National Standards Institute is in the process of revising ANSI C107.1–1974, its guidelines for disposal of askarels containing PCBs.) As significant new information becomes available from these and other sources, this FEDERAL REGISTER issuance will be revised.

The purpose of this issuance is to provide guidance for the disposal of PCB-containing wastes. This guidance is addressed primarily to *industrial users* of PCBs, particularly those manufacturing and/or using capacitors and transformers containing PCBs, although the recommended procedures are appropriate to all PCB-containing wastes.

General Background. — Polychlorinated biphenyls (PCBs) are chlorinated aromatic organic compounds which give rise to concern because of their chronic toxicity, their pervasiveness and persistence in the environment, and their tendency to accumulate in food chains (including man), resulting from the bioaccumulation of PCBs in the food chain, cause the present and continuing concern over the disposition of PCBs to the environment. PCBs have been used both in closed systems, especially as sealed dielectric fluids in transformers and capacitors, and consumptive (or "open") applications, where the PCBs are used in and consumed and discarded with a product.

In the past, consumptive or "open" uses of PCBs have included: impregnators of cotton and asbestos for braided insulation of electrical wiring; plasticizers in wire and cable coatings; plasticizers of vinyl chloride polymer films; components of high-pressure hydraulic fluids; specialized lubricants and gasket sealers; heat transfer agents; and machine tool cutting oils. Former "open" applications also include: formulation into some epoxy paints; protective coatings for wood, metal, and concrete; adhesives; and in carbonless reproducing paper.

Today domestically produced PCBs are supplied only to "closed" applications in the electrical power distribution industry. PCBs used as dielectric fluids in transformers and capacitors are referred to generally as askarels.

Capacitor applications include power factor correction of both high and low voltage power, ballasting in fluorescent lamps, and motors in air conditioners and industrial applications. Transformer use of PCBs is primarily in those areas where the non-flammability is the major consideration (largely those applications in proximity to humans). These include transportation applications (electric trains, rapid transit systems) and power supply transformers in commercial and public buildings.

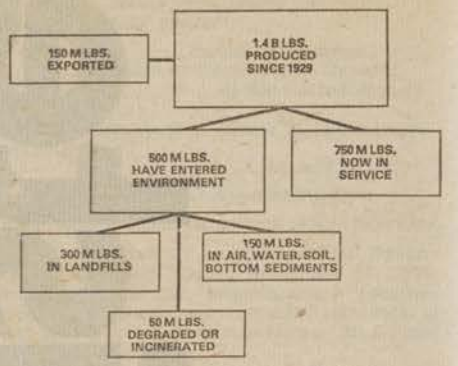
The sole producer of PCBs in the United States is the Monsanto Company, under the trade name of Aroclor. Some domestic manufacturers either modify Aroclor or have Monsanto prepare special formulations for them. These have been marketed and used by manufacturers in their products under various trade names. Additional quantities of PCBs are imported, both as a raw material and as a substance incorporated into manufactured parts or products. Appendix A provides a listing of the trade names used by domestic and foreign manufacturers on their products containing PCBs.

Cumulative sales in the U.S. since the introduction of PCBs in 1929 are estimated to be 1.5 billion pounds. An estimated 750 million pounds of the PCBs produced are still in service. It is estimated that less than half the PCBs ever produced have entered the environment; of this amount, only about 10 percent (50 million pounds) are estimated to have degraded or been incinerated; 300 million pounds are estimated to be in landfills at this time. This distribution of PCBs is illustrated on Figure I. The recommendations of this publication are directed only at the PCBs presently in service (or which will enter service as a result of future production).

In 1970 Monsanto voluntarily restricted domestic sales of PCBs to use in transformers and capacitors (closed systems). As a result, current domestic production of PCBs is down about 50 percent from the peak years before 1970, but still amounts to about 40 million pounds per year (1974). Imports of PCB liquids currently amount to about 0.4 million pounds per year.

FIGURE I

PCB HISTORY IN THE U.S.



Most capacitors (using PCBs) produced in the past two years use Aroclor 1016, while transformer applications continue to use Aroclor 1242 and 1254.

Technical Background.—Polychlorinated biphenyls are a class of synthetic compounds which have no known counterpart in the natural environment. PCBs are manufactured by the chlorination of biphenyl with anhydrous chlorine using iron filings or ferric chloride as a catalyst. The most important physical properties of PCBs are low vapor pressures, low water solubility, and high dielectric constants. They are miscible with most organic solvents.

The chemical properties that make PCBs desirable industrial materials are their excellent thermal stability, their strong resistance to both acidic and basic hydrolysis, and their general inertness. They are quite resistant to oxidation. Unfortunately, some of the characteristics (stability, nondegradability) which make PCBs so valuable in industrial applications also make them highly persistent in the environment.

Theoretically 210 PCB compounds can be prepared, but less than 100 homologs and isomers are likely to occur in commerical products. PCB compounds contain from 12 to 68 percent chlorine. The typical commercial product is a mixture of several homologs.

Monsanto, the sole U.S. producer of PCBs, has adopted a four-digit designation for its Aroclors. The first two digits indicate the type of material: biphenyl, triphenyl, or mixture of the two. The last two digits represent the approximate chlorine content by percentage weight. (Aroclor 1016, with approximately 41 percent chlorine, is an exception to this nomenclature system.) Biphenyls with higher chlorine content are non-flammable and have extremely low volatilities.

The chemical stability, low volatility, high dielectric constant, and compatibility with other chlorinated hydrocarbons have resulted in many and varied industrial applications for the PCBs.

The ready solubility of PCBs in nonpolar solvents explains why they are easily absorbed into fatty tissue and into the liver. Fatty tissue acts as a nonpolar solvent, and PCBs are retained, rather than excreted. Their resistance to

oxidation or other types of chemical degradation explains their persistance and accumulation in animal tissue.

The chemical inertness and resistance to metabolism of PCBs account for their low acute toxicity. Chronic toxic effects vary in different animal species; they include skin, liver, and kidney lesions in rabbits as well as chloracne and hepatotoxic effects in man.

The low solubility of PCBs in water probably limits the rate at which they are dispersed by water systems. PCBs discharged into a river or lake will accumulate in the sediment in relatively high concentrations. Plants and animals can concentrate PCBs above their level in water alone. Some fish species taken from Lake Michigan in 1970 and 1971 have exhibited PCB concentrations greater than 5 ppm. Shrimp and oysters exposed to 10 ppb of Aroclor 1254 have shown bioaccumulations from 130- to 3300-fold; bioaccumulations in some species of 40,000 to 75,000 have been experienced.

PCBs are not intended to get into the environment, but they do because their unique chemical properties prevent them from being destroyed by usual waste treatment methods. Thus, they inadvertently escape and become widely dispersed. Environmental transport models for PCBs have not been developed. Conclusions regarding their behavior, particularly their distribution and transport in the environment, are based largely upon the results of DDT research. Recent data indicates that aerial transport may play a major role in the worldwide dissemination of PCBs, although dumping and river runoff may contribute more importantly to local contamination of fish, wildlife, and drinking water sources. Degradation characteristics of PCBs are not well understood. Some dibenzofurans, which are extremely toxic, may be degradation products of PCBs.

Disposal of PCB-Containing Wastes.—The persistence of PCBs necessitates extremely careful attention to final disposition of PCBs and PCB-containing materials. First, the use of PCBs should be reduced. Manufacturers or users should use more environmentally acceptable substitute materials whenever possible. However, spills, damaged goods, and housekeeping materials will require disposal. All absorbents and other cleanup materials should be carefully selected with disposal implications in mind.

Reclamation of PCBs is usually feasible only with relatively uncontaminated liquids and should be carried out only if there is virtually no chance of PCB losses to the environment. Recycling is advisable only as long a adequate substitutes for PCBs are not available. Monsanto maintains a toll-free telephone number (800/325-3850) for the public for advice on scrap PCBs. If liquids cannot be reused, these liquids should be disposed of by high temperature incineration.

Recycling of transformer fluids is accomplished by several companies. The tank and inside copper of the transformer is reclaimed; the PCB liquids, if they cannot be reused, should be incinerated.

PCBs can be leached from solid manufacturing wastes with a suitable solvent, e.g., trichloroethylene or acetone. The decontaminated waste can then be disposed. The solution containing PCBs may be separated by distillation into PCB, which may be reclaimed, and the solvent, which may be used again. The distillation technique is also applicable to remove PCBs from contaminated liquids. This technique (of leaching and reclamation) is especially useful after accidential spills of liquid PCBs. Spills could be absorbed on dry sand, ash, sawdust, or commercial absorbents and then processed as above.

As noted on Figure I, there are approximately 750 million pounds of PCBs, incorporated into products, currently in service. These products will utilmately require disposal. If a capacitor or transformer has a label identifying one of the trade names shown in Appendix A, it should be handled as a PCB, and the options listed below followed. If the contents are unknown, but the manufacturer is one of those listed in Appendix A, an inquiry should elicit information on the contents of the equipment or product.

Effective safeguards should be employed in the handling and transport of the PCB-containing wastes. These include the use of protective clothing, closed containers for transportation, and adequate labeling to alert personnel to hazards from routine disposal as well as emergency response in the event of a spill or accident.

Anyone responsible for the disposal of PCBs should select high-quality firms for the transport and disposal of their PCB-containing wastes. Also, spot-check to assure transported, and disposed is recommended. The generator of the waste should take responsibility for proper waste management.

Recommended options for the disposal of PCB-containing wastes (in priority order) are:

Incineration
Controlled land disposal

Incineration—The proper incineration of waste PCB must involve a suitable balance among temperature in the incinerator, dwell time in the firing chamber, and oxygen availability. Also, a suitable scrubber should be provided on the exhaust stack to remove the hydrochloric acid mist that is formed. Exhaust gases should be monitored to assure compliance with air regulations.

Recommended requirements are: (1) 2-second dwell time at 1100 C (2000 F) and 3 percent excess oxygen in the stack; or (1) 1½ second dwell time at 1500 C (2700 F) and 2 percent excess oxygen in the stack gas.[1] Open hearth and other incinerators used for municipal refuse incineration are not normally suitable; the relatively low operating temperature of such equipment would only volatilize the PCBs and pollute the atmosphere. In addition, instrumentation and handling equipment are usually not sufficient for managing hazardous materials. Therefore, PCB-containing waste should not be sent to such municipal incinerators for disposal.

The above recommendations are suitable for liquids. Incineration of solid wastes containing PCBs has not been demonstrated. However, such destruction does appear feasible. For example, a rotary kiln furnace, with an afterburner and scrubbing system, could probably safely incinerate solid wastes containing PCBs. Likewise, other smaller, high temperature incinerators with sufficient residence times may be satisfactory for the smaller waste generator.

As a service, Monsanto will incinerate (for a fee) any returned liquids in their high temperature incinerator. A technical description of the Monsanto incinerator is provided in Appendix B.

EPA publication, *Hazardous Waste Management Facilities* (EPA/530/SW-146),[2] provides information on some incineration facilities. Use of these facilities for incineration of PCB-containing waste should be checked with EPA Regional and State representatives to assure that the facilities have adequate environmental controls to meet Federal/State/local regulations.

Land Disposal—Wastes containing PCBs should not be disposed of with other mixed wastes in a sanitary landfill (See EPA Guidelines on Thermal Processing and Land Disposal of Solid Waste, Federal Register, August 14, 1974). Characteristics of transport of PCBs through the soil are not definitively established. The interaction with other decomposing wastes is not well understood. Some landfills may contain or accept wastes which could cause the release of PCBs. The ubiquity and persistence of PCBs indicate that their disposal should be carefully controlled until additional data are developed. While these data are being gathered, PCBs (when disposed to the land) should only be placed in a secure chemical waste landfill.

In general terms, a chemical waste landfill provides complete long-term protection for the quality of surface and subsurface waters from hazardous waste deposited therein, and against hazards to public health and the environment. Such sites should be located or engineered to avoid direct hydraulic continuity with surface and subsurface waters. Generated leachates should be contained, and subsurface flow into the disposal area eliminated. Monitoring wells should be established, and a sampling and analysis program conducted. Additional characteristics of a chemical waste landfill are described in EPA publication, *Landfill Disposal of Hazardous Wastes: A Review of Literature and Known Approaches* (EPA/530/SW-165).[2]

[1] These values are from ANSI C107.1-1974. Guidelines for Handling and Disposal at Capacitor and Transformer-Grade Askarels Containing Polychlorinated Biphenyls, American National Standards Institute.

[2] Documents referenced here may be obtained from Solid Waste Information, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268.

Encapsulation of wastes in cement prior to bureau in a sanitary landfill has been used for small quantities of solids or sludges. This is usually done by casting the waste in concrete inside a drum prior to deposition in the landfill.

Only those specific sites which have been State-approved for PCB wastes should be used. The EPA publication, *Hazardous Waste Management Facilities*, (EPA/530/SW-146 [2] provides some information to potential disposers; these data when used in consultation with State solid waste management officials can assist in a disposal action.

Dated: March 26, 1976.

ROGER STRELOW,
Assistant Administrator
for Air and Waste Management.

APPENDIX A

LISTING OF NAMES USED FOR PCBS BY MANUFACTURERS

Name:	*Manufacturer*
Aroclor	Monsanto.
Asbestol	American Corp.
Askarel	(1)
Chlorextol	Allis Chalmers.
Diaclor	Sangamo Electric.
Dykanol	Cornell Dubilier.
Elemex	McGraw Edison.
Hyvol	Aerovox.
Inerteen	Westinghouse Electric.
No-Flamol	Wagner Electric.
Pyranol	General Electric.
Saf-T-Kuhl	Kuhlman Electric.
Clophen	Bayer (Germany).
DK	Caffaro (Italy).
Fenclor	Caffaro (Haly).
Kennechlor	Mitsubishi (Japan).
Phenoclor	Prodelec (France).
Pyralene	Prodelec (France).
Santotherm	Mitsubishi (Japan).

[1] Generic name used for insulating liquids in capacitors and transformers; may contain PCBs.

APPENDIX B—DESCRIPTION OF MONSANTO INCINERATION FACILITY

SAUGET, ILLINOIS

Background.—The Krummrich Plant is one of Monsanto's large chemical manufacturing plants. The product line includes sulfuric acid, benzene, chlorine, polychlorinated biphenyls, several rubber compounds, and various chemical intermediates. The plant is located immediately south of East St. Louis, Ill. near the Mississippi River. Since June 1971, Monstanto has operated a liquid injection incinerator to dispose of in-house liquid wastes and contaminated PCBs from customers.

Waste Characteristics.—The large majority of the wastes burned are PCB derivatives. The sources of these wastes are process still bottoms and contaminated transformer oils. The heating value of the materials is about 9000 BTU/lb. Other in-house high BTU liquid wastes are also incinerated. Phosphorous compounds cannot be burned due to the formation of particulates (P_2O_5) which foul the injection system. The system is not equipped to handle suspended solids. Four 20,000 gallon tanks are available for storage. The wastes are typically stored for several days before incineration to allow undissolved solids to settle. After the settling period, the wastes are pumped directly from the tanks to the liquid combustor.

Incinerator Description.—The incinerator is a liquid injection type housed in a horizontal cylinder 20 ft. long and 9.5 ft. in diameter. High pressure steam is used to atomize the waste liquid and inject it into the liquid combustor. The feed rate measures 2 gal/min. An additional gun which burns natural gas is also positioned inside the plenum. The natural gas serves as an auxiliary fuel to supplement the heating value of the waste if necessary. The operating temperature varies from 2000° to 2200° F. If the temperature is too high, water can be sprayed into the chamber to act as a heat sink. The cylinder is protected from the heat by a lining of refractory brick. High alumina brick is used in the plenum chamber. A blower supplies 25% excess air forcing the fumes from the plenum and through an oxidizer. The residence time inside the oxidizer is 2–3 seconds.

The unit is operated 24 hours/day requiring 2 men/shift. Initial capital costs were $740,000. The disposal cost has averaged 10¢/lb.

Air Pollution Control.—The fumes exit the oxidizer and enter a water quench column. The main purpose of the quench is to reduce the temperature of the hot fumes. Particulates are removed next in a high energy venturi scrubber. Finally, the emissions are cleaned in a packed bed (polypropylene packing) at the base of the stack. The 40 ft. stack is equipped with a demister.

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THURSDAY, APRIL 1, 1976



PART VI:

FEDERAL POWER COMMISSION

■

NATURAL GAS

National Rates for Jurisdictional Sales

FEDERAL POWER COMMISSION

[Docket No. RM75-14]

NATIONAL RATES FOR JURISDICTIONAL SALES OF NATURAL GAS

Further Staff Rate Recommendations

MARCH 23, 1976.

By orders issued herein August 4, 1975 (40 FR 33860, 33998), and October 3, 1975 (40 FR 49139), the Commission issued Staff rate recommendations in this proceeding and provided, *inter alia*, for comment thereon by the parties. A number of comments were received, and the commenting procedure has terminated. Notice is given of other Staff rate recommendations, prepared by the Pipeline and Producer Rates Division of the Bureau of Natural Gas and attached hereto, which the Commission believes the parties should be given an opportunity to comment on. They do not supplant the previously issued recommendations, but are in addition thereto.

Comments on these additional rate recommendations may be filed with the Secretary of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 23, 1976. Replies to such comments may be similarly filed on or before May 14, 1976. The procedures for filing such comments shall be as set forth in Ordering Paragraph (B) of the August 4, 1975 order issuing Staff rate recommendations, previously referred to.

The Secretary of the Commission shall publish this Notice in the FEDERAL REGISTER and shall serve it upon all participants in this proceeding, all State Commissions, all other Federal agencies and departments, and upon all parties of record in Docket No. R-389-B.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

RESPONSE OF FEDERAL POWER COMMISSION STAFF

SUMMARY

The Commission's Order of December 4, 1974, in Docket No. RM75-14, entitled *Order Instituting National Rate Proceeding* calls on all parties to provide the facts, conditions, practices, and any other relevant matters pertaining to the sale of natural gas in interstate commerce, as well as a determination of the cost of finding and producing new supplies of natural gas, as set forth in ordering paragraph (B) of the Order.

In response, staff asserts that the nationwide cost of finding and producing new supplies of non-associated natural gas is 61.71 cents per Mcf at 14.73 psia and excluding production taxes. (See attached Appendix A). This cost was derived by using the discounted cash flow method adopted by the Commission in Opinion No. 699-H. A 15% rate of return on a discounted cash flow basis was employed which is the rate of return found reasonable by the Commission in Opinion No. 699-H issued December 4, 1974. Staff does not believe a re-evaluation of the 15% rate of return is necessary at this time because of the recent issuance of Opinion No. 699-H.

Staff concludes that producers finding new gas supplies will in fact realize, on average, a higher rate of return than 15% on new gas, because in many instances prices higher than staff's 61.71¢ cost are being paid for new supplies under intrastate contracts, emergency sales and to some extent under small producer certificates. Staff's average nationwide cost was estimated principally from published data which pertains to total cost and nonassociated gas reserve additions which may eventually be sold to either the interstate or intrastate market. In addition, generally lower cost flowing gas under expired contracts may be sold at the nationwide new gas rate. For these reasons gas producers will realize an average rate of return of at least 15% on all new gas supplies and this return therefore includes the necessary incentive to maintain the recent record levels of gas well drilling. Hopefully increases in gas reserve additions will result from this record drilling effort, which will improve the gas supply situation. However, Staff recognizes that interstate pipelines have bene unable to compete with intrastate buyers for new onshore gas supplies under current circumstances. There must be either total regulation or total deregulation of all new gas supplies offered for sale to permit interstate pipelines to effectively compete for long term supplies of onshore gas. Information for the 10 year period, 1964 through 1973, reveals that interstate pipelines have been experiencing a declining share of total gas reserve additions and year end reserves as follows:

Reserve additions, lower 48 States versus Interstate

Year	AGA reserve additions excluding revisions (thousand cubic feet)	Interstate new supply (form 15)	
		Thousand cubic feet	Percent
1964	NA	4.9	
1965	NA	10.4	
1966	14.8	10.0	68
1967	14.8	9.9	67
1968	9.8	6.4	65
1969	9.6	6.2	64
1970	11.3	3.5	31
1971	11.1	2.2	20
1972	10.7	5.0	47
1973	10.1	1.7	17

Yearend reserves, lower 48 States versus Interstate

Year	Total AGA reserves (thousand cubic feet)	Interstate reserves (form 15)	
		Thousand cubic feet	Percent
1964	276.5	189.2	68
1965	281.4	192.1	68
1966	283.2	195.1	69
1967	285.9	198.1	69
1968	278.6	195.0	70
1969	266.3	187.6	70
1970	255.6	173.6	68
1971	243.1	161.3	66
1972	230.2	146.9	64
1973	214.2	134.3	63

Staff believes the gas producing industry has been using vital resources such as drilling rigs, casing, tubing, etc. to the very limits of their availability. The gas industry has under lease over 300,000,000 nonproducing acres which should include a great number prospects possibly awaiting the availability of drilling rigs.

Staff contends that a price level approximating its cost estimate would achieve a maximum drilling effort by the industry and that any higher price level would do very little to benefit the interstate gas consumer. Due to higher prices for all types of hydrocarbon production the gas producing industry has greatly increased its gas well drilling activity in recent years with still greater improvements currently restricted by the aforementioned limits on available equipment. Consequently the industry is making the effort to ease the nation's gas supply problems but, unfortunately, the results achieved in terms of gas discoveries have not been encouraging.

APPENDIX A

ESTIMATED NATIONWIDE COST OF FINDING AND PRODUCING NEW SUPPLIES OF NON-ASSOCIATED GAS

General. Schedule No. 1, Sheet 1 of the attached cost study indicates several cost estimates which are shown for illustrative and comparative purposes. For reasons stated herein, Staff has determined a unit cost of 61.71¢ @ 14.73 psia shown in Column (e) as the cost reasonable estimate and recommends that the Commission adopt this cost for purposes of this rulemaking and biennial review for the period January 1, 1975, to December 31, 1976.

Columns (a) and (b) of Schedule No. 1, Sheet 1 were copied directly from Appendix C of Opinion No. 699-H and shown for comparative purposes.

Columns (c) and (d) of Schedule No. 1, Sheet 1 show cost estimates which were developed using the Permian methodology (Opinion No. 468) and recent available data. The difference in the total unit costs as shown in these two columns is attributable to the use of a productivity of 516 Mcf per foot (1947-1974, period) for the estimate shown in column (c) and 375 Mcf per foot (1966-1974, period) for the estimate shown in column (d). The main difference between the Commission's Permian and Opinion No. 699-H methods lies in the determination of the return allowance. The Permian method allowed a return on certain investment other than exploration over an average lag time and depletion life whereas the Opinion No. 699-H method employs the discounted cash flow method which in effect allows a return on total expenditures made to find and develop nonassociated gas.

The unit costs in columns (e) and (f) of Schedule No. 1, Sheet 1 were developed by using the Commission methods in Opinion No. 699-H. Column (e) reflects costs estimated from recent available data whereas column (f) reflects costs which were developed by trending. It should be noted that in following Commission methods, certain cost elements

such as productivity and expenditure relationships require informed judgment insofar as the time length of the data series to be used for averaging purposes. Staff based its cost estimates on data series which are longer than those used in Opinion No. 699–H. For example, expenditure relationships were averaged for the 1967–1973 period and productivity was estimated from data for the 1966–1974 period. These cost elements require a reevaluation of the data series in each instance when more recent data becomes available. Staff made this analysis and considers its estimates to be reasonable and consistent with the methods used in Opinion No. 699–H.

Staff is aware of the cost trending method adopted by the Commission in Opinion No. 699–H and therefore, for informational purposes, has trended drilling costs through the year 1975 with the resulting unit costs shown in column (f) of Schedule No. 1, Sheet 1. However, staff does not believe that costs can be trended with any certainty to levels are a forecast of the future because of the very unpredictable nature of the gas producing industry, and therefore selects the 61.71¢ determined in column (e) as its recommended cost. It should be noted that the industry in recent years has shifted much of their drilling to shallow, marginal, gas prospects because of higher gas prices. It is not known how long this phase will last but it is known that the industry has been holding under lease for many years over 300,000,000 nonproducing acres most of which is onshore. This may account for the decrease in gas well drilling costs per foot in recent years with an apparent decline in the productivity of the drilling. Staff has estimated productivity at 375 Mcf per foot, which is substantially lower than the 485 Mcf per foot used in Opinion No. 699–H and therefore results in a significantly higher unit cost. If the recent trend, towards shallower drilling reverses during the biennium (see Schedule No. 9) and the average depth of gas wells increases then the cost per foot will no doubt increase because of this factor and the pressures of inflation. For illustrative purposes, the 1973 cost per foot of gas wells was increased by 10% and the 1973 cost per foot of dry holes was increased by 12% and the resulting unit costs are shown in column (f) of Schedule No. 1, Sheet 1. These percentage increases are based upon annual averages of 5% and 6% for period 1963 through 1973. But as shown on Schedule No. 9, the percentage variation from year to year can be significant thus any trending is more a judgmental exercise rather than a mathematical or statistical problem. Further, if the Commission reviews the rates every two years in a timely fashion then there will be prompt compensation for unit cost increases. Staff, therefore, does not recommend trending for the short term.

Staff recommends the unit cost of 61.71¢ per Mcf shown in column (e) of Schedule No. 1, Sheet 1. This cost was determined by using the discounted cash flow method (DCF). The important factors employed were a 375 Mcf per foot productivity, a 15% rate of return, an 18 year depletion life, a 1½ year time lag, constant annual production rates and 1973 drilling costs without trending. It should be noted that if the Permian methodology (Opinion No. 468) were employed in place of the DCF method and all other cost factors remained the same, the resulting unit cost would be 53.98¢ per Mcf as shown in column (d) of Schedule No. 1, Sheet 1. The main difference lies in the unit return allowance which indicates a 6.5¢ increase using the DCF method. This is attributable to allowing a return on exploration expenditures.

The details indicating the cost computations for column (e) are shown on Sheets 4 and 5 with supporting Schedules 2 through 9. An explanation of the reasons staff employed certain cost factors as compared to those used by the Commission in Opinion No. 699–H are as follows:

Successful Well Cost. A gas well cost per foot of $27.43 per foot was used which is the 1973 drilling cost, excluding Alaskan data, as published by the Joint Association Survey (JAS). For reasons given previously, this cost was not trended and is the latest available figure.

A productivity of 375 Mcf of nonassociated gas reserves added per gas well foot drilled was considered reasonable for purposes of this cost study. This figure, as shown on Schedule No. 2, Sheet 1, reflects the weighted average of reserve additions and footage for the period 1966 through 1974. Averaging of data over a period of time is necessary in estimating productivity because many gas wells, particularly developmental wells, currently completed are related to reserve additions estimated and reported for prior years. The reason for this is based on a generally accepted fact that reserve additions estimated for earlier exploratory drilling are suspect in that complete reservoir characteristics are unknown at that time. Also, after full development of a gas reservoir, well performance data gathered over years may indicate changes in earlier initial reserve estimates. This necessitates using a long period for averaging purposes. However, the length of period which will yield the most reasonable result requires informed judgment. Staff arrived at the 9 year data period on this basis. The productivity of 375 Mcf per foot may be compared to the 485 Mcf per foot figure used in Opinion No. 699–H.

Recompletions & Deeper Drilling. Staff employed the amount 0.20¢ which is the same as that used in Opinion No. 699–H.

Lease Acquisition Costs. This unit cost is developed by determining the relationship of lease acquisition expenditures to total successful well expenditures and multiplying this fraction by the unit cost of gas wells. The fraction employed in Opinion No. 699–H was 0.6957 as compared to Staff's current estimate of 0.8680 (Schedule No. 3). The increase is due to large bonuses paid for Federal leases in recent years. Staff believes that the fraction should be derived from data which is averaged over a number of years even though this reduces the impact of higher lease costs paid in recent years. Since large Federal bonuses are paid in years before production commences and total gas reserves are estimated and reported by the AGA, it would therefore be improper and unreasonable to relate recent lease costs to recent well drilling costs and productivity. In addition, the productivity of gas well drilling on most Federal leases is significantly higher than the national average. These recent huge bonuses for Federal lease are being paid by the industry with the expectation of discovering large amounts of hydrocarbons. If this does not occur then it is inevitable that unit costs will rise substantially in the future.

Other Production Facilities. The fraction, 0.226, applied to the unit cost of gas wells, was employed in Opinion No. 699–H. Staff recalculated the fraction using Commission methods and the most recent available data in Docket No. R–478 and determined the fraction to be 0.232. The derivation of the fraction is shown on Schedule No. 4.

Dry Hole Costs. Similar to the gas well cost estimate, Staff used a dry hole cost of $18.93 per foot which is the 1973 cost, excluding Alaskan data, as published by the JAS. It is notable that the average depth of dry holes declined by 3.7% from 1973 to 1974 consistent with a 3.5% decline for gas wells during the same period (Schedule No. 9, Sheet 1). Should this shallower drilling trend prevail during the biennium drilling costs per foot may not increase even if inflation does not subside. The $18.93 per foot employed by staff may be compared to the $16.69 per foot used in Opinion No. 699–H.

Staff employed the fraction 0.84 (Schedule No. 6) which reflects the ratio of dry hole footage to gas well footage for the 1973–1974 period. The ratio of 1 to 1 was used in Opinion No. 699–H. The decline from 1.0 to 0.84 may be the result of advancements in seismic technology, specifically the so called "bright spot" method. Little is known of the method except that natural gas can be detected more easily than oil in the earth's subsurface prior to any drilling. Perhaps the industry should fully inform the Commission of the benefits of this method in exploring for natural gas. Certainly if this method is perfected it should reduce the incidence of dry holes in gas prospecting.

Other Exploration and Exploration Overhead. The fraction for other exploration was calculated at 0.5258 as compared to 0.6546 employed in Opinion No. 699–H. The fraction for exploration overhead was calculated at 0.1319 as compared to 0.1270 employed in Opinion No. 699–H. Staff's calculations were developed from data for the period, 1967–1973. Schedule No. 3 shows the computations and Schedule No. 1, Sheet 4 shows the resulting unit cost components.

Operating Expense. Schedule No. 5 shows the computation of the 3.10¢ per Mcf operating expense using the most recent available data obtained from the Rulemaking in Docket No. R–478. The

unit cost of 3.10¢ indicates no change has occurred as compared to the unit cost used in Opinion No. 699–H.

Unit Return on Investment. Schedule No. 1, Sheet 5 shows the underlying DCF calculation following specifically the methods employed by the Commission in Opinion No. 699–H. Staff is aware of the Tax Reduction Act of 1975 which repealed the percentage depletion allowance. However, as Staff interprets this law for regulated natural gas, the repeal does not become effective until July 1, 1976. Thus, most of the biennial period under investigation would not be subject to the effect of this new law. However, the next biennial review should consider the effect of this new tax law.

Return on Working Capital. Staff has updated the factors which account for materials, supplies and prepayments by employing the most recent available data from the Rulemaking in Docket No. R–478 (Schedule No. 7). In determining the unit return on working capital, Staff used the same formula employed in Opinion No. 699–H.

Regulatory Expense. Staff employed a unit expense of 0.10¢ in place of the 0.20¢ used in Opinion No. 699–H. The 0.10¢ is based upon more recent data available from the Rulemaking in Docket No. R–478.

Net Liquid Credit. Staff estimated liquid credit at 8:45¢ as compared to the 3.89¢ used in Opinion No. 699–H. The major change, which has occurred since the record was established in Docket No. R–389–B, is that the price of natural gas liquids has risen substantially as the result of the rising price of crude oil. The current average nationwide price of condensate and other natural gas liquids produced from recent gas wells as not available. However, Staff has reviewed publications of the U.S. Bureau of Mines and industry trade journals and reasonably, but conservatively, estimates the price of new condensate at $10 per barrel and other plant liquids at 7¢ per gallon. The Oil and Gas Journal (March 24, 1975 issue) reported that the price of exempt crude and in some instances condensate has hit $12 per barrel. However, prices at this level may be temporary and Staff prefers the use of $10 per barrel which appears to have been applicable for most of the year 1974.

In reference to other natural gas liquids, U.S. Bureau of Mines' data indicate an average price of 6.9¢ per gallon for the year 1973. Staff used 7¢ per gallon which approximates the BOM figure. It is very probable that the current price greatly exceeds the 7¢ figure, however, information is unavailable.

The calculations and sources of the other data underlying the liquid credit estimate are shown on Schedule No. 8, Sheets 1 and 2.

Royalty at 16%. Staff calculated royalty on the basis of 16% which is the figure used in Opinion No. 699–H. Current information is unavailable to update the 16% royalty.

Estimated Nation-wide Cost of Finding and Producing Non-Associated Gas
Cents Per Mcf at 14.73 psia

Line No.	Cost Component	Opinion No. 699-H 1972 Data (a)	Opinion No. 699-H Trended Data (b)	Permian Methodology Opinion No. 468 (c)1/	Permian Methodology Opinion No. 468 (d)2/	DCF Method Opinion No. 699-H Current (e)2/	DCF Method Opinion No. 699-H Trended (f)2/
1.	Successful Wells	5.68	6.15	5.32	7.31	7.31	8.05
2.	Recompletions, etc.	0.20	0.20	0.20	0.20	0.20	0.20
3.	Lease Acquisition	3.83	4.28	4.62	6.35	6.35	6.99
4.	Other Production Facilities	1.28	1.39	1.23	1.70	1.70	1.87
5.	Subtotal	10.99	12.02	11.37	15.56	15.56	17.11
6.	Dry Holes	3.77	3.72	3.33	4.58	4.58	5.13
7.	Other Exploration	2.62	2.80	2.43	3.34	3.34	3.68
8.	Exploration Overhead	0.82	0.82	0.76	1.04	1.04	1.16
9.	Subtotal	7.21	7.34	6.52	8.96	8.96	9.97
10.	Operating Expense	3.10	3.10	3.10	3.10	3.10	3.10
11.	Return @15%	21.42	23.21	17.75	24.35	30.85	34.48
12.	Return on Working Capital	1.14	1.25	1.27	1.72	1.72	1.88
13.	Net Liquid Credit	(3.89)	(3.89)	(8.45)	(8.45)	(8.45)	(8.45)
14.	Regulatory Expense	0.20	0.20	0.10	0.10	0.10	0.10
15.	Subtotal	40.17	43.23	31.66	45.34	51.84	58.19
16.	Royalty @16%	7.65	8.23	6.03	8.64	9.87	11.08
17.	Total @14.73 psia	47.82	51.46	37.69	53.98	61.71	69.27

1/ Productivity at 516, 1947 - 1974
2/ Productivity at 375, 1966 - 1974

Columns (c) through (f); the unit cost computations are shown on Sheets 2-7.

Cost Computations (Source)
(Refer to Column (c) of Sheet 1)

Line No.		
1.	5.32	= $27.43/ft. (1973 JAS) ÷ 516 Mcf/ft. (Schedule No. 2)
2.	0.20	= Opinion No. 662
3.	4.62	= 5.32 (Line 1) x 0.868 (Schedule No. 3)
4.	1.23	= 5.32 (Line 1) x 0.232 (Schedule No. 4)
5.	11.37	= Sum of Lines 1-4
6.	3.33	= $18.93/ft. (1973 JAS) x 1.08 (Opinion No. 662) ÷ 516 Mcf/ft. x 0.84 (Schedule No. 6)
7.	2.43	= 4.62 (Line 3) x 0.5258 (Schedule No. 3)
8.	0.76	= 5.76 (Line 6 + 7) x 0.1319 (Schedule No. 3)
9.	6.52	= Sum of Lines 6-8
10.	3.10	= Schedule No. 5
11.	17.75	= [11.37 (Line 5) - 1/2 x 0.20 (Line 2)] x 10.5 x 0.15
12.	1.27	= [6.52 (Line 9) x 1/8 x 1.21 (Schedule 7) + 3.10 (Line 10) x 1/8 x 1.48 (Schedule 7) + 4.62 (Line 3) x 1.5] x 0.15
13.	(8.45)	= Schedule No. 8
14.	0.10	= Docket No. R-478
15.	31.66	= Sum of Lines 5, 9, 10-14
16.	6.03	= Royalty at 16%
17.	37.69	= Sum of Lines 15 and 16

Cost Computations (Source)
(Refer to Column (d) of Sheet 1)

Line No.		
1.	7.31 =	$27.43/ft. (1973 JAS) ÷ 375 Mcf/ft. (Schedule No. 2)
2.	0.20 =	Opinion No. 662
3.	6.35 =	7.31 (Line 1) x 0.868 (Schedule No. 3)
4.	1.70 =	7.31 (Line 1) x 0.232 (Schedule No. 4)
5.	15.56 =	Sum of Lines 1-4
6.	4.58 =	$18.93/ft. (1973 JAS) x 1.08 (Opinion No. 662) ÷ 375 Mcf/ft. (Schedule No. 2) x 0.84 (Schedule No. 6)
7.	3.34 =	6.35 (Line 3) x 0.5258 (Schedule No. 3)
8.	1.04 =	7.92 (Line 6 + 7) x 0.1319 (Schedule No. 3)
9.	8.96 =	Sum of Lines 6-8
10.	3.10 =	Schedule No. 5
11.	24.35 =	[15.56 (Line 5) - 1/2 x 0.20 (Line 2)] x 10.5 x 0.15
12.	1.72 =	[8.96 (Line 9) x 1/8 x 1.21 (Schedule 7) + 3.10 (Line 10) x 1/8 x 1.48 (Schedule 7) + 6.35 (Line 3) x 1.5] x 0.15
13.	(8.45) =	Schedule No. 8
14.	0.10 =	Docket No. R-478
15.	45.35 =	Sum of Lines 5, 9, 10-14
16.	8.64 =	Royalty at 16%
17.	53.98 =	Sum of Lines 15 and 16

Schedule No. 1
Sheet 4 of 7

Cost Computations (Source)
(Refer to Column (e) of Sheet 1)

Line No.	
1.	7.31 = $27.43/ft. (1973 JAS) ÷ 375 Mcf/ft. (Schedule No. 2)
2.	0.20 = Opinion No. 662
3.	6.35 = 7.31 (Line 1) x 0.868 (Schedule No. 3)
4.	1.70 = 7.31 (Line 1) x 0.232 (Schedule No. 4)
5.	15.56 = Sum of Lines 1-4
6.	4.58 = $18.93/ft. (1973 JAS) x 1.08 (Opinion No. 662) ÷ 375 Mcf/ft. (Schedule No. 2) x 0.84 (Schedule No. 6)
7.	3.34 = 6.35 (Line 3) x 0.5258 (Schedule No. 3)
8.	1.04 = 7.92 (Line 6 + 7) x 0.1319 (Schedule No. 3)
9.	8.96 = Sum of Lines 6-8
10.	3.10 = Schedule No. 5
11.	30.85 = Result of DCF method (Schedule No. 1, Sheet 5)
12.	1.72 = /8.96 (Line 9) x 1/8 x 1.21 (Schedule 7) + 3.10 (Line 10) x 1/8 x 1.48 (Schedule 7) + 6.35 (Line 3) x 1.5/ x 0.15
13.	(8.45)= Schedule No. 8
14.	0.10 = Docket No. R-478
15.	51.84 = Line 17-16
16.	9.87 = 16% of Line 17
17.	61.71 = Schedule No. 1, Sheet 5

Computation of Price by the
DCf Method Used in Opinion No. 699-H
(Refer to Column (e) of Sheet 1)

Line No.	Pre-production Expenses (1)	Year (2)	Value (3)	Percent Expensed (4)	Percent Tax Rate (5)	Tax Credit (6)	Net Investment (7)	Compound Interest Factor (8)	Present Value (9)
1.	Other Exploration	3	3.34	95	48	1.5230	1.8170	1.5209	2.7635
2.	Exploration Overhead	3	1.04	95	48	0.4742	0.5658	1.5209	0.8605
3.	Lease Acquisition	2	6.35	0	0	0	6.35	1.3225	8.3979
4.	Dry Holes	1	4.58	100	48	2.1984	2.3816	1.15	2.7388
5.	Successful Wells	1	7.51	70	48	2.5234	4.9866	1.15	5.7346
6.	Production Facilities	1	1.70	0	0	0	1.70	1.15	1.9550
7.	Lease Acquisition Credit	1	--	75	48	2.286	-2.286	1.15	-2.6289
8.	Total		24.52			9.005			19.8214

	Net Cash Flow	Amount
9.	Price	X
10.	Royalty	-0.16X
11.	Operating Expense	-3.10
12.	Interest on Working Capital	-1.72
13.	Regulatory Expense	-0.10
14.	Tax Liability to Offset Tax Credit	-9.005
15.	Liquid Credit	+8.45
16.	Total	0.84X -5.475

17. $19.8214 = (0.84 X -5.475) \times 1/18 \times 7.047 + 0.84 \times 1/18 \times 35.829965$

18. Price = X = 61.71¢/Mcf

Sources:

Investment and Expenses are from Schedule No. 1, Sheet 1, Column (e).
All other factors are from Opinion No. 699-H.

Cost Computations (Source)
(Refer to Column (f) of Sheet 1)

Line No.		
1.	8.05 =	$30.17/ft. (1973 JAS Trended to 1975) ÷ 375 Mcf/ft. (Schedule No. 2)
2.	0.20 =	Opinion No. 662
3.	6.99 =	8.05 (Line 1) x 0.868 (Schedule No. 3)
4.	1.87 =	8.05 (Line 1) x 0.232 (Schedule No. 4)
5.	17.11 =	Sum of Lines 1-4
6.	5.13 =	$21.20/ft. (1973 JAS Trended to 1975) x 1.08 (Opinion No. 622 ÷ 375 Mcf/ft. x 0.84 (Schedule No. 6)
7.	3.68 =	6.99 (Line 3) x 0.5258 (Schedule No. 3)
8.	1.16 =	8.81 (Line 6 + 7) x 0.1319 (Schedule No. 3)
9.	9.97 =	Sum of Lines 6-8
10.	3.10 =	Schedule No. 5
11.	34.48 =	Result of DCF method (Schedule No. 1, Sheet 7)
12.	1.88 =	/9.97 (Line 9) x 1/8 x 1.21 (Schedule 7) + 3.10 (Line 10) x 1/8 x 1.48 (Schedule 7) + 6.99 (Line 3) x 1.57 x 0.15
13.	(8.45)=	Schedule No. 8
14.	0.10 =	Docket No. R-478
15.	58.19 =	Line 16-17
16.	11.08 =	16% of Line 17
17.	69.27 =	Schedule No. 1, Sheet 7

Computation of Price by the
DCF Method Used in Opinion No. 699-H
(Refer to Column (f) of Sheet 1)

Line No.	Pre-production Expenses (1)	Year (2)	Value (3)	Percent Expensed (4)	Percent Tax Rate (5)	Tax Credit (6)	Net Investment (7)	Compound Interest Factor (8)	Present Value (9)
1.	Other Exploration	3	3.68	95	48	1.6780	2.002	1.5209	3.0448
2.	Exploration Overhead	3	1.16	95	48	0.5290	0.6310	1.5209	0.9597
3.	Lease Acquisition	2	6.99	0	0	0	6.99	1.3225	9.2443
4.	Dry Holes	1	5.13	100	48	2.4624	2.6676	1.15	3.0677
5.	Successful Wells	1	8.25	70	48	2.7720	5.4780	1.15	6.2997
6.	Production Facilities	1	1.87	0	0	0	1.87	1.15	2.1505
7.	Lease Acquisition Credit	1	--	75	48	2.5164	-2.5164	1.15	-2.8939
8.	Total		27.08			9.9578			21.8728

	Net Cash Flow	Amount
9.	Price	x
10.	Royalty	-0.16x
11.	Operating Expense	-3.10
12.	Interest on Working Capital	-1.88
13.	Regulatory Expense	-0.10
14.	Tax Liability to Offset Tax Credit	-9.9578
15.	Liquid Credit	+8.45
16.	Total	0.84 x -6.5878

Solving For Price

17. $21.8728 = (0.84 \times -6.5878) \times 1/18 \times 7.047 + 0.84 \times 1/18 \times 35.829965$

18. Price = x = 69.27¢/Mcf

Sources:

Investment and Expenses are from Schedule No. 1, Column (f).
All other factors are from Opinion No. 699-H.

Schedule No. 2
Sheet 1 of 3

Productivity Estimates

AGA and API-AAPG Data

Time Period	Reserve Additions (Bcf)	Footage (Mft.)	Productivity
1970-1974, 5 yrs.	35,916	146,766	245
1969-1974, 6 yrs.	42,791	170,830	250
1968-1974, 7 yrs.	55,126	190,949	289
1967-1974, 8 yrs.	72,409	211,738	342
1966-1974, 9 yrs.	88,545	236,128	375

AGA and World Oil Data

Time Period	Reserve Additions (Bcf)	Footage (Mft.)	Productivity
1970-1974, 5 yrs.	35,916	138,823	259
1969-1974, 6 yrs.	42,791	160,468	267
1968-1974, 7 yrs.	55,126	180,557	305
1967-1974, 8 yrs.	72,409	201,997	358
1966-1974, 9 yrs.	88,545	227,597	389
1965-1974, 10 yrs.	106,839	252,451	423
1960-1974, 15 yrs.	180,365	388,924	464
1955-1974, 20 yrs.	256,680	507,229	506
1947-1974, 28 yrs.	325,254	629,779	516

AGA (Excluding Revisions) and API-AAPG Data

Time Period	Reserve Additions (Bcf)	Footage (Mft.)	Productivity
1970-1974, 5 yrs.	46,764	146,766	319
1969-1974, 6 yrs.	55,079	170,830	322
1968-1974, 7 yrs.	63,377	190,949	332
1967-1974, 8 yrs.	76,948	211,738	363
1966-1974, 9 yrs.	90,027	236,128	381

NON-ASSOCIATED GAS RESERVES ADDITIONS
PER GAS WELL FOOT DRILLED
UNITED STATES EXCLUDING ALASKA
1947 - 1974

Year	AGA Reserves Added (Bcf at 14.73 psia) (1)	Reserves Added With Revisions Excluded (1-A)	World Oil Footage (M Feet) (2)	AAPG-API Footage (M Feet) (3)	Productivity (Mcf/ft) (Col. 1 ÷ Col. 2) (4)	Productivity (Mcf/ft) (Col. 1 ÷ Col. 3) (5)	Productivity (Mcf/ft) (Col. 1-A ÷ Col. 3) (6)
1947	6,527	--	13,249	--	485	--	--
1948	7,444	--	12,500	--	596	--	--
1949	6,809	--	12,860	--	529	--	--
1950	9,016	--	14,003	--	644	--	--
1951	8,424	--	14,508	--	581	--	--
1952	9,569	--	16,070	--	595	--	--
1953	15,284	--	19,473	--	785	--	--
1954	5,601	--	19,887	--	282	--	--
1955	12,678	--	19,589	--	647	--	--
1956	15,222	--	22,593	--	674	--	--
1957	16,119	--	24,226	--	665	--	--
1958	17,294	--	25,385	--	681	--	--
1959	15,002	--	26,512	--	566	--	--
1960	11,449	--	28,215	--	406	--	--
1961	14,307	--	29,256	--	489	--	--
1962	17,253	--	28,921	--	597	--	--
1963	13,274	--	24,495	--	542	--	--
1964	17,243	--	25,586	--	674	--	--
1965	18,294	1/	24,854	1/	736	1/	1/
1966	16,136	13,079	25,600	24,390	630	662	536
1967	17,283	13,571	21,440	20,789	806	831	653
1968	12,335	8,298	20,089	20,119	614	613	412
1969	6,875	8,314	21,645	24,064	318	286	346
1970	9,351	9,641	19,806	22,852	472	409	422
1971	8,565	10,037	20,042	22,609	427	379	444
1972	7,597	9,508	26,571	26,743	286	284	355
1973	3,717	9,064	32,974	35,587	113	104	254
1974	6,686	8,514	39,430	38,975	170	172	218

1/ Data unavailable prior to 1966.

Schedule No. 2
Sheet 3 of 3

American Gas Association *
Non-Associated Gas Reserves
MMCF @ 14.73 psia

United States (Excludes Alaskan Data)

Year	Revisions (a)	Extensions (b)	New Field (c)	New Reservoir (d)	Total 1/ (e)
1966	3,056,812	7,490,746	2,813,222	2,775,360	16,136,140
1967	3,712,892	8,625,273	2,819,635	2,126,298	17,284,098
1968	4,036,210	5,864,521	1,206,628	1,227,600	12,334,959
1969	(1,440,196)	4,788,627	1,663,266	1,863,021	6,874,718
1970	(290,034)	4,886,132	1,556,494	3,198,724	9,351,316
1971	(1,471,410)	5,625,841	1,176,939	3,234,033	8,565,403
1972	(1,911,097)	5,449,052	1,264,756	2,794,559	7,597,270
1973	(5,347,021)	5,305,857	1,968,520	1,789,574	3,716,930
1974	(1,828,794)	4,941,208	1,755,214	1,817,877	6,685,505

1/ These totals equal the summation of Columns (a) through (d). The parentheses () in Column (a) denote negative amounts.

*/ Reserves Of Crude Oil, Natural Gas Liquids, And Natural Gas In The United States And Canada And United States Productive Capacity As Of December 31, 1972, Volume 27, Published Jointly by the American Gas Association, American Petroleum Institute, and the Canadian Petroleum Institute (May 1973).

Estimated Expenditures for Findings and Developing Gas and Oil in the United States, 1967 - 1973 (Millions of Dollars)

Line No. (a)	Year (b)	Cost of Producing Wells (c)	Dry Hole Cost (d)	Lease Acquisition Cost (e)	Exploratory Overhead (f)	Other Exploratory Costs (g)
1.	1967	1,497	802	829	206	740
2.	1968	1,583	826	1,578	204	770
3.	1969	1,723	888	1,137	210	782
4.	1970	1,706	873	714	189	728
5.	1971	1,508	864	642	206	746
6.	1972	1,807	1,006	1,722	239	766
7.	1973	2,005	1,070	3,646	293	867
8.	1967-1972	9,824	5,259	6,622	1,254	4,532
9.	1967-1973	11,829	6,329	10,268	1,547	5,399

10. Lease Acquisition Costs as a Fraction of Successful Well Cost = 6,622 ÷ 9,824 = 0.6741 (1967-1972); 10,268 ÷ 11,829 = 0.8680 (1967-1973)

11. Other Exploratory Costs as a Fraction of Lease Acquisition Costs = 4,532 ÷ 6,622 = 0.6844 (1967 - 1972); 5,399 ÷ 10,268 = 0.5258 (1967 - 1973).

12. Exploratory Overhead as a Fraction of Dry Hole and Other Exploratory Costs = 1,254 ÷ 9,791 = 0.1281 (1967 -1972); 1,547 ÷ 11,728 = 0.1319 (1967 - 1973).

Source: Joint Association Survey of the U. S. Oil & Gas Producing Industry, Section I and Section II.

Schedule No. 4

Calculation Of The Factor To Determine The Cost Of Other Production Facilities Using 1972 Data Filed In Docket No. R-478 By Independent Producers And Pipeline Affiliates

Line No.	Item	Investment (Dollars in Thousands)
1)	Lease & Well Equipment Cost	1,618,853
2)	Lease Equipment Cost Fraction of Lease and Well Equipment Cost	0.281
3)	Lease Equipment Cost (Line 1 x 2)	454,898
4)	Well Equipment Cost (Line 1 - 3)	1,163,955
5)	Intangible Development Costs	3,232,043
6)	Successful Well Costs (Line 4 + 5)	4,395,998
7)	Related Producing Facilities	330,440
8)	Production Buildings, Facilities etc.	70,848
9)	Other Production Facilities (Lines 3 + 7 + 8)	859,186
10)	Other Production Facilities Fraction of Successful Well Cost (Line 9 ÷ 6)	0.195
11)	Corporate General, Area, District etc. (Net)	84,085
12)	Investment Overhead (Line 11) Fraction of Successful Well Costs (Line 6 on Net Basis)	0.037
13)	Total Other Production Facilities Fraction of Successful Well Costs (Line 10 + 12)	0.232

Sources: Lines 1, 5, 7, 8 and 11; Data Composites Submitted by Letter of Feb. 13, 1974 to all parties in Docket No. R-478. The Data relate to gas leases. Overheads were allocated to gas leases on the basis of Gross Investment.

Line 2; Docket No. AR69-1, Exhibit #80, Sch. 4

Line 12; Line 11 ÷ Line 6 x 0.515. The factor 0.515 is the ratio of Net Investment to Gross Investment for IDC and lease and well equipment.

Schedule No. 5

Calculation Of Unit Production Operating Expense Using 1972 Data Filed In Docket No. R-478 By Independent Producers And Pipeline Affiliates

Line No.	Item	Expense (Dollars in Thousands)
1)	Lease Operating Expense	233,485
2)	Corporate General, Area, District etc. Expense	59,043
3)	Miscellaneous Lease Revenue	4,237
4)	Total Expense (Line 1 + 2) Minus Line 3	288,291
5)	Unit Expense (Line 4 ÷ 8,510 Bcf, Gas Well Gas Production) = 3.39¢/Mcf	
6)	Adjustment From Gross Wet To Net Dry Production (1.0873 x 3.39¢ = 3.69¢)	
7)	Conversion From Working Interest To 100% (3.69¢ x 0.84 = 3.10¢/Mcf)	
8)	Final Unit Cost = 3.10¢/Mcf	

Source: Lines 1, 2, 3 & 5; Data Composites submitted by letter of Feb. 13, 1974 to all parties in Docket No. R-478. Overheads (Line 2) were allocated to gas leases on the basis of direct expenses.

Line 6, the factor of 1.0873 was calculated by dividing gross wet production, 19372 Bcf (1973 Bureau of Mines) by net dry production 17816 Bcf (1973 AGA)

Line 7, the factor of 0.84 (1.00 - .16) is based on royalty of 16%

Allocation of Dry Hole Footage to Gas Well Footage 1/
Year - 1974

Line No.		Successful Exploratory Footage (1)	% of Total (2)	Exploratory Dry Hole Footage (3)	Allocated Footage (4)	
1.	Gas	7,665	61.3%		23,091	(Col. (2) Line 1 x Col. (3) Line 3)
2.	Oil	4,833	38.7%		14,578	(Col. (2) Line 2 x Col. (3) Line 3)
3.	Total	12,498	100.0%	37,669	37,669	(Line 1 + 2)

		Successful Developmental Footage (1)	% of Total (2)	Develop. Dry Hole Footage (3)	Allocated Footage (4)	
4.	Gas	31,311	40.9%		9,661	(Col. (2) Line 4 x Col. (3) Line 6)
5.	Oil	45,179	59.1%		13,959	(Col. (2) Line 5 x Col. (3) Line 6)
6.	Total	76,490	100.0%	23,620	23,620	(Line 4 + 5)

		Total Successful Footage (1)	Allocated Dry Hole Footage (2)	Dry Hole Factor (3)	
7.	Gas	38,975	32,752	0.84	(Col. (2) Line 7 ÷ Col. (1) Line 7)
8.	Oil	50,012	28,537	0.57	(Col. (2) Line 8 ÷ Col. (1) Line 8)
9.	Total	88,987	61,289		

Sources and Notes:

1/ Footage in 1000 feet and exclude Alaskan Data. Source; API-AAPG.

Allocation of Dry Hole Footage to Gas Well Footage 1/ Year - 1973

Line No.		Successful Exploratory Footage (1)	% of Total (2)	Exploratory Dry Hole Footage (3)	Allocated Footage (4)	
1.	Gas	6,166	61.7%		21,380	(Col.(2) Line 1 x Col.(3) Line 3)
2.	Oil	3,828	38.3%		13,272	(Col.(2) Line 2 x Col.(3) Line 3)
3.	Total	9,994	100%	34,652	34,652	

		Successful Developmental Footage (1)	% of Total (2)	Develop. Dry Hole Footage (3)	Allocated Footage (4)	
4.	Gas	29,421	42%		88,987	(Col.(2) Line 4 x Col.(3) Line 6)
5.	Oil	40,605	58%		12,410	(Col.(2) Line 5 x Col.(3) Line 6)
6.	Total	70,026	100%	21,397	21,397	

		Total Successful Footage (1)	Allocated Dry Hole Footage (2)	Dry Hole Factor (3)	
7.	Gas	35,587	30,367	0.85	(Col. (2) Line 7 ÷ Col. (1) Line 7)
8.	Oil	44,434	25,682	0.58	(Col. (2) Line 8 ÷ Col. (1) Line 8)
9.	Total	80,021	56,049		

Sources and Notes:

1/ Footage in 1000 feet and exclude Alaskan Data. Source; API-AAPG.

Schedule No. 7

Derivation of Factor for Materials, Supplies and Prepayments in Calculating Working Capital Allowance

Line No.	Exploration Expense	
1.	1/8 of E&D Expenditures	$141,298,689
2.	Materials, Supplies and Prepayments	29,003,899
3.	Total	$170,302,588
4.	Factor (Line 3 ÷ Line 1) = 1.21	
	Production Expense	
5.	1/8 of Production Expense	$ 36,036,389
6.	Materials, Supplies and Prepayments	17,215,535
7.	Total	$ 53,252,924
8.	Factor (Line 7 ÷ Line 5) = 1.48	

Source:

Notice Issuing Staff Rate Recommendations and Prescribing Procedures in Docket No. R-478 dated September 12, 1974. Composite data for Independent Producers and Pipeline Affiliates.

Liquid Credit Estimate

	Amount	Unit	Source or Computation
Liquid to Gas Ratios			
1. Lease Condensate	8.69	bbl/mmcf	Sheet 2, Schedule No. 8
2. Plant Condensate	1.11	bbl/mmcf	Sheet 2, Schedule No. 8
3. Other Plant Liquids	0.694	gal/mcf	Sheet 2, Schedule No. 8
Gross Unit Revenue			
4. Lease Condensate	10	$/bbl	Staff Estimate
5. Plant Condensate	10	$/bbl	Staff Estimate
6. Other Plant Liquids	7	¢/gal	Staff Estimate
Liquid Credit Components			
7. Lease Condensate	6.88	¢/mcf	8.69(line 1)x10(line 4)x0.1(¢/mcf) x .943 1/ x .84 2/
8. Plant Condensate	0.84	¢/mcf	1.11(line 2)x10(line 5)x0.1(¢/mcf) x .95 3/x .943 1/x .84 2/
9. Other Plant Liquids	0.73	¢/mcf	(0.694(line 3)x(line 6)x .34 4/ - .74 5/) x .96 6/x .84 2/
10. Total Liquid Credit	8.45	¢/mcf	Sum of Lines 7, 8, and 9.

Notes:

1/ Factor to Reduce Condensate Revenue by Production Tax of 5.7%
2/ Factor to Reduce Condensate Revenue by Royalty paid at 16%
3/ Lease Share of Plant Condensate Revenue
4/ Lease Share of Other Plant Liquid Revenue
5/ Estimated Value of Fuel Consumed in Gas Processing Plants
6/ Factor to Reduce Other Plant Liquid Revenue by Production Tax of 4%

Computation of Liquid to Gas Ratios For Non-Associated Gas Production

	Unit	1970	1971	1972	1973	1974
1. Non-Associated (NA) Gas Liquids	1000bbls	487,536	486,159	481,799	468,979	1/
2. Lease Condensate	1000bbls	166,784	157,302	155,931	154,891	143,234(p)
3. NA Plant Liquids (Line 1-2)	1000bbls	320,752	328,857	325,868	314,088	1/
4. Plant Condensate	1000bbls	31,972	25,754	22,022	19,838	17,733(p)
5. NA Plant Extracted Liquids (line 3 - 4)	1000bbls	288,780	303,103	303,846	294,250	1/
6. NA Gas Production @ 14.73 psia	Bcf	17,043	17,233	17,693	17,816	17,091(p)
7. Liquid To Gas Ratios						
A. Lease Condensate (Line 2 ÷ 6)	bbl/mmcf	9.78	9.12	8.81	8.69	8.38
B. Plant Condensate (line 4 ÷ 6)	bbl/mmcf	1.78	1.49	1.24	1.11	1.04
C. Plant Extracted Liquids (Line 5 ÷ 6)	bbl/mmcf	16.94	17.58	17.17	16.52	1/
D. Plant Extracted Liquids (GPM)	gal/mcf	.712	.738	.721	.694	1/

Sources and Notes:

(p) Preliminary

1/ Data will be available in June of 1975 (AGA)
Lines 1 and 6; American Gas Association (AGA)
Lines ? and 4; Bureau of Mines (BOM)

Drilling Cost and Depth Trends

Drilling Costs
1963 Through 1973

Year	Gas Well Cost $ Per Foot	Gas Well Cost % Increase Or Decrease	Dry Hole Cost $ Per Foot	Dry Hole Cost % Increase Or Decrease
1963	17.11	--	10.42	--
1964	18.10	+ 5.8	10.54	+ 1.2
1965	18.16	+ 0.3	11.16	+ 5.9
1966	21.60	+18.9	12.00	+ 7.5
1967	22.90	+ 6.0	12.14	+ 1.2
1968	23.69	+ 3.4	12.60	+ 3.8
1969	24.35	+ 2.8	12.78	+ 1.4
1970	26.62	+ 9.3	14.33	+12.1
1971	27.63	+ 3.8	15.83	+10.5
1972	27.53	- 0.4	16.94	+ 7.0
1973	27.43	- 0.4	18.93	+11.7
Average Annual		+ 5.0		+ 6.2

Average Drilling Depth

Year	Gas Wells	% Increase Or Decrease	Dry Holes	% Increase Or Increase	Oil Wells	% Increase Or Decrease
1967	5,871	--	4,602	--	3,809	--
1968	5,992	+ 1.7	5,046	+ 9.6	4,116	+ 8.1
1969	5,910	- 1.4	5,192	+ 2.9	4,266	+ 2.7
1970	5,959	+ 0.8	5,246	+ 1.0	4,353	+ 2.0
1971	5,905	- 0.9	5,220	- 0.5	4,080	- 6.7
1972	5,429	- 8.8	5,360	+ 2.7	4,287	+ 5.1
1973	5,576	+ 2.7	5,445	+ 1.6	4,496	+ 4.9
1974	5,386	- 3.5	5,253	- 3.7	3,920	-14.7

TOTAL UNITED STATES 1/
COMPARISON OF ANNUAL DRILLING STATISTICS
Calendar Years 1970-1974

Line No.		Wells					Footage (thousands of feet)					Average Depth (feet)				
		1970	1971	1972	1973	1974	1970	1971	1972	1973	1974	1970	1971	1972	1973	1974
1.	Total Wells Drilled 2/															
2.	Oil Wells	12,953	11,831	11,294	9,882	12,757	56,389	48,268	48,413	44,434	50,012	4,353	4,080	4,287	4,496	3,920
3.	Gas Wells	3,835	3,329	4,926	6,382	7,237	22,852	22,609	26,743	35,587	38,975	5,959	5,905	5,429	5,576	5,386
4.	Dry Holes	11,220	10,159	11,045	10,294	11,667	58,865	53,027	59,201	56,050	61,289	5,246	5,220	5,360	5,445	5,253
5.	Total Wells	28,008	25,819	27,265	26,558	31,661	138,106	123,904	134,356	136,069	150,276	4,931	4,799	4,928	5,123	4,746
6.	Development Wells															
7.	Oil Wells	12,186	11,181	10,610	9,265	11,945	51,570	44,566	44,411	40,605	45,179	4,232	3,986	4,186	4,383	3,782
8.	Gas Wells	3,355	3,392	4,326	5,483	6,044	19,187	19,280	22,166	29,421	31,311	5,719	5,648	5,124	5,366	5,181
9.	Dry Holes	4,834	4,329	4,803	4,358	5,064	22,727	19,717	22,853	21,397	23,620	4,702	4,555	4,758	4,910	4,664
10.	Total Wells	20,375	18,902	19,739	19,106	23,053	93,485	83,563	89,431	91,423	100,110	4,588	4,421	4,531	4,785	4,343
11.	Total Exploratory Wells 3/															
12.	Oil Wells	767	650	684	617	812	4,818	3,702	4,002	3,828	4,833	6,282	5,695	5,850	6,205	5,952
13.	Gas Wells	480	437	600	899	1,192	3,665	3,328	4,576	6,166	7,665	7,635	7,616	7,627	6,859	6,430
14.	Dry Holes	6,386	5,830	6,242	5,936	6,603	36,138	33,310	36,348	34,652	37,669	5,659	5,714	5,823	5,838	5,705
15.	Total Wells	7,633	6,917	7,526	7,452	8,607	44,621	40,341	44,925	44,646	50,167	5,846	5,832	5,969	5,991	5,829

1/ Excludes Alaska and all service wells and stratigraphic and core tests
2/ Development wells plus total exploratory wells.
3/ New-field wildcat wells plus other exploratory wells (new-pool wildcats, deeper-pool tests, shallower-pool tests and outpost or extension tests).

Source: Quarterly Review of Drilling Statistics for the United States; American Petroleum Institute.

VERIFICATION

Lundy R. Wright, Jr., being first duly sworn, deposes and says that he is Chief of the Pipeline and Producer Rates Division, Bureau of Natural Gas of the Federal Power Commission, that he is authorized to verify and file this document which was prepared by the Pipeline and Producer Rates Division on or about May 12, 1975, that he has examined the statements contained in the "Response of Federal Power Commission Staff" in Docket No. RM75-14 and that all such statements are true and correct to the best of his knowledge, information and belief.

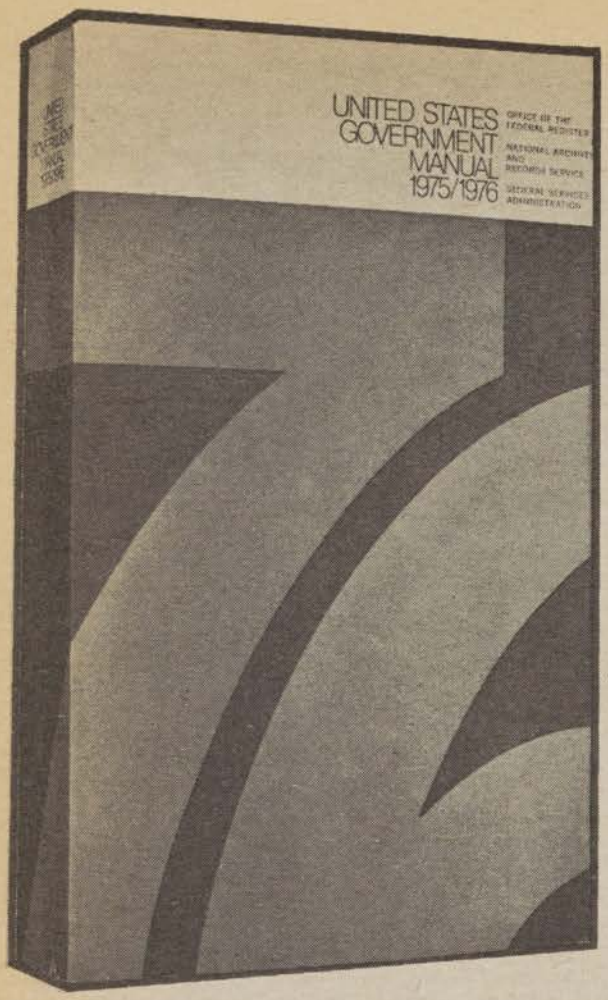
LUNDY R. WRIGHT, Jr.

Sworn to and subscribed before me this 5th day of February, 1976.

JENNIE P. SKELTON,
Notary Public.

My Commission Expires: August 31, 1979.
Washington, D.C.

[FR Doc.76-8949 Filed 3-31-76;8:45 am]



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